

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, September 8, 2004

Professor Charles Walcott, Neurobiology and Behavior and Dean of Faculty: "I'll start the first Senate meeting of the year. I would like to introduce our distinguished temporary Speaker since the Speaker of the Senate is not able to be with us, Speaker pro tem has retired to a position as senator at large leaving us without anybody to moderate this important group. I have prevailed upon a senator at large who is actually on sabbatical leave and not here in Ithaca at all to act as Speaker pro tem for us today. Professor Howland."

Professor Howard Howland, Neurobiology & Behavior and Speaker Pro Tem: "Thank you very much. I am going to change the order just a little bit. I'll first call on Provost Biddy Martin for remarks and answering questions if that's all right."

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Martin: "Well sure. Hi everybody. Welcome to the new semester. I know President Lehman is on his way. He is actually in traffic. It happens even in Ithaca. Let me tell you what I did over the summer. Over the last part of the summer actually I did something that renewed my faith and confidence in you. Although I have to admit it didn't need renewing but it reinvigorated me anyway. I invited between 30 and 40 faculty members who were around this summer. I invited them, I begged them basically, to let me interview them at the TV studio downtown so that we would have tapes of faculty talking about your work and your teaching. So, I now have about 40 hours of taped interviews with some of you in this room and many who are not in this room. Those interviews, the process of developing those interviews and listening to you talk about your work was one of the best things I have done since I first became Provost and got to wander around and visit and hear about all the work that was going on in the different colleges. We did edit the 40 hours down to about 85 minutes which we are going to show the trustees when we meet with them tomorrow and Friday. The purpose of showing it to the Trustees is to get them acquainted with more faculty than they currently know and also to prepare for the campaign, which as you know we're in the midst of beginning. But the other purpose is to have hours of video chronicling or recording what our faculty are doing for posterity, as well as for the campaign. If any of you would ever like to look at some of this video, I promise you it will be worth your while to find out more about what various ones of you are actually doing.

"There have been many other things over the summer, but let me say that the other activity of note right now, that I usually report on and will report on today, is the dean searches that are currently underway. We are searching for a new dean of the Hotel School, and that search committee is far enough along to have begun reviewing prospects. We are also searching for a new dean of ILR, and that search committee has begun meeting and just developing the position description. We have two new deans who took office on July 1, Mohsen Mostafavi, the new dean of Architecture, Art and Planning who comes to us from London; and Lisa Staiano-Coico, the new dean of the College of Human Ecology who joins us from Weill Medical College in New York City.

They are both enjoying themselves, at least they say they are, and they are fine additions to our academic administration. The deans are working beautifully together. There is a really strong sense of *esprit de corps* and collaboration. I couldn't be happier about that. It's a delight to work with the deans group.

And as I said, Jeff will catch you up on some of the other news which will include his response to what he heard from the community in response to the Call for Engagement, what we are about to offer our Trustees as priorities for the capital campaign that we have just launched. We intend to do a study this year of faculty work/life with a special emphasis on the experiences of women. We are just getting underway with formation of a committee to do that study. Of course there will be a thousand other things that we end up deciding to pursue in the course of the year. The most important of all, as always, will be the hiring of new faculty. I am pleased to say that all colleges are in a position budgetarily to have searches underway this fall, and the renewal of the faculty continues for that reason. Now before I turn the floor over to President Lehman, I would be happy to take any questions you might have."

Professor William Lesser, Applied Economics & Management: "Can you give us any idea as to when you might be announcing your decision about the Dean of Agriculture and Life Sciences."

Provost Martin: "Oh."

Professor William Lesser: "Your decision as to whether or not you will reappoint?"

Provost Martin: "Yes, within a week. I can tell you right now that we will reappoint the Dean of the College of Agriculture and Life Sciences. We will reappoint her with enthusiasm."

Professor William Arms, Computer Science: "Biddy, a year or two ago John Hopcroft chaired a committee to look at the university copyright process. Do you know what happened to that report?"

Provost Martin: "Well I could make so many jokes in response to that, as you could. You know I am going to have to defer and ask Bob Richardson what happened to that. I can honestly say that it's not just sitting on a shelf, but I honestly don't know what measures have been taken in the Office of Research or at the new incarnation of the Cornell Research Foundation. So I will have to find out."

Speaker Howland: "Additional questions?"

Provost Martin: "No, well there's nothing yet to question I guess. Anyway, welcome and I will be back. Thank you."

Speaker Howland: "Thank you Provost Martin. I neglected to say that at the start of the meeting that I wanted to remind the body that no photos or tape recorders are allowed during the meeting and please turn off your cell phones and do remember to identify yourself and the department from which you come when you speak. And there are no good and welfare speakers for this meeting.

“So now it’s the chair’s pleasure to call on Professor President Jeffrey Lehman for remarks and questions.”

2. REMARKS BY AND QUESTIONS FOR PRESIDENT JEFFREY LEHMAN

President Lehman: “Welcome back everybody. I thought I would just tell you a couple of things about what I did over my summer vacation and then take any questions you might have. The summer for me began with a trip to Asia. This was something that I had been planning for quite some time. I originally thought that I might be able to take it in January, but there was too much work to do along the way, too many different projects with principals and colleges to be confident that we would be in an appropriate state and so we deferred it until the first two weeks of July. I was able to spend five days in Beijing, four in Hong Kong, one in Singapore, two in Bangalore and two in Bombay. And in each city I had a chance to meet with leaders of different academic institutions, sometimes business organizations, and always an all-alumni event.

The purpose for me was to begin to explore how collaborations might work for Cornell in Asia. As you all know, I am strongly committed to the view that Cornell is a transnational institution and that it needs to sustain a powerful presence worldwide. The Call to Engagement and other questions asked, “what exactly does that mean?” Part of what I was hoping to learn in this was what are the prospects for us, in addition to faculty-to-faculty collaborations that exist and flourish and continue to remain and school-level partnerships that exist and also to flourish. What is the possibility that we might be able to form some kind of institutional-level commitment to a joint research, or teaching, or both, relationship with the very best academic institutions in China and India? The first priority of the project was to identify particular institutions from the very best in China and India. I spent enough time in China, consulted widely with a lot of people who understand the Chinese and Indian institutions, and I had a fair sense in my own mind of what those institutions might be. The results were extraordinarily encouraging. The clear sense I received was that the very best institutions in China and India are eager to work with Cornell across a wide array of subjects. There is a terrific appreciation for the quality of the work that is done here and a real eagerness to work collaboratively. When I was in China I was in the process of carrying several initiatives that were already well underway: one initiative for the College of Arts and Sciences with Peking University; one initiative for the College of Engineering with Tsinghua University; an initiative for CALS with the China Agricultural University; and another initiative with the Medical College with the Chinese Academy of Sciences and Zhejiang University. And so that was the premise for a lot of the conversations I had. These projects have been in the works for a number of months to years. I will just say for now, that I was enormously excited by the possibilities that are there if we can find the right way to execute them.

The next question is what does it mean to have a relationship that is something other than a signed piece of paper that says we like you, you like us and if our faculty go to visit you, you will welcome them kindly and vice versa. I will continue to think about what that means over the next few months. My initial sense is that it means we should each be facilitating visits of the faculty to the other partner that are not grounded in a concrete, well-advanced collaborative project necessarily, but could be more

exploratory; and that we should be facilitating those relationships even when someone does not have an outside grant to cover their transportation costs. That is just one idea I have and I'm proceeding in pursuing more directly.

The other thing I did over my summer vacation was to plow through the responses to the Call for Engagement. I was gratified and overwhelmed literally by the volume of response that we received. I have three very thick loose-leaf notebooks full of responses. We ended up scanning them into pdf files so I was actually able to work on them on my computer. I ended up with over 1000 pages of relatively small font text to go through and highlight. I did that and I have begun, actually more than begun, I'm in that sort of middle phase. I have a sense of what kind of document I will be producing to describe my response. It will be about 100 pages of text; much of it will consist of quotations from the responses. But much of it won't. My plan is to roll this out around October 29th. Last year I did something that kind of worked for me. I used the inauguration as a time to speak poetically about Cornell, and then I followed it with some other mundane prose that was actually the text of the Call to Engagement document. I think that kind of two-sided combination of poetry and prose works okay for the community, so I think of this document as mundane prose, and the right time to issue it is the day after I speak poetically at the State of the University Address on October 29. I know State of the University addresses are not ordinarily thought of as occasions for poetry, and I'm not sure I'll be able to bring that off, but at least that's the one thing I'm trying to do this fall. At the end of the day, what I will be producing is sort of the next step in the conversation about where we ought to be heading between now and the sesquicentennial in 2015. I will distill from the responses to the Call a set of thoughts, ideas, suggestions that I will try to articulate as clearly and persuasively as I can, but it will be up to all of you to decide whether I am successful or not. Anyway, I am glad everyone is back and it is wonderful to have the campus alive again. I'll stop there and answer any questions you might have for me."

Associate Professor Sheila Hemami, Electrical & Computer Engineering: "I think the idea of collaboration of and building ties with Chinese universities is wonderful. I have two outstanding students myself from Tsinghua but I think that our government is getting more and more meddling in this type of thing. We have students that we admitted this year that are not here because they were denied visas and it is unclear to the faculty as yet whether they will be able to come. What are your thoughts on that?"

President Lehman: "It is a huge issue for us and for all the top research universities. It's a huge issue for the country. Actually we are seeing a massive diversion of top quality student talent towards Australia, and the UK. The AAU and individual schools are trying to prevail upon the government to work out better processes for handling these applications where universities are concerned. Right now I am planning to take another trip to China in early November, and I have been talking to our government relations folks and the current thought is that if we don't hear anything in the next few weeks I will go to Washington before then and talk with folks in the Justice Department about the possibility of carrying some kind of proposal to Beijing, meeting with the Ambassador Sandy Randt while I'm there and talking about some ways to improve the treatment of visa applicants especially when the applicant has a clear relationship with Cornell, either as a student or as an invited faculty member. We're thinking about that but it is not too well spelled out yet. My sense is that in order to make any headway we

can't just go and rail at them and say you're destroying higher education and demand changes. We need to say we understand that national security is very important and homeland security is very important and we have an idea for how we can help to address your concerns at the same time that we ask you to recognize the impact this policy is having, and the question is what goes into the box about the idea of what we have. It will probably be something administrative. We will designate a particular person here who will be responsible for extended follow-up back at the consulate office. Students often come in with incomplete files. In the old days there was more patience with that. Nowadays this just can't happen but we're hoping that we can get some kind of a kinder and gentler process in place. But it's a very serious issue, but one for which we don't have any clear or immediate answers."

Professor C. C. Chu, Textiles & Apparel: "I would like to add a comment about that issue. We also have a student who has had visa problems. In her case, the State Department put an alert field on her application. Student applications flagged by this alert field have it sent to Washington DC for the FBI and CIA to check background, sometimes this takes six months. So I write a very polite, but informative letter to US councilors in Beijing and told them that if he or she or their relatives in the future will have a heart attack problem they will appreciate that the student had come to my lab to work on a technology that would save maybe his or his relatives' lives. After that she got the visa."

President Lehman: "Really. That is a great story. That's the best anecdote I've heard."

Professor Chu: "Could I change the subject? I would like to ask the central administration to look into the issue of making the Cornell work environment more family friendly. I bring this issue up because, and I don't know how this started, but why do we have classes on Labor Day? Maybe the administrators that set up this policy, either they were empty nesters or they didn't have two working parents. There are no child-care facilities open on Labor Day. Another issue related to that family friendly working environment is that two major institutions, Cornell University and the local schools, can never seem to agree with each other. I was so glad when I saw your picture meeting with the local school districts because the calendar of Cornell and local school calendar always oppose each other. Look at the two institutions. They fool with each other, whose calendar will be more inconvenient to the other institution. As an example, the March 2005 Cornell calendar shows spring break on the 16, 20, 19th or something that week and the local school has all the days off before Cornell's spring and after Cornell's spring break. Do they purposely arrange it this way to make it inconvenient for those working parents who have kids in school? So maybe as a new administrator you can look into that situation and try to get Cornell to have a more family-friendly environment. I'd appreciate that."

President Lehman: "I will do both of things. Actually, the Labor Day thing puzzles me. There must be a forty-year history behind this. Is there a three sentence version of why?"

Professor Peter Stein, Physics: "Yes, the problem is Christmas."

President Lehman: "We can't have classes on Labor Day because of Christmas?"

Professor Stein. "The reason is that you have got to have 14 weeks of classes and it has to be exactly 14 weeks. Because some classes are given on Mondays and Wednesdays and others on Tuesdays and Thursdays, if you have less than an integral number of weeks then there's a problem. As scheduled now, we have one week off. That's Monday, Tuesday and 1/2 Wednesday for fall break and the other half of Wednesday, Thursday and Friday for Thanksgiving. Now the problem is that if you take off Labor Day the whole thing is thrown into a mess because classes that are only given once a week if they happen to be on Monday then you lose that. That's essentially the reason. And the only solution, I'm not going to give you a solution. Okay, start classes earlier. Typically it is a Thursday or something. You wouldn't have to start on Thursday, start on Wednesday. Only call it Monday and take off Labor Day and that would solve the problem."

President Lehman: "So, what is the reason we don't do that?"

Professor Stein: "Because there's no one listening."

President Lehman: "So who has the power to decide that? Isn't it this body's?"

Professor Stein: "Yes it is."

Provost Martin: "Yes it is, the Faculty Senate's job."

Professor Stein: "The Faculty Senate performs the voting."

President Lehman: "So, Professor Chu I refer your very sensible suggestion to the Dean of the Faculty."

Dean Walcott: "Who hears you and there have been discussions along these lines and there will be more discussions."

Professor Stein: "I have just a thought that came to me as you were talking about your Far Eastern trip. You mentioned that people have commented on the political and cultural problems that result from the fact that we as a nation have almost no serious intellectual contacts with Islam. I think it is unfortunate that Islam gets thought of as being oil, thought of as the Saudi Peninsula only. There's a lot of Islam that's in the Far East, there's Indonesia, there's Malaysia. While it may be difficult, because of the Patriot Acts, to bring people from those countries into ours, it is not difficult at all to bring people from our country into them. And, I just want you to think about if there is any opportunity to make some kind of a contact with an Islamic nation in Cornell's and our nation's national interest."

President Lehman: "That's a terrific suggestion. Do you know, does anyone know, of any existing contacts, faculty-level contacts, or school contacts?"

Unidentified: "The medical school at Qatar."

Professor Martin Hatch, Music: "There are exchange programs affiliating Cornell with different schools in Southeast Asia, Indonesia, Malaysia. A lot of these programs are through the Southeast Asia Program."

Professor Alan McAdams, Johnson Graduate School of Management: "Johnson School has a number of relationships with schools in Turkey and has a long standing and serious relationship with them."

Professor Alice Pell, Animal Science: "CALs has ongoing programs in Indonesia. Also, I guess that asks the larger question, what about Africa, Latin America?"

President Lehman: "We obviously do have some programs there. I don't know right now of academic partnerships that are promising at an institutional level in Africa. In Latin America, I've been directed by several people to the University of San Palo as a very strong academic institution in an economically and culturally significant and influential country. So I'm thinking of actually going to San Palo over winter break, otherwise known as Labor Day. It was originally intended to be a vacation but do you know of institutions that are interested?"

Professor Pell: "There are several in South Africa and there are institutions like Makerere University that are developing in East Africa that we should be involved with."

Professor Steve Pope, Mechanical & Aerospace Engineering: "As we talk about different countries, the answer to my question may be obvious, but could you articulate why you honed in on China and India."

President Lehman: "Yes, two largest countries in the world, two of the fastest growing economies in the world, two of the most powerful cultures in the world. When I started asking people, if you wanted to insure that Cornell has a strong global footprint where would you begin? Those were the first two countries almost everyone said."

Professor Christian Otto, Architecture: "I would like to shift this conversation a little bit if you don't mind. I very much support the idea of engagement with the globe and I very much support the idea of engagement in terms of initiatives at home. But I would appreciate it also, if perhaps you would talk about what ultimately will underpin all of these initiatives and all of these activities, which is money. And that is to talk a little bit about the very dismal and unhappy financial condition that Cornell has found itself in in the last couple of years in terms of its investment performance, both itself and in relationship to its peer institutions. Is something being done to correct that situation?"

President Lehman: "I think the word dismal is accurate, to describe our downward performance over, let's take, the last seven years relative to our peers. This was something that was recognized by the Board of Trustees about a year and a half ago, maybe two years ago. They went through a period of analysis and concluded that part of the reason why we had underperformed which was basically in performance with some of the big specialty areas of alternatives in the late 1990s. They concluded that a significant part of the reason was because of the way our investment management

system was structured. It used to be that the investment committee of the Board directed our investment portfolio. It was very large, something like 35 or 40 people. All of them had day jobs and, so it was difficult to take a strong direction, that didn't involve some kind of very high level of consensus. Most of our peers had moved to a different model. So the Board restructured the investment committee, downsized it substantially to seven members. The seven members are supported in their work by separate, specialized task forces in particular areas such as venture capital, real estate, and the decision was made to build within the administration something that had never been here before, which was a professionalized investment office led by a chief investment officer supported by investment analysts. That process was begun just about the time I was named, so just about a year and a half ago. Last year the office hired a couple of senior staff people, senior investment analysts, and the group on campus have been working very closely with the investment committee. Our performance this past year I would not say, would dazzle anyone, but we were back in the game. We were right in the central cluster of investment performance with peer institutions. I don't know that this is all of the adjustments that we will be making in order to have our investment performance be comparable to the performance of our faculty, but I think it is certainly the right first step and we'll just have to now take a couple of years to see whether this is all we can do."

Assistant Professor Kate Whitlock, Molecular Biology & Genetics: "While we are on economics, what's your future vision of the economic status of the university given increases in things such as the price of oil, and also investments by the National Institute of Health for next year which will not even keep up with inflation?"

President Lehman: "Sorry?"

Professor Whitlock: "How we will we get money to balance out for the future with programs like the Life Sciences Initiative?"

President Lehman: "Right now we are not looking at wonderfully plush times ahead. We, like just about every other major research university, are facing the collision of a number of forces. Our expenses continue to grow very quickly, oil is one significant cost driver, and steel turns out to be another one. I mentioned China a minute ago. The building boom in China has significantly increased the price of steel worldwide, which means that when we build buildings they are expensive, dramatically more expensive than they were five years ago. That is colliding with a significant tightening of funds from a number of different directions. There's the federal government and there's the end of the big NIH boom. It doesn't seem to be leading to a new NSF boom or a new NASA boom. There are little booms - homeland security is a big boom area. We would like to do research in that area with some of the support that we have. But overall the federal government is not stepping up. As we all know, the state government is stepping down at the same time. We are hitting a wall on tuition. We are not the most expensive institution within our peer group, but we are not cheap either. We are concerned about the impact of tuition rates on our ability to continue to attract an economically diverse class. Right now we continue to do very well with Pell Grant eligible students. However, we are especially concerned actually about students who come from families that are a little bit better off than that and who are really hurting when it comes to college tuition. So what do we do? There are two essential sources of

funds that are left when we go through that litany. One is philanthropy, like the campaign we began quietly on July 1. This campaign will last seven years and it should provide significant support for some of these initiatives like the Life Sciences Initiative. Again a lot of this depends on the stock market and other economic factors, how plush people are feeling, how generous people are feeling, how excited they are about supporting Cornell. But, we are guardedly optimistic. From initial conversations that we have had with our graduates, it appears that they will step forward and help us in the ways that we most need.

The other area that we continue to talk about is and look at has to do with a controversial area, which is technology transfer. Some of our peers have become reliant on their ability to reap commercial rewards from inventions that were developed on campus and the discoveries that are developed on campus. We have undergone, as Biddy mentioned, a renewal of CRF, which is now CCTEC (Cornell Center for Technology Enterprise & Commercialization). Candidly, I don't foresee that that will be an area of tremendous revenues for the university in the next five years. Whether it is in the next five years after that will depend on a whole variety of factors, some internal and some external. So it's not a great picture. A lot will depend upon our being optimistic and finding for projects that we care about, sources of grant funds in a very tough competitive environment where there's not a lot of grant funding around."

Professor Richard Burkhauser, Policy Analysis & Management. "Two weeks ago Governor Pataki vetoed several initiatives that affect Cornell, one that is dear to my heart is the MVR North. What affect will that have on plans for those buildings and more generally how much of a problem do you see the eroding of contributions of the state to Cornell?"

President Lehman: "I went and had lunch with Bob King, the Chancellor of SUNY, a couple of weeks ago to talk about this. It's not a pretty sight. It really isn't. I think, the particular veto of Martha Van extra supplement, and I have no doubt is necessary to build that building, puts us in a very bad spot. We can't just build all but the last floor and then use the building. We are working with the governor's office and SUNY to see if there might be special supplemental legislation introduced in January that would allow us to move forward, but it is inevitable that this will set us back at least several months in getting it built. More generally, I think as long as funds remain tight in the state, we are not going to do very well. The philosophy of SUNY is that when times are good, everyone will benefit including Cornell, and when times are good SUNY loves the special partnership that it has with Cornell. When times are tough the underlying feelings in SUNY is that Cornell has more alternative resources that it can turn to than most of the campuses do, and it will take special care of what it sees to be much more life and death issues around the margin there than it sees here. Having said that, when I talked to the Chancellor, we talked about how important it is that there be education at the very highest quality in the state. As an economic matter we continue to attract students. He agrees with everything and he, we think, as an honest broker carries that message forward to the governor. Although he's a friend of the governor's, I don't think he has a lot of influence. So this is really a set of decisions that are already taking place. We are continuing to analyze all of the different options that you can imagine about altering our relationship with SUNY, trying to change the budget allocation formula so that the land grant allocation is figured separately, and figuring whether

that's helpful or harmful. I'm continuing to work with the SUNY folks on making some of those adjustments but those aren't big enough. They are small ones on the margin. That is why the contract colleges also will be participants in the campaign."

Speaker Howland: Are there additional questions for the President?"

Professor John Guckenheimer, Professor-At Large, Mathematics: "Can you give us a bit more of a preview of the campaign. I guess it's no longer a preview if it started July 1st."

President Lehman: "It's been very quiet. In the this year we are mostly going to be working with what I refer to as our closest friends, our trustees, our friends who have been great donors in the past, to get a sense of where they would like to come into this campaign, how substantial of a contribution they would like make, and towards what areas. The vice president for Alumni Affairs & Development, Inge Reichenbach, is working with the Provost and with the Deans to develop a sense of what the school and college-level priorities are, and part of what will happen in these next couple of years is a test of how receptive different donors are, to different priorities. Institution-wide, we have our Life Sciences Initiative and we have a West Campus Residential Initiative that I will be stumping for as well. After October 29th I have something else, probably not of the same scale as either. Largely this is going to be a campaign that will be pursuing academic priorities.

Oh, yes we have a Faculty Excellence campaign already underway. While this is actually one, there are several elements that have been defined already. Faculty Excellence is one of them, we have

Provost Martin: "It's really the West Campus, Life Sciences, and Faculty Excellence."

President Lehman: "Faculty Excellence is the third one, which is again to increase the number of endowed chairs that we have and other kinds of support for the faculty research and teaching. There's actually a pretty cool web site the alumni office has put out where students and alumni talk about faculty members who have a profound influence on their lives. They give little testimonials."

Speaker Howland: "Any further questions? If not thank you very much President Lehman." The Chair now calls on Dean Charles Walcott.

3. REMARKS BY DEAN CHARLES WALCOTT

Dean Walcott: "I have just a few."

"First a matter of some business that I would like to tell you about, I am required to make a report on FACTA and here is the report. Well you can see as well as I. Forty-nine files were reviewed, 46 positive recommendations, three negative recommendations and the Provost concurred with 47 of those recommendations. That is the general numbers, and I don't think I can tell you very much more about it other than that general report.

“Another announcement is that the draft of the strategic corporate alliance which is the output of a committee led by Cynthia Farina which has been puzzling over the issue of how to do business with corporations should any appear on the door step and want to give us very large sums of money. What the dangers are, what the potentials are, and so on, and a draft of that has been sent around to each department. We hope that there will be discussions within the departments, and that any reactions will come back to Cynthia by the middle of October so it can be incorporated in some kind of a general document. It seemed useful to have discussions occur at that kind of local level before it arrives back here on the Senate floor to be discussed.

“On another matter I can report that the conflict policy, which caused a certain amount of unhappiness to some faculty members because of its vagueness about what constituted a conflict of interest, has been substantially revised. This was done at the instigation of our distinguished Senator from Physics, former Senator from Physics, Peter Stein. It has been revised in the form of a footnote, a very long footnote. And this has the great advantage in that it does not change in any way the policy. It simply explains it. And so it is not necessary to bring it to you for endorsement, nor to the Cornell Board of Trustees. But we think when you get to read it, it’s now at least vaguely comprehensive, comprehensible as to what it actually means.

“And then on a somewhat more practical point I was asked to bring to your attention the fact that there is now a bus that shuttles between Ithaca and NYC on a somewhat regular basis. There’s a whole stack of brochures over there on the table. On this one you make reservations and it has, in my opinion, two great advantages over Short Line. One is the seats are very much more comfortable. There’s much more space. There’s a tray table, facilities to plug in your lap top computer. There’s sound and music, I assume, available and that is one great advantage.

But the most important advantage is that it takes roughly four hours to from here to New York, as opposed to five or six through Mr. Short Line. So I urge anyone that’s interested to pick up a brochure and explore this service. I’ve actually sat in the seats and they are really very nice.

“I want to spend just a few moments on is what are the issues that are likely to come before you this year, what are the problems that the various committees are working on. The Educational Policy committee is talking about the calendar issue. It has become possible, because of the changes in registration, that we may free up that initial Wednesday which was used for grand course exchange. It may be possible to declare that a Monday, an honorary Monday, and then to fix the Labor Day situation. We’re not sure. This needs to be explored, but it is a possibility that the EPC will be considering, and this would be a big jump. The committee is also working with the University Registrar. As you probably know, the Registrar’s working on putting in the new system for student enrollment, and it was suggested to me that it would be good to have some faculty involved in that process because we do have an interest in how students get registered for our courses and how enrollment is capped and a variety of other things. And so the University Registrar has agreed to put some members of the Educational Policy Committee on his council to help him with that perspective. Certainly that’s cheerful news.

"I hope by the next meeting we will have the research scientists and principal research scientists titles ready for you to discuss. I'm sorry not to have it for this meeting but we simply were not able to get all the pieces in place to have an intelligent discussion, so that will be coming.

"The suspension policy issue is being worked on by the various deans. I hope that policy will be ready soon for this body to consider once again.

"I have just received a report from the ad hoc committee that's been working on the status of non-tenured track faculty and I have a series of recommendations from them. Before I distribute it widely I have asked the President and the Provost to take a look at it, and see if there are any issues there which cause them alarm and palpitations so that we can operate as a group to try and see which of those changes that are suggested in the report really make sense. And so I predict that will be along before too much longer.

"We have had a group from Operations Research working on the scheduling of final examinations. It turns out that something like a thousand students have more than three exams in a 24-hour period and the folks from Operations Research think that they can fix this to reduce the number by about 90%, and again that is something that will come back to you.

"Financial Policy Committee is being vigilant at looking at faculty salaries compared to our peers as they have for a number of years. The administration has very kindly followed through on their plan to increase our salary levels. FPC is also looking at the consistency in salaries for the same kind of jobs across the various colleges. There are economists all over the place at Cornell, and are they being paid kind of roughly comparable wages; or biologists, for example, a group that happens to come to mind for some reason. And this is another matter which is going to be looked at.

"Apparently there are different costs of graduate tuition depending upon which college your major professor is located in, and that is another matter which Financial Policies is going to be examining.

"On another issue we've decided that it might make sense this year to have the Committee on Affirmative Action and the Committee on Minority Affairs meet in the same room, at the same time, with the same chairperson to facilitate communication between these two groups and to work with Bob Harris particularly, who is already gathering much of the information that Affirmative Action used to gather, to see if we can't facilitate that whole operation, and see how we best interface with Bob's activities.

"The Library Committee is going to be considering a whole variety of issues, not only that of journal pricing and our friend Mr. Elsevier and his or her activities, but the consequences of Work Force Planning for the libraries and a variety of other matters.

"There's going to be a proposal very shortly from CAPP about a Hotel School satellite in the Far East and that will be coming very shortly.

“So that is kind of the preview of coming attractions and if you have any further suggestions of items that should be considered by faculty committees, please let me know and I’ll try and see that they find appropriate homes and get some consideration during the year. Thank you.”

Speaker Howland: “The chair would now like to call for approval of the minutes of the May 12, 2004 Senate meeting. I ask for a unanimous approval. Do I hear anything? Hearing none those minutes are approved. The speaker now calls on Cynthia Farina, Associate Dean and Secretary of the Faculty and Chair of the Nominations and Elections Committee for a report.”

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Cynthia Farina, Law School, Associate Dean and Secretary of Faculty and Chair of Nominations and Elections Committee: “Good afternoon. While I am going to be brief, I am not going to be quite as brief as the Walcott tradition, because since you received the list of nominees in the mail, we have had some faculty agree to requests from the committee to serve on various committees and we wanted your approval so they could start their work. These additional names are on the list. Let me just give you an additional minute to look this list over before we ask for your approval.

Let me just explain the last entry, which is somewhat unusual. This position, you probably realize, is normally elected by the faculty at large. We needed a single year’s sabbatical replacement, so our typical practice is to handle that simply by replacing by appointment. So we ask you to approve Professor Davis, who was actually the next runner up in the election that was held. So with that I ask for approval.”

Speaker Howland: “Any objections? I ask for unanimous consent. Seeing no objections, the report is approved.”

Associate Dean Farina: “I do have another slightly unusual matter for you: Speaker Pro Tem, another position elected by the faculty at large. Our former speaker Pro Tem was elected to another position so we need to fill that position. I am sorry, I guess not by the faculty at large but by you, and so we are now asking for an election to be held to fill out the term. Professor Cooke has agreed to serve,

Speaker Howland: “Professor Bob Cooke has agreed to serve?”

Associate Dean Farina: “Yes.”

Speaker Howland: “So, since he is very well known to everyone here, we are going to ask for unanimous consent and approval of this appointment.”

Dean Walcott: “It might be wise to ask for any additional nominations from the floor.”

Speaker Howland: “Yes. Thank you sir. Are there any additional nominations from the floor?” Seeing none, I ask for unanimous consent. I hear no objections. Now I call on Associate Dean Farina again for a resolution to modify the Nominations and

Elections Committee selection process.”

5. RESOLUTION TO MODIFY NOMINATIONS AND ELECTIONS COMMITTEE SELECTION PROCESS

Associate Dean Farina: “You have received the proposal. As you doubtless know there are two committees of the Senate that are elected at large, the Nominations and Elections Committee and the University Faculty Committee. This proposal would modify the selection process for the Nominations & Elections Committee to the extent of allowing three of the nine positions to be chosen by the committee itself. That would actually work out to one position each year, because there are three three-year staggered terms. The reason for that is spelled out in the background memo that was sent out with the proposal. We tried to include a fair amount of detail. I won’t repeat that unless there are questions in terms of the resolution.”

Speaker Howland: “So the resolution is open for discussion. Are there any questions, comments on it? Hearing none, again, I’ll ask for unanimous consent to accept this resolution. Do I see any objections? None. This resolution is passed.”

Resolution to Modify Nominations and Elections Committee Selection Process

Whereas current legislation stipulates that the entire Nominations and Elections committee is elected at large by the Faculty for staggered three-year terms;

Whereas it is important to have the membership reflect a balance among the schools/college and disciplines, as well as the diversity of the Faculty to facilitate the committee’s ability to reflect a similar balance in its work of nominating candidates for various Senate and other University positions;

Whereas such a balanced membership does not reliably occur through the at-large election process;

THEREFORE BE IT RESOLVED that the legislation regarding the composition of the committee be modified as noted below:

Delete:

The Nominations and Elections committee consists of nine members of the University Faculty elected at large by the Faculty for staggered three-year terms.

Replace With:

The Nominations and Elections committee consists of nine members of the University Faculty who serve staggered three-year terms. Six members shall be elected at large by the Faculty and three members shall be nominated by the Nominations and Elections Committee and appointed by the Faculty Senate; these three members shall be selected with the goal of having the nine members of the committee reflect a balance among the schools/colleges and disciplines, as well as the diversity of the Faculty.

Associate Dean Farina: ""Thank you.""

Speaker Howland: "Well, nobody is going to speak for good and welfare. So we are ready for a vote to adjourn."

Adjourned: 5:35.

Respectfully submitted,

Cynthia R. Farina
Associate Dean and Secretary of the University Faculty

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, October 13, 2004

Speaker Mary Beth Norton, Professor, History: "I would like to call the meeting to order and to remind everyone that photos or tape recorders can not be used during the meeting. Please turn off any cell phones as the Chair has already done and please make sure to identify yourself and your department before you speak. I will also announce that there is one Good and Welfare speaker at the end of our agenda. I will also remark that Provost Biddy Martin is not able to be here today which means that we may actually get out before 6:00 if we operate with dispatch. I will now call on Dean Walcott for brief remarks."

1. REMARKS BY THE DEAN

Charles Walcott, Dean of the University Faculty: "Brief remarks are what they are. There are three basic announcements, some of more interest than others. I received a call from Gannett Health Center this morning to report that, as you know, there is a shortage of flu vaccine and that the priority is going to be to give it to our undergraduates who are at risk for flu for a variety of medical reasons and to recommend that those of us of somewhat advanced years seek our friendly local physicians to get flu shots. In other words, there will be no faculty or staff flu shots this year because there simply is not enough vaccine to go around.

"Secondly, you should all have gotten an announcement from the President's office that the results of the *Call to Engagement* are on the web, all 82 pages of it. I trust everyone will read this because there will be an examination on it. But, seriously it is worth reading or skimming through it. There are some very interesting things there.

"Finally, I would like to bring to everybody's attention the Provost's Academic Diversity Post Doctoral Fellowship Program. I suspect that many of the faculty has no idea that this exists. What it is, is a program for post docs to increase the academic diversity and excellence at Cornell of promising scholars who have been historically underrepresented in higher education including but not limited to African American, American Indians, Hispanic, and Latino. This is a two-year appointment. There will be three of them and they are open to any part of the University. If you know promising people, you should really get in touch with Bob Harris who is in charge of this program. There are three pre-post docs positions available and apparently this is likely to be repeated in subsequent years. I just wanted everybody to know that that existed in case you have any interest."

2. APPROVAL OF MINUTES

Speaker Norton: "Thank you very much Mr. Dean. We will now move on to the next item on the agenda, which is approval of minutes of the September 8 meeting of the Senate at which everyone knows I was not present. Therefore I am not required to read the minutes to know whether they accurate but all of you are I assume. Are there any additions or corrections to the minutes of September 8? Seeing none, do I have

unanimous consent for approval of the minutes? All in favor say aye. The minutes are approved.

“Now the next item on agenda is a report from the Nominations and Elections Committee and Associate Dean Farina is not here so Dean Walcott will present that report.”

3. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Dean Walcott: “Once again, this will be a brief report. I can report that the Nominations and Elections Committee has nominated the following people, subject to your approval, for the various committees. This was distributed with the call to the meeting so you should have all seen it. If not, here it is. That is what I put forth.”

Report from Nominations & Elections Committee

FACTA

Sondra Lazarowitz, CALS

Faculty Committee on Program Review

Salah Hassan, A&S

Judith Reppy, A&S

Sidney Resnick, Engr.

Professor-at-Large Selection Committee

Barbara Lynch, AAP

University Assembly

Richard Depue, CHE

University Hearing Board

Brian Chabot, CALS

Speaker Norton: “Thank you very much. Are there any objections to this slate of nominations?” Hearing none. Slate unanimously approved.”

Unidentified: “What is FACTA, please?”

Dean Walcott. “It is the faculty committee to advise the Provost on tenure.”

Speaker Norton: “Let’s move on. The next item on the agenda, to be offered by Professor Jennifer Gerner on behalf of the Committee on Academic Programs and Policies, is the resolution to approve a joint graduate masters degree program with the School of Hotel Administration and Nanyang Technological University’s School of Business in Singapore.”

4. RESOLUTION FROM THE COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES TO APPROVE A GRADUATE JOINT MASTERS DEGREE TO BE OFFERED BY CORNELL UNIVERSITY SCHOOL OF HOTEL ADMINISTRATION AND NANYANG TECHNOLOGICAL UNIVERSITY'S SCHOOL OF BUSINESS IN SINGAPORE

Professor Jennifer Gerner, Policy Analysis & Management, Chair, CAPP: "The School of Hotel Administration has brought to the Committee on Academic Programs and Policies a proposal for a Joint Masters Degree with Nanyang Technological University Business School (Appendix 1). CAPP has considered it and brings you this resolution with the recommendation that it be approved."

*Resolution to Approve a
Graduate Joint Masters Degree to be offered by
Cornell University School of Hotel Administration and
Nanyang Technological University's School of Business in Singapore*

WHEREAS, the General committee of the Graduate School has reviewed and approved the proposal to create the Cornell-Nanyang Institute of Hospitality Management (CNI) at the Nanyang Business School in Singapore which will offer a joint (Cornell-Nanyang) Masters of Management in Hospitality (MMH) degree, the same graduate professional degree offered in Ithaca;

WHEREAS, the Committee on Academic Programs and Policies has reviewed and recommends approval of the same proposal;

THEREFORE BE IT RESOLVED that the Faculty Senate approves the creation of the Graduate Joint Masters Degree to be offered by Cornell University School of Hotel Administration and Nanyang Technological University's School of Business in Singapore.

"We have David Butler, the Dean of the Hotel School, and others from the Hotel School here to answer your questions. I should point out to you that this program is a one year masters degree and the Hotel School is also proposing to change its masters degree to a one year long period. We have not yet considered that. That is on our agenda for Monday, actually. So this is really just the joint program with the Nanyang. We will be bringing to you a separate resolution about the change in the Hotel School's masters degree. If you have questions we do have Hotel School representatives here to answer any questions."

Associate Professor Susan Piliero, Education: "I had a question on page four. It says that Cornell will control the curriculum. What about admissions? How will that be determined?"

Professor Jan de Roos, School of Hotel Administration: "I guess I would be called the point person on the faculty for the program and have made a couple of visits to Singapore and am very familiar with the program. The admissions will be controlled by Singapore, by the Dean and the Vice Dean in Singapore. The admissions criteria will

be determined by the Hotel School in consultation with the program in Singapore, but control over the admissions process and who will be admitted is with Singapore. Let me also state that we have great comfort in NTU's ability to admit the elites from Asia, in terms of their admission criteria. Their business school program compares very favorably to the sorts of students we are admitting in the Hotel School and at the Cornell Business School."

Speaker Norton: "Are there other questions?"

Associate Professor Brad Anton, Chemical and Biomolecular Engineering: "Can we move to adopt this resolution?"

Speaker Norton: "The motion is already in front of us. It is brought by the Committee on Academic Programs and Policies, so there is no need to have a motion. I just want to see if there is any further discussion."

Professor Chris Wien, Horticulture. "I just want to follow up the question about admissions. What is typical admission by this school and what would it be for this particular program? Is admissions going to be primarily Singaporeans or is it going to be taking applications and admitting students from more widely in the region?"

Professor de Roos. "The target markets, pardon the term, are India, Singapore, China, and then greater Southeast Asia. We see Singapore as being a great place to integrate, with China especially. We would like to see in the long run that we are able to offer English language instruction to Chinese nationals because that's the fastest growing area of the hospitality business in all of Asia, actually in the world. Initially we see, probably half Singaporeans, half foreign students. In the long run that will grow where the Singapore base will stay about the same, but we want to grow the base outside of Asia."

Professor Wien: "How restrictive is Singapore in terms of admitting students from countries like China and others?"

Professor de Roos. "They are not restrictive at all. They have very limited ability for foreign students to stay in Singapore post degree, but for study in Singapore it is very easy to obtain a student visa and study in Singapore."

Speaker Norton. "Are there other questions?."

Professor David Levitsky, Nutritional Sciences: "Can I ask about trends of these joint programs with other universities?"

Professor Gerner: "The Committee on Academic Programs and Policies brought you a joint program that the Business School is proposing with Queens University. That was actually a distance-learning program. It turns out they have not actually proceeded to implement that yet although they are still considering it. This is the only type such program ----- in the two or three years I've been on CAPP. Is that what you wanted to know? I think the Hotel School is considering trying to put together a second joint program with a European university. Is that correct?"

Professor de Roos. "Yes it is."

Professor Gerner. "We may see another one soon. But for the moment this is the only one."

Speaker Norton. "The speaker's question is rather different. Are there other programs like this with other American universities or is this a novel program? Do you know? Is this going to be a pioneer program or are there others?"

Professor de Roos. "I believe this is a pioneer. I am not aware of any joint degree programs. There are dual degrees; there are joint programs throughout the world, but I am not aware of any other joint degree programs that exist."

Professor Peter Hinkle, Molecular Biology & Genetics: "I may have missed it in the summary that you gave us, but it's not quite clear what Cornell is doing in this. Are there three professors that travel to Singapore? Are there going to be more than that?"

Professor de Roos: "The program is English language instruction. It's the only language of instruction at NTU other than their foreign language classes. The contribution from Cornell is primarily of intellectual accumulation of 75 years of operating a hotel school. We feel it is the premier hotel school in the world. There are three faculty, the Dean and two faculty to be named. The faculty will be resident in Ithaca with significant amount of their time devoted to teaching and research in Asia. We feel that with our relationship with the worldwide hospitality industry, we bring a lot to bear with the program. We have 60 faculty and 40 research active faculty on the Cornell campus that bring a knowledge base in hospitality that no other school in the world can do. We feel that is a very significant contribution to the program."

Professor Gerner: "And you'll be bringing some of the students here to study."

Professor de Roos. "I've answered the question in terms of what we will bring to Singapore. In terms of the curriculum design, it is for students to spend half of their time in Singapore and half of their time in Ithaca with a very significant amount of instruction by Cornell professors in Ithaca."

Professor Gerner. "When this was presented to CAPP there was a larger design where students in Ithaca will also at some point be able to go to Singapore or to their European partner once they get a European partner. They have in mind having masters students from each of the three places spending different times in each of three places."

Speaker Norton. "Are there other comments or questions? Seeing none I assume you are ready to come to a vote. All in favor please say AYE." Motion passes.

"The speaker will now call on Brad Anton for a resolution to recommend the establishment of the titles of research scientist and principal research scientist."

5. RESOLUTION TO RECOMMEND ESTABLISHMENT OF THE TITLES RESEARCH SCIENTIST AND PRINCIPAL RESEARCH SCIENTIST

Professor Anton: "I move to adopt this resolution (Appendix 2) and subsequent discussion will be led by Ken Birman from the College of Engineering."

Speaker Norton. "Professor Birman will you come up and talk about the resolution."

Professor Ken Birman, Computer Science: I would like to thank the Senate for being willing to consider this again. You may recall that the topic was tabled at the end of the spring session with some questions to the Provost's office and to Susan Steward who handles titles. The proposal that I am bringing to you originated with dialogue within the Engineering College about the adequacy or inadequacy of some existing titles for research employees here at Cornell. As you know there's been talk about versions of research professor titles. That was discussed in Engineering. It's not what we are putting in front of you today. This isn't connected to the Clinical Professor dialogue that I know the Senate engaged in over an extended period of time. But there is a sense within Engineering, and I think it extends throughout the campus, that Cornell doesn't have sufficiently strong and prestigious looking titles to compete with our peer institutions elsewhere, and we must do something about this. Let me give you a sense of what we have now and what we are proposing to do. I hope this is legible (Appendix 3, Existing Titles). I'm used to power point on laptops being a computer science person. The existing titles that we work with in the research area in Engineering — and I would say that there are about 45 people in Engineering in these categories, and throughout the university quite a large number overall — are Research Associates, which is a soft money position. Appointments can end if the funding ends, can end if the faculty member associated with research area leaves, and it can actually end simply because of a change in research interest within an area. A Research Associate is a kind of post doc who stays on and pursues a research career here at Cornell. Such a person would almost never teach and would typically be a full time employee on a project of some sort. A good model would be Duffield Hall, that was just inaugurated, where there would be substantial groups working on new materials, new kinds of nano-techniques. These groups will employ full time researchers that will come in as Research Associates. Senior Research Associate is a promotion track for the Research Associate position. A person, in Engineering at least, to be promoted to this level goes through a tenure-like review with external letters, review by the department or by the research unit, because it's not always a department we're talking about. We might be looking at the Theory Center's Academic Research Institute or as I said Duffield would have all units. And of course that would be case in other settings on the campus as well. Such a person can potentially be the principal investigator on a proposal, and I don't know how many of you were aware of this, but can in fact join a graduate field if that graduate field nominates the individual and if the graduate program here at Cornell approves the proposal. I know of at least two cases in Engineering where people who are members of the graduate field and are able to independently supervise doctoral theses. That is the case today."

"Finally, we have a title on the books called Senior Scientist. This is very prestigious and done by a recommendation. It's suggested that the University not have more than about 10 such people campus wide. You can think of this as the caliber of a Nobel Laureate who has decided they no longer want to teach very often and we offer them a position as a full time researcher. "

“Why do we need other titles? The problems are several-fold, really. First of all, the existing titles are felt to be problematic just because of the word ‘associate.’ And this has to do with the fact that our graduate students are research assistants and within the general community then to be a Research Associate sounds more like a post doc than it sounds like a senior prestigious, full time research position. I think at the senior level, in particular, that has been a problem. Our colleagues, many of whom are very respected, very, very impressive researchers who are being attracted by tenured offers elsewhere, feel that it’s awkward to put a badge on at a conference with their friends who are full Professors and they are a Senior Research Associate. This has been a problem. There has been uneven application of dossier review in the past within Engineering, and probably elsewhere on campus. There are some people who have entered these positions without real research credentials, weakening the perceived value of having such a position.”

“Frequently, the titles available at our peer institutions are more prestigious, and I want to emphasize there’s a train that has left the station and realistically Cornell is standing on the platform. That train is the research professor track. I am going to show a table in a moment. Many of our peer institutions are creating such titles. Within Engineering, as within the Senate, there’s a lot of sensitivity with the question of using professor in this way. We are not proposing that now. I won’t be before you proposing it at all. But our competitors are doing this and people we’re talking about are being offered Research Professor positions elsewhere. (Appendix 3, What do our peers do?) Just to give you a sense, Stanford has a Research Professor position; MIT is apparently creating one. They have a position they call Senior Research Scientist and Principal Research Scientist is analogous to what we are trying to use here. Carnegie Mellon was the first to use a research faculty track and has had such a thing for about 25 years. The University of California schools have such titles available including a professorial one called Professor in Residence. Because of the institutes that they often create they have many titles available to them but I will point out that this scientist title, Research Scientist/Project Scientist is used there. Johns Hopkins has a Research Professor track that they have just instituted. They have Research Scientists at the assistant and associate level. Vanderbilt has a Research Scientist, which can be senior and a Research Professor. You can see that there is quite a range. These are just the ones I could get information on last night when one of my colleagues asked me to check who has a Research Professor title and other analogous titles to what we want to propose here today.

“I will say a few words about progression (Appendix 3, diagram). Existing titles are on the left in yellow. Right now a person comes in with a PhD or some equivalent qualification, the wording in the proposal allows a bit of flexibility so the Dean can recognize equivalent research experience. A Research Associate is probably promoted over time from an assistant; a Senior Research Associate very, very rarely might pursue a promotion to Senior Scientist. We are going to try to phase that out but we can’t do that overnight because not all of these people would be qualified under a reasonably stringent dossier review. The intention here is to move to a world in which these people come in, they get a position of Research Scientist and even at that level there’s dossier review, review that is scrutinized at the Dean’s level to make sure that standards are upheld. Promotion of Associates to Principal Research Scientist is a

possibility of people moving over, but only on review. That means that the yellow track may well continue to exist for some period of time. I recognize the confusion that that may create but we should think of ourselves as moving towards, at least in Engineering, the green track. And again, the Senior Scientist title is not achievable for most of these people. A dossier review at all levels, owned by the department or the analogous unit and then going up to the Dean's level, provides for some degree of standard across the colleges. Engineering passed a resolution that states precisely how this would be done; just as Engineering has a policy covering how Engineering handles tenure. Other units might handle the policy aspects in their own way.

"The language in front of the Senate today is just the overall university-wide language. In fact, it was not drafted by me. It was drafted by Susan Steward, who did a wonderful job. Principal Research Scientist is similar in terms of expectations to an Associate Professor. They are non-tenured positions. I want to emphasize two things about these. They can end because you run out of money. The individual is not permitted to switch into a teaching mode in which they would have a set of duties analogous to those of a professor and yet have this title. The language precludes teaching repeatedly semester after semester as a way to bridge funding precisely because we don't want to slice and dice the professorial titles and we're sensitive to the concerns about that. However, it does leave the Dean the flexibility to approve a period of teaching in the event that funding sags but there's an expectation, or a reasonable expectation, that funding will be resumed. On the other hand, it's not a renewable position in the mere fact that it can bring in money; it is not enough to guarantee continuation of the activity. The intent here is that the university can invest in exciting, leading edge areas that might pan out and might not. And in that latter case if they don't, we want to leave the flexibility for the unit and the Dean to say 'you know we need that space in Duffield Hall.' The fact that they can bring in money isn't the entire issue here if the priorities are elsewhere. These are positions with weaker guarantees than what most of us enjoy today. And just to emphasize again the Principal Research Scientist would be eligible to be a PI, to join a graduate field if the graduate program nominates that person for membership and if it is approved by the graduate program, and to chair a special committee, and again not automatically but on request. You can imagine other combinations where for a period of time a person is allowed to join a special committee on an ad hoc basis and then after that period ends, gains full field membership with review. That's the case now for one person I can think of. For example, Computer Science in the past twice nominated rather impressive people who were later denied membership in the field because of concerns that they might not use it and that it shouldn't be a vanity.

"The longer-term question, that I suggest that we not debate, is do we need professorial titles that would be analogous to what our peers are doing. You have probably sensed where I come down on this issue, but I have to say I myself would worry about the erosion of tenure balanced against the elimination of the mandatory retirement age. I see that as a topic that the Senate should debate, but not today. I'll just comment that I looked into demographics issues within Engineering because I know your sensitivity on that. Right now the existing research positions are dominated by men. I don't believe that there's a risk here in engineering that these titles would be used as second-class positions for women or other spouses in general. But I can understand concerns about that. The Dean in particular is very sensitive to the general diversity issues in

Engineering and could speak to this. He's here somewhere. But at any rate, we don't see a problem today in Engineering, except the same problem actually that we see in the rest of our faculty and the Dean is very committed to work on those issues. So let me answer any questions of fact and then after that I suppose Charlie will want to lead the floor in a discussion. I'll step out since I'm not a senate member and will not be voting today. Did I leave any stone unturned?"

Associate Professor Michael Jones-Correa, Government: "Are all three of the categories that we want to discuss for soft money, non-tenured category?"

Professor Birman: "That's correct. All of the current categories will be, existing ones as well. There is a nice table available showing properties of the various positions. In any case, all of these are soft money, except I don't know how a Senior Scientist is handled but Charlie can answer. He did nominate someone who successfully got that position. But certainly all of the others are soft money. They can end if the funding stream dries up, they can end if the department or academic unit changes its priorities."

Professor Jones-Correa: "One more question. Maybe two more questions. How many people are we talking about in these positions that will be affected and how long do people usually stay in these positions."

Professor Birman: "Yes. At present Engineering has 24 people who have Research Associate positions, some are part time and I think the equivalent is 20 full time employees roughly, most of them are full time. It has 20 people who are in the Senior Research Associate position. Many of them have been here quite a long time. For example, in Computer Science I have four colleagues who are Senior Research Associates. It seems to me the person in that position longest has been here as long as me, which would be 22 years. I don't know when he was hired but he was here when I came in. These are long-term, permanent professional positions, at least in many cases. On the other hand, I know of many people who have taken these positions for a period of time and then they moved on. I don't think there is a single answer to your question."

Professor Guckenheimer, Mathematics: "There are couple of points in your presentation that seem to me to that differ from the material that you sent out to the Senate and I would like to ask about a couple of them. One, the materials that we were sent suggested Research Scientists would typically be a principal investigators and run independent research programs. The second is that these appointments are specifically supposed to go to departments and not the centers or other organizations and then, thirdly there is no discussion regarding the University providing start up funds for those positions. I would like you to comment on that."

Professor Birman: "The second one is easiest. Susan and I spoke about this earlier. Steve Vavasis raised the same question. I think that what Susan was trying to accomplish in the binding to a department had an unintended side effect and in fact that language is going to be amended slightly to be a department or a research center. She didn't want a situation in which appointments could occur directly below a Dean without any intervening structure, and that makes sense. But she chose wording that seemed to rule out the ACRI, the Theory Center, programs in Duffield. That was not

intended and that will be adjusted accordingly. She was looking for a multi-level review structure where there is the equivalent of a department chairman and faculty but the ACRI and the Theory Center would be a good example of a structure that does have that kind of decision making capability, still reports to a Dean and she'll obviously deal with these and that's going to be addressed. That came up today and as a result it's not amended yet.

"With respect to the rest, the intent is that these people should be able (the senior people, the Principal Research Scientist) should be able to have a degree of research autonomy and might well beat the odds on proposals on bringing in their own funding. For example, you can imagine bringing someone in to head an effort in Duffield. But that wouldn't always be the case and in fact most of the existing people have a strong tie with some faculty member who brought them in and they have been here long enough to gain independence. The structure in the proposal intends that these people could have a degree of autonomy at some time counter balances that by having the department in a role that decides (or the academic/research unit) in a role of deciding whether the area is appropriate. With respect to the last question, what was the last question?"

Professor Guckenheimer: "Start-up money."

Professor Birman. "The start-up money. That's not necessarily the case, but the possibility of doing it exists. Again, if Kent is negotiating to bring a very senior person in who wants to have an independent authority, wants to work with graduate students, but not teach, he should have the ability to put start-up funds on the table, but not the obligation."

Assistant Professor Phoebe Sengers, Science & Technology Studies: "I have one small comment and a question. The comment is that at Carnegie Mellon University Research Scientists can get tenure. The question is, you talked about the rights that Research Associates and Senior Research Associates enjoy, not that those are always the same as Research Scientists, are there things that Research Scientists will be able to do that Research Associates currently can not do?"

Professor Birman: "Yes. The wording of this is intended to express greater autonomy. Senior Research Associates, at least by tradition, are still bound to a faculty member, to an existing group. The intention here is to deliberately imagine the type of person who is brought in to run an independent group, has high professorial stature but won't be teaching very frequently. It's intended to carve out a somewhat more independent role. On the other hand, there's no suggestion that these people will be eligible for tenure here even if the Carnegie Research Professor positions allow that."

Professor Muawia Barazangi, Earth & Atmospheric Sciences: "The diagram you are showing here should have a branch between a research associate and senior research associate according to your previous slide. You wrote in the previous slide that to go from research associate to senior research associate requires a dossier review. You don't show it here."

Professor Birman: "Well as I mentioned it hasn't always been the case."

Professor Barazangi: "Just one thing on that inconsistency."

Professor Birman: "But there certainly should be a dossier review over here, of course. But that's in the definition. My point is that it hasn't always occurred in the past like that."

Professor Barazangi: "So we are not voting on the way it is written. We are voting on the idea that these new two titles can be done through research centers and institutions."

Professor Birman. "Yes, Susan agreed to that. She said the wording didn't quite carry out. She had something intended but the wording she chose has this other side effect. However, I think it will still be worded, just to be quite clear about that, to not include a direct appointment below the dean. It's intended to be a two-step process and she chose it partly to get at that notion of faculty or academic scrutiny, which then seems to rule out other academic structures that we have on campus and that's not the intent. But there was intent and I think it makes sense on her part to rule out a direct appointment reporting only to a dean. Her concern there was that the University has had negative experiences with direct professorial appointments reporting only to a Dean. She may be here actually."

Professor Barazangi: "But this is the salient point, if it is not going to change then the Vice Provost for Research and center directors should be consulted about this, this is really important."

Professor Birman. "I agree. I think that we should open the floor. Let me just again urge the Senate to do the right thing. Our peer institutions are way ahead of us on this. There's a broader dialog the Senate really needs to engage in, but the least we can do for our colleagues is to offer them titles that are more analogous to the titles they would enjoy at competing institutions. This is a tough world where we are competing for very, very strong people. We need to do what we can to get them to Cornell. The Dean of Engineering is in the corner, so further questions to him. Thank you very much."

Professor Lynne Abel, Classics: "In order to get the full benefit of this as I understand it, one would have to try to take current folk who are doing wonderful jobs and allow them to apply in some fashion for the new title."

Professor Birman: "That's right."

Professor Abel: "I didn't see in the material that was sent out any kind of mechanism for that. What I did see was that there would be searches for these new titles. But I would imagine or hope that a current Senior Research Associate could somehow apply for the Senior Scientist title without a search."

Professor Birman: "Of course, that's intended. Absolutely."

Professor Abel. "Do you have more ideas about how this would work? Would everybody who is a Senior Research Associate be invited to apply? How is this going to work?"

Professor Birman: "I think the department or center will control the process. So, currently if you are Research Associate and you have been here for a period of time, analogous to an Assistant Professor, after the second three-year reappointment. In the case of Computer Science, we discuss routinely whether we should consider promotion to Senior Research Associate. If we think that's merited we go out for letters. I think the same thing would happen here. With people who are in the existing titles and would like to move over, and I assume many of them would, the department would undertake that process and eventually take requests to the appropriate Dean. That's how I imagine this working. I'm sure that's what Kent would expect to see happen. As it moves forward, and as we do searches for these positions to fill new kinds of opportunities, you do a search, you bring in the most prestigious people, they interview and the hope is that we bring some great researchers to Cornell that are able to engage in the type of higher risk research activity that we might not risk if we had to bring in tenured faculty, realistically. That may be a negative in some ways but again our competitors are doing it. Let me turn the floor over and I'll sit down and you can ask me more questions if you need to."

Speaker Norton. "Unless there is another factual question the floor is open for debate."

Professor Alan McAdams, Johnson Graduate School of Management: "I think I really have a factual question and that is, is there a way to change the wording of paragraph three on the description? It says, 'Research Scientist and Principal Research Scientist titles are academic and should not be used for those whose positions are primarily administrative'... and then it says, 'Administrative responsibilities are unavoidable in creating and managing research laboratories, will occur and this should not be interpreted to preclude appointment.' It sounds to me like it shouldn't be used, but it will not preclude the use."

Professor Birman: "Well, other than the language, the intent there, which I thought was pretty clear but we can fuss with the wording, is that on the one hand you are bringing in people who are researchers and are going to be judged on the quality of their research and many think holds to a higher standard than those of us who get time off to teach. Right? We expect a pretty high standard and I think we can adhere to it. On the other hand, if a person is heading a research group that is doing proposals they have an administrative component to administering the effort and obviously that is intended to be part of the jobs. We'll work on the wording with you if you think it could be clearer."

Professor McAdams. "I don't think it should not be used for those whose positions are primarily administrative. And then you say people whose positions become primarily administrative are eligible."

Professor Birman: "No. But they have an administrative component to their activities."

Speaker Norton. "The Chair is going to make a ruling here and the Chair's ruling is that the exact language of the title descriptions is not in front of this body. We are not going to be amending this. This is not our language. The only language that is in front of us is this resolution which is to accept these two new titles."

Professor Birman: "Not even accept, but to recommend the adoption of these two titles."

Speaker Norton: "To recommend the adoption of these two new titles. Because of course it's the Board of Trustees and the Provost that have to finally approve it. The language as I get it comes largely out of the Provost's office. Is that correct? It's not for us to decide this language. I think if the Senate or Senators today have a great deal of trouble with the language, then we can always not approve this recommendation at this moment. This is not the time to, I think debate, the specifics of the language that's in front of us. I think it's the concept that's in front of us. If we don't like the concept we can vote it down. If we like the concept we can vote it up. If we don't like this language we can say we don't want to approve it until we get something better out of the Provost's office. I think those are the options that are in front of us this afternoon. I think that covers the root of it."

"The floor is open for debate."

Professor Guckenheimer, Mathematics: "The presentation that we just heard, I think is somewhat in contrast with the earlier discussion that I have heard about these titles with regard to their relationship with the Research Associate and Senior Research Associate titles. In the presentation that we just heard, the ideal world in which all of our Research Associates are of outstanding quality and the University would simply substitute the new titles of Research Scientist and Principal Research Scientist for Research Associates and Senior Research Associates involving perhaps some small modifications in the terms of those positions. I guess, I really wanted to express the point of view that that might not be such a bad idea."

Speaker Norton: "Other comments?"

Associate Professor Thomas Bjorkman, Horticultural Sciences: "It seems that one of the problems we are trying to address with this is that the title of Senior Research Associate has eroded, in part because of inconsistent dossier review. I can see our existing Senior Research Associates wanting to become Principal Research Scientists, all of them. In thinking about the department dynamic, there really seems to be no incentive for the department to be particularly rigorous in that review. It's to their advantage to have people with better titles as well. I'm concerned that the Research Scientist title could suffer the same problems that the Senior Research Associate title has suffered."

Speaker Norton: "Perhaps the Dean of Engineering wants to respond."

Professor Kent Fuchs, Dean, Engineering: "There are two levels of check. One is at the department level. I think that the department chair has an important role in processing this and one at the Dean's level before it goes on to the Provost's Office. I'm sure the department chair and the dean's office could enforce rigorous review."

Speaker Norton: "Any other comments/questions?"

Professor Nelly Farnum, Biomedical Sciences, Senator-at-Large: "For Research Scientist and Principal Research Scientists it seems that really short of changing research direction radically, we are assuming people will be long term, high level research individuals. For that reason it surprises me, unless I missed it here somewhere, that there is nothing written in here about their right to have sabbatical type leaves. It seems to me they should."

Professor Birman: "It strikes me that that's not unreasonable, but the difficulty is that their funding is coming from contracts to perform activities. Companies don't have the same rules. Our lives as professors are really very soft and comfortable, particularly with life time tenure turning out to mean until you drop dead."

Professor Farnum. "But still."

Professor Birman: "Your point is valid. But."

Professor Farnum: "In the same way though, we are acknowledging that if we want to get the best people started independently and correctly, that we would in fact have start up funds and...."

Professor Birman: "We might. But keep in mind that the money for your sabbatical leave is being paid to you by the University not by an external contractor."

Dean Walcott: "Just one comment that I would add, is that the Non-tenure Track Faculty Task Force report has now been through the administration and one of its recommendations is that there be a series of paid leaves for people in the non-tenure track ranks. That poses the problem as to where the money is coming from, but at least in theory the University seems to be willing to consider the possibility. Clearly these ranks that are being proposed would be among those and so it may be that some arrangement can eventually be made for some competition, for example, for a limited pot of funds or some such. That is a matter which will come back to this body in a few months, in terms of specific recommendations for us to discuss."

Professor Birman: "Unpaid leaves are a way for us to do that, if everyone is able to do that and if it's consistent with the funding obligations."

Professor Peter Hinkle, Molecular Biology & Genetics: "I was concerned about the use of the term 'searching' for these people. It sounds like a faculty search except you don't have a position. If the department wanted to recruit some Principal Research Scientist would they advertise?"

Professor Birman: "I believe that they would, as a matter of fact. I think that's appropriate for many reasons. Yes, the department would probably advertise in a somewhat generic way the existence of faculty and research positions in an area not necessarily with very tight language. Yes, advertising is a defense against a type of cronyism and the University should maintain its defense."

Professor Hinkle: "So then a main factor would be, do you have the space?"

Professor Birman: "That's one type of resource, yes."

Professor Hinkle: "They would have to have room to work and study."

Professor Birman: "Yes. We obviously can't bring people in without a commitment of resources. That's a part of it, and there are many other kinds of resource commitments departments or units make. But space is a dominant one, obviously."

Professor Hinkle: "Are there any other limitations? Right now departments can't just go out and recruit without permission and money. Is there going to be a formal way?"

Professor Birman: "Yes, at the level of the Dean."

Professor Hinkle: "What about the person who is already here?"

Professor Birman: "No. That would be for a person you are hiring. That would be for the initial offer. Dean Fuchs, for example, could say, this is all very nice but the department is already pressing him for space, how can he justify this use of the space."

Speaker Norton. "Other comments?"

Professor Anton, Chemical and Biomolecular Engineering: "I would like to try to describe a scenario that I am familiar with that may help explain where these titles could make a great deal of sense. The economy gyrates back and forth and certain industries get whacked. Sometimes they let their research people go and they let go by paying them out to retire early. This happened at Bell Labs, maybe 15 years ago. Suddenly engineering departments all over the country hired outstanding researchers from Bell Labs. We have one in our department and I know of several others who have gone to other universities because Bell Labs/Bell Telephone chased a business model and decided to shrink the lab. That laboratory had several hundred engineers who over the years accumulated 26,000 patents and wrote who knows how many papers. They have had several Nobel Prize winners there, and so forth. It is an outstanding research lab and the people who have worked there are equal to and better than many of us in many ways. Those people became available. If they are young in mid career, if they are in their forties, you might want to give them tenure. If they are in their thirties, you might want to hire them as an assistant professor and promise them a short review because they already have a long record of accomplishments. When people become available who are maybe in their fifties and who are being bought out by an early retirement program, sometimes these are people you want to hire. For example, in our department we have an outstanding polymer science program, and what happens when a famous polymer scientist from an industrial laboratory comes available in the mid fifties? You don't want to use a tenure spot because it's the nature of the tenure track professor to be involved through the start of a long time frame in operating a research program and in developing a curriculum. This retired polymer scientist is a person who will want to do research and is looking for a place to do it, and can fund his or her own work and bring his or her own ideas and interact with faculty that you

already have who are working in that area. What do you do? Offer them a job of Research Associate? It doesn't work. They will go somewhere else where they can be Research Professors and they will fund their own research program, have their own PhD students. We'll miss out on that opportunity. That is one way I have seen these titles being important. That's a typical scenario where something excellent could work out for us, for our own graduate students, and for our own programs if a title like this were available."

Speaker Norton. "Are there any comments?"

Associate Professor Sheila Hemani, Electrical and Computer Engineering: "I have a concern with this, and funding research positions. We all seem to have fallen into complacency with it. These are essentially soft money positions and we all know that funding cycles are up and down, what is the provision of how often the following situation is going to occur? If someone's grant doesn't come through - they have commitments, mortgages, kids, car payments, etc, and all of a sudden they have no position for next year, no salary. Is the department just going to cut them loose? One would imagine, based on what Brad said, they are truly eminent people and we would like to keep them here. How are we going average out and take care of the dips and the gaps? How much is that going to cost and where is the funding going to come from?"

Professor Birman: "We do have 20 such people at the senior level in Engineering today. Kent, how many such cases have you become aware of?"

Dean Fuchs: "I haven't seen any."

Professor Birman: "Maybe that's a reasonable answer. It obviously could happen, but maybe it doesn't happen frequently. And, that's out of 44 people in these research titles in Engineering. It must happen, but if it's not frequent. Hopefully, the Dean will struggle with it when it happens and he will find some way around it."

Professor Anton: "I am familiar of a case from our department. We had a Senior Research Associate in our department for a number of years back in the late eighties and he ran a research program quite well for quite awhile and then interest in that field ran out and he saw the writing on the wall and I think negotiated a deal where he taught in the department for a couple of years while he tried to find new things. There was a limited time frame where he was given support by teaching for us. By the time the bridging funding expired he was able to find a permanent position elsewhere in the University. He's actually on the staff of the Theory Center now with a permanent staff job there."

Professor Birman: "Computer Science actually had something analogous. A person taught for three semesters and then new funding came through and he's still here in a senior position. Another one comes to mind, he actually switched into my group temporarily. It was a little bit of a stretch and then Bill Arms joined us and a very large digital libraries program was built up and the individual I think became a cornerstone of it. We would have lost him had I not stepped in. I think the digital libraries program at Cornell wouldn't exist if people hadn't stepped up to try to hold on to this fellow."

Professor Rich Burkhauser, Policy Announcement & Management: "I am very impressed with the arguments being made in favor of these titles but I wondered for the record whether Senator Anton might revise his story that he gave us about using age as a criteria for whether he would choose to tenure someone or put someone into one of these positions."

Brad Anton: "Touché."

Speaker Norton: "Other comments?"

Associate Professor David Delchamps, Electrical & Computer Engineering. "I am a little worried about something related to what John Guckenheimer was speaking about earlier, which was the little dotted bridges between yellow and green. The subtext in what I heard mostly from Ken and a little from Brad, is that we not needing a dossier review and all that sort of thing has created a class of, perhaps, Senior Research Associates who wouldn't make the cut if they applied. I am just curious. In the best of all possible worlds all Research Associates would become Research Scientists, Senior becoming Principal, but maybe that's not going to happen, maybe it wouldn't be able to happen given the current personnel. I'm just wondering whether I'm misreading that? Are we going to create two classes of research citizens?"

Professor Birman: "One person comes to mind in Computer Science who for many years had a purely administrative role but held the Senior Research Associate title. Now that individual has more of a research visibility and presence. Today with a serious dossier review that might not work."

Dean Fuchs. "I think there are very few of this kind of people. Most of the Senior Research Associates are very active people and hard working researchers."

Speaker Norton. "The speaker would like to clarify. In general, is the assumption that with the creation of these titles, that at least in the sciences where people who could move into these other titles, that the Research Associate and Senior Research Associate titles will largely disappear in the context of the sciences? The answer is no. The Dean is shaking his head."

Dean Walcott: "I'm of the opinion that they aren't likely to and that they serve rather different functions. What you might have is a track where a graduate student stays on as Post Doc for a couple of years, maybe becomes a Research Associate, and then might conceivably move either to a Senior Research Associate or to a Research Scientist or stay in any title. In other words, there isn't a limitation. You can recruit people into these two scientist titles as I understand it. For the moment, all we are proposing is the addition of these two titles to the armament."

Professor Subrata Mukherjee, Theoretical & Applied Mechanics: "Was it your personal opinion that Research Associate and Senior Research Associate titles would atrophy, at least in Engineering? You mentioned that."

Professor Birman: "As of now, I have heard three Deans comment on this issue and all of them favor the greater flexibility of having more titles available and a better

opportunity to compete with our peers, but to also do the sensible thing. I would imagine the Research Associate titles will prove useful and won't be used for people who fit this high profile Research Scientist roll. The new ones will be used for that, but there may well be other situations that arise."

Professor Shelia Hemami, Electrical & Computer Engineering: "Kent brought something up, alluding to women or something like that, so I would like to make a statement. Cornell historically has not done very well on a lot of two-body issues and I would not like to see this used as an excuse. I'm not saying it is purported this way, but I see a danger that now instead of the University again being forced to address two body issues head on they just view this as an excuse and say well 'we just have one of these positions and if he or she doesn't want it, too bad we tried.' That's not trying. Offering somebody a soft money position is not making a good and honest effort to solve it. I would like to remind everybody that this should not be considered a viable substitute for that situation."

Professor Farnum: "I'm sure it's different in different colleges, but in my college, anyway, to my knowledge almost all Research Associates and Senior Research Associates are affiliated with one person's program. What I like about this is, it seems to give a possibility that when that one person leaves the people who are associated with that person as part of a program would have the ability to continue autonomously. We have lost individuals, who did not have their own funding and have been here for many years, simply because the head of a very large research group left. This seems to me to be much more individual oriented. Or at least has the possibility of that, which seems good to me."

Speaker Norton. "Are there any further comments? If not I'll ask you to come to a vote. In fact the exact time as stated on the agenda for a vote on this matter. The chair will soon be ready for a vote unless I hear of further objections."

In Favor	–	Motion passed.
Opposed		0
Abstained		2

The resolution (Appendix 2) passes.

"Now it's time for Good and Welfare and I'll turn the podium over briefly to Dean Walcott."

6. Good and Welfare

Dean Walcott: "I'll be very brief. For my many sins I accepted the position of chair of the Cornell United Way. You will have received pledge cards. Please fill them out and give us money. Two points really: First off, the United Way is an enormously important thing in this community. We had a talk from some of the people who have been volunteering in the various United Way agencies. Many of these are run by volunteers. There are volunteers on the board. There are volunteers that are staffing it. The money from United Way makes it possible to do their job. By and large Cornell provides a third of the entire county budget in the United Way. So it's important that we give.

The second point is that the percent participation amongst the faculty and amongst the staff is low. It's about 13 to 15% of the faculty and staff of Cornell. In contrast the contribution from Wegmans is 96%, even the baggers who are earning, I have no idea how many dollars per hour are putting aside \$.50 per week for United Way. They have been encouraged, of course, by their management to do so. I would just simply like to emphasize to all of you that it would really help enormously if you would be willing to give even a small contribution to United Way. If you were willing to forego a cup of coffee or coke once a week, that's a buck a week, that's 50 bucks a year. That's enough to make a substantial difference in one of these meals programs. So please, don't just take that pledge card and drop it in the circular file, please think about even a small pledge. I realize that we, none of us, are making the big bucks but even if a lot of us will give a small amount, we can increase the participation. My hope is that we will be able to increase Cornell's participation rate from 13% up to a somewhat higher level this year.

There are going to be two thermometers on the A.D. White House lawn. One for money, which I hope will surpass our goal and a second one for participation. So please, please persuade your colleagues and help us increase that participation. Thank you very much."

Speaker Norton. "Thank you Dean Walcott. The Dean being the only Good and Welfare speaker and we have reached the end of the agenda, the Chair declares the meeting adjourned."

Adjourned at 5:38.

Respectfully submitted,

Cynthia R. Farina
Associate Dean and Secretary of the University Faculty

Memorandum

To: Senators, Cornell University Faculty Senate
From: David W. Butler, Dean
School of Hotel Administration
Date: September 29, 2004
Re: Masters of Management in Hospitality Degree (MMH)

Masters of Management in Hospitality Degree (MMH)

A Proposed Graduate Joint Masters Degree to be offered by Cornell University's School of Hotel Administration and Nanyang Technological University's School of Business in Singapore

Purpose

The School of Hotel Administration requests review and endorsement of this proposal by the Faculty Senate. The Dean of the Hotel School, David W. Butler, will be available at the Senate meeting to answer questions.

Introduction

Cornell University's (CU) School of Hotel Administration (SHA) and Nanyang Technological University's School of Business (NTU) have agreed to create the Cornell-Nanyang Institute of Hospitality Management (CNI) at the Nanyang Business School in Singapore which will offer a joint (Cornell-Nanyang) Masters of Management in Hospitality (MMH) degree, the same graduate professional degree offered in Ithaca. The primary goal of this graduate degree program is to educate future hospitality leaders for Southeast Asia, primarily China, and India.

The key elements of the agreement are briefly explained below to assure appropriate CU/SHA protection of Cornell's reputation, academic quality through SHA faculty approval of curriculum and pedagogy; the requirement of students to spend half of their time at Cornell in Ithaca; Cornell faculty annually teaching several courses in Singapore and all courses in Ithaca; and, through administrative control of the program by the appointment of a tenured Cornell faculty member as Dean of the Institute, based in Singapore.

Why Singapore and NTU?

In response to unmet market need in a region of the world where the hospitality industry is becoming a major industry, this program will attract students who want to develop successful management careers in hotels, restaurants, and travel and tourism-related businesses. Developing this joint degree program in partnership with the Nanyang School of Business, which is consistently ranked in the top ten of Asian business schools, is a particularly attractive option for the Hotel School in its international outreach strategy, due to: Nanyang's geographic location, which provides the perfect platform to strengthen the reputation of Cornell and its Hotel School in Asia, including the important countries of China and India; the complementary quality of NTU Business School faculty with that of Cornell's Hotel School; the opportunity for collaborative research through the establishment of a \$1 million (USD) start-up fund; and the active financial support and expertise of the Singapore Economic Development Board (EDB), the Singapore Tourism Board (STB) and major owners of hospitality businesses in Asia for the venture. Furthermore, the proposed program will allow the Hotel School to develop expertise in Asian hospitality management through collaborative research projects and interaction with leaders in the industry.

The new program fits with the strategy of increasing the presence and reputation of Cornell and the Hotel School in Asia. It also advances Singapore's interest in establishing the country as a world-class education hub, internationally renowned for its intellectual capital and creative energy. In 1998, the Singapore Economic Development Board launched the "World Class University" program to attract a dozen world-class foreign universities to set up a significant presence in Singapore in specialized fields and strengthen its foundation for a knowledge economy. The selected institutions, which include MIT, Johns Hopkins, Georgia Tech, and Stanford (among others), represent the best in their respective fields. Singaporean academic, government and industry leaders view this prospective alliance with Cornell and the Hotel School as an important part of this strategic vision.

While the proposed program will initially be small (approximately 50 students per year by year five) and focus on Singapore and the region, it has the potential to have further substantial impact in the future through research, the development of executive education and distance learning programs, and an Executive MMH program. This relationship and its long-term potential is one of the Hotel School's key international strategies for the next ten years. However, these additional educational offerings are not part of the endorsement of the joint graduate degree proposal being requested and will be brought forward for review and approval as appropriate.

The SHA's mission of "*Shaping the global knowledge base in hospitality management*" is indicative of its commitment to creating educational and research opportunities for students and faculty that have a global impact on the hospitality industry. Within the last decade, the Asian economy and specifically the hospitality industry have grown exponentially. This has been recognized by the Hotel School's competitors (both hospitality management schools and business schools) who are moving rapidly to develop joint relationships or stand-alone institutions to exploit this educational opportunity. The School of Hotel Administration has meticulously explored partnership possibilities throughout Asia for the past several years. We

believe that this relationship with Singapore will keep the School of Hotel Administration ahead of the growing Asian competition.

Why has Cornell chosen the NTU Business School as a partner?

For several years, the Hotel School spent significant resources investigating various opportunities and potential partners in Asia. Singapore was chosen for the reasons noted above and in the belief that the Nanyang Business School was the right partner as it complemented the Hotel School in a number of important dimensions. NTU is a very good business school that wishes to become a premier business school in the region and eventually the world. The key for NTU is focused, specialized programs, investment in quality faculty and facilities, and research. NTU realizes that its goals will only be achieved through a long-term commitment of resources and attention to quality in all of its efforts and activities. NTU is a school that recognizes the opportunity presented by the growing Asian hospitality industry and is excited by the opportunity to partner with the Cornell Hotel School. Previously, NTU tried to develop a hospitality management school in the early 1990s and closed it after several years due to its inability to increase academic quality. Thus, NTU recognizes the difficulty of developing a quality educational program in a specialized field and the value of Cornell as a partner. Overall, the faculty is comparable (in educational credentials and research capability) to that of the Hotel School's faculty. They hire well-trained Ph.D.s from the best business schools in the United States; they emphasize research and publishing in the better academic journals; and they espouse the same values as the Hotel School: Innovation, quality, rigor and relevance in teaching and research and service with impact. For all these reasons we believe they are the right long-term Asian partner for us.

Program Quality and Operational Commitment

Key Operational Considerations. The MMH program will be a three-semester, 45-credit program taught over 12 months. Students will spend half the time at Nanyang Business School in Singapore and half the time at Cornell in Ithaca. NTU will provide the facilities for the Singapore site which are relatively new. The program will commence in June where the students will spend approximately the first six weeks in Singapore. Students will then spend the next seven months in Ithaca where they will complete an intensive, full-semester summer session and the normal Cornell fall semester. They will return to Singapore for the final semester and graduation (five months). There may be some adjustments to ensure that students complete two full residence units (RU's) in Ithaca necessary to earn the MMH degree.

Once the program is stabilized (approximately year three) MMH students entering via Cornell will also have the same educational opportunities as those entering via Singapore; to wit, they will be able to receive half their education at Nanyang. Our goal is that all students in the MMH program will be *required* to spend time on both continents.

The initial term of the agreement will be ten years and automatically renew every five years thereafter. There is an early exit provision for "cause" or "emergency." Termination for convenience cannot take place for the first ten years and requires a two-year notice. The damages for material breach by Cornell are capped and very favorable. Thus, we have a clear exit strategy if the relationship fails. NTU funds termination costs.

Cornell will control the curriculum. All courses and sequencing must be approved by the Hotel School Graduate Faculty. The Dean of the program will always be a CU employee chosen by CU and will also hold a joint appointment at NTU. Our goal is that the Dean will always be a senior tenured Cornell faculty member selected from the ranks of the Hotel School faculty. Instruction in Singapore will be by both NTU faculty and by Cornell faculty. The Dean will also do limited teaching. Part of the agreement includes two endowed chairs at Cornell (\$6 million USD) which will require the chair holders to spend significant time teaching and doing research in Singapore. Also included is a significant gift (\$4 million USD) which will be used for Cornell faculty to be in Singapore for short teaching appointments and to conduct collaborative research. The agreement also requires Cornell to train six Ph.D. students, completely funded by the Singapore government under a bond arrangement, who may become program faculty in Singapore.

Oversight of the program will be through a joint academic committee (controlled by Cornell) and a joint advisory board reporting to the Deans of the two schools. Provisions have been made for an independent audit of the academic quality and overall operation of the program in year three and thereafter as necessary.

Key Financial Terms. There will be no financial risk in this program either to Cornell or the Hotel School. Besides the \$10 million USD gift mentioned earlier for the endowed chairs and related educational initiatives, Singapore will pay for all expenses except those incurred in Ithaca. Singapore has agreed to provide financial security for the program via letters of credit, comprehensive insurance and reciprocal indemnification. Ithaca instruction will be at full Cornell tuition. Present fees at Nanyang Business School are substantially below Cornell's, but they will be comparable within five to seven years.

Legal Safeguards for the Protection of Cornell. The principles of non-discrimination and academic freedom are clearly spelled out in the contract. As mentioned earlier, oversight is through the two committees to the Deans of the respective institutions. If an issue cannot be resolved, there is a provision for resolution through international arbitration. New York State law will apply in all legal proceedings. Nanyang University and their Business School have a variety of educational initiatives with other American universities. Cornell's counsel's office has engaged in due diligence with MIT, Carnegie-Mellon, and Duke to assess their satisfaction with Nanyang. All information received was positive.

Timeline and Contracts. Since the original presentation to the General Committee of the Graduate School and the CAPP Committee and the approval from both committees, a dispute arose between Cornell and Singapore regarding the translation of the term sheet, agreed to by both parties at the conclusion of the original negotiations in Singapore in July 2003, into contract language and interpretation of several items. We met in New York this summer and through intensive discussions over several days resolved all issues in the contract. In fact, the resolution is even more favorable to Cornell than the original term sheet. Since that meeting both parties have reviewed the contract and accepted all items and wording. The deal is done. All Singapore authorities have agreed to the written contract. Thus, we seek the necessary approvals from the

University Senate in order to present this contract to the Board of Trustees for discussion and approval.

Conclusion

The Asian markets have the potential to contribute to the overall stability of the world economy, especially through the projected growth of the hospitality and tourism industry. Singapore and NTU clearly understand that for this type of market growth to be positive, there must be an educated and trained managerial and executive workforce to support it. The Hotel School sees little risk in development and implementation of this joint MMH degree program and looks forward to increasing our global reach through a partnership with NTU in Singapore.

Appendix 2

**Resolution to Recommend Establishment of the Titles
Research Scientist and Principal Research Scientist**

WHEREAS, the College of Engineering has proposed the new titles of Research Scientist and Principal Research Scientist and;

WHEREAS, the Task Force on Non-tenure Track Faculty has endorsed the creation of these new titles, and;

WHEREAS, the Provost's Office has proposed guidelines for the use of these titles;

THEREFORE BE IT RESOLVED that Faculty Senate recommends to the Provost and the Board of Trustees that the two titles of Research Scientist and Principal Research Scientist be established as outlined in the following descriptions.

UFC approval
October 5, 2004

TITLE DESCRIPTION

RESEARCH SCIENTIST/PRINCIPAL RESEARCH SCIENTIST

Research scientists and principal research scientists are expected to initiate or lead research programs and to create new knowledge at a high level of achievement in an academic area of importance to the academic department. The differences between these titles relate to the balance in the individual's career between promise and achievement in establishing highly successful independent research programs.

Research scientists and principal research scientists are responsible for initiating or leading research activities; creating and managing research laboratories; seeking funding opportunities, submitting proposals, and fulfilling the terms of research grants and contracts; planning, conducting and reporting on original research; and representing their research groups externally. [Note: upon approval from VP Richardson, which is anticipated with authorization of these titles, add "Persons appointed to these titles may serve routinely as principal investigators on grants and contracts [link URL to PI policy]."]

Research scientist and principal research scientist titles are academic and should not be used for those whose positions are primarily administrative, even if the responsibilities include some

research. Administrative responsibilities, however, are unavoidable in creating and managing research laboratories, and this should not be interpreted to preclude appointment to these titles.

Research scientists and principal research scientists are appointed in academic departments. They are not members of the University Faculty. [The following sentence will require amendment of the Bylaws by the Trustees ... Research scientists and principal research scientists are non-voting members of their college or school faculty and may be given the right to vote by that faculty.] [Language to propose to the Graduate School: They are eligible for general membership on the Graduate Faculty if their responsibilities qualify them or if supervision of graduate students makes membership on special committees appropriate; general members of the Graduate Faculty may serve on graduate students' special committees [link URL].]

Research scientists and principal research scientists normally are not permitted to teach courses for credit. In the event that some teaching of courses for credit is desired by the individual and requested by the appointing department, this teaching must be consistent with the terms of their funding and must be approved by the dean (and, if different, the dean of the college responsible for the teaching). Where teaching is assigned, care must be taken not to shift teaching expense inappropriately to research grants or contracts. In no case should such an individual teach for an extended consecutive period – such an arrangement could indicate responsibilities appropriate to a professorial title [link URL] and should be subject to tenure policies.

Research scientists and principal research scientists must hold a research Ph.D. degree (or foreign equivalent [link URL]) from a reputable accredited institution, in a field appropriate to the position. Proof of Ph.D. conferral may be required [link URL]. To qualify for the title, research scientists and principal research scientists also are expected to have achieved significant stature in the scholarly discipline, to have demonstrated the quality of research accomplishment appropriate to initiating independent research programs, and to have demonstrated a trajectory that promises a continued high level achievement. General appointment restrictions, such as valid visa status, may apply [link URL].

Appointments to these titles must be salaried and are subject to affirmative action/equal opportunity (AA/EEO) search requirements [link URL]. While there may be a transition period before non-university funding supports the position, appointments are expected to be supported by non-university funds; the offering and reappointment letters must state that the appointment may be terminated or modified if funding is withdrawn or reduced. (This wording in the letter does not designate the appointment as “terminal” – a terminal appointment is one in which the appointee is notified that the appointment will not be renewed. Appointments of research scientists and principal research scientists, even on non-university funds, are subject to the provisions of the policy governing notice of non-renewal [link URL]). Provisions regarding start-up funds, facilities and support should be articulated in the initial appointment letter.

An individual may be appointed directly to the principal research scientist title or promoted from research scientist. The line of progression in these titles is limited to principal research scientist and research scientist. There is no routine expectation of promotion from senior research associate. There is no routine expectation of promotion from these titles to senior scientist, a title reserved for appointment of individuals of special distinction. If an out-of-progression title

change is warranted, an AA/EEO search or approval of a waiver of search [link URL] is necessary.

Search procedures should follow those used by a department to fill professorial positions. Appointment length for principal research scientist and research scientist may be for up to five years. There is no “time-in-title” limit or restriction on the number of times the appointment to either title may be renewed. Benefits eligibility may be affected by the length and percent-effort of appointment [link URL]. A dossier-based review must be conducted for initial appointment. Through an exception approved by the department chair and the dean, the dossier-based review may be conducted during the first year, with continued appointment contingent on successful review. This dossier shall include letters from confidential external referees [link URL to difference between a search letter of reference and a confidential external referee’s dossier letter], letters from participants in current or recent research programs, an analytical transmittal letter with report of the faculty vote, and the report of an *ad hoc* committee to advise the dean, who makes the ultimate decision about appointment. Reappointment is based on quality of performance and on the availability of work and funds.

As for all academic titles, reappointment is not a right. Reappointment may be denied for such reasons as resource constraints, unreliable funding prospects, diminished interest in the research area, diminished relevance to the appointing unit’s research mission, or performance.

Promotion from research scientist to principal research scientist is based on quality of achievement, productivity, national and international stature in the field, leadership of the independent research program, effectiveness with colleagues and with participants in the research program, and service to the field. Promotion is not automatic, for example after a particular number of years in title. A formal dossier review is required for promotion to principal research scientist and follows the procedures for the dossier-based appointment review [link URL].

**MINUTES OF A MEETING OF THE FACULTY SENATE
WEDNESDAY, DECEMBER 8, 2004**

Professor J. Robert Cooke, Biological and Environmental Engineering, Speaker Pro Tem: "We're still short a quorum but we will proceed with an informal discussion. We have a number of items that are, in fact, scheduled for discussion only today. So we can continue with that unimpeded, in any case. I am obliged to remind you that no photographs or recordings are allowed in this meeting. You are asked to turn off your cell phones and when you speak it would be helpful to the secretary to identify yourself and it would also be helpful to your colleagues. We do have one Good and Welfare speaker signed up for this session.

Provost Martin is not able to be with us today so the first item on the agenda will be to call on the Dean of the University Faculty, Charles Walcott."

1. REMARKS BY THE DEAN

Charles Walcott, Dean of the Faculty: "Thank you Mr. Speaker. I have just a few brief items that I wanted to mention to you. One, that there has been proposal for a revision in the Master of Management and Hospitality Degree from the Hotel School. Since you have already approved the degree in the last meeting, talking about the cooperative program with Singapore, and since CAPP has approved the policy for the degree, I just bring it to you and mention that this has happened. It is not a great and earth shaking change.

"Secondly, Bidy apologizes for not being able to be here today, but both she and President Lehman will be here at our first meeting in February to discuss the Initiative and what they are proposing to do about the three major thrusts that they are proposing for the University. This will be an opportunity to talk with them about the President's Call to Engagement and what the result of that has been and what it is going to mean for all of us, if anything.

"I have a couple of comments on the Suspension Policy. It's still being worked on by the Deans and we look forward to its arrival back in this body for further discussion later on. Cynthia Farina is hard at work on the corporate strategic alliance report with her committee. That again, is something that will reappear here and we have not forgotten about it. It is coming along.

"Finally, I should mention that you all have received an e-mail about the subject of spam from CIT. This is not the meat. These are the wonderful advertisements that offer to enlarge various portions of one's anatomy and provide drugs at outrageous prices, or whatever. CIT is proposing to block these things centrally starting the first of February. But, and this is the important point that you have not yet heard, there will be a way of opting out of that. If you feel passionate about receiving those interesting invitations that are labeled as spam, you will even under the new system be able to receive them because we felt it was not fair to deprive everybody of this unless they wanted to. It's going to be an opt-out situation, that is to say that it will be blocked unless you request that it not be blocked. The details of how that will be accomplished will be revealed to

us all in due course. I just wanted to reassure everybody that they will not unilaterally be deprived of this. Those are my comments unless there are any questions."

Speaker Cooke: "Are there any questions for the Dean?"

Dean Walcott: "Thank you Mr. Speaker."

Speaker Cooke: "The next item is approval of the minutes but without a quorum we are not permitted to do that. They will have to carry over to the next meeting or if we happen to have a quorum before the hour has lapsed we will come back to that.

"The next, and the major presentation for this meeting, is a report from the committee chaired by Norm Scott and Don Holcomb. It's the ad hoc committee established to study the status of non-tenured faculty at Cornell. This is the report and they will entertain questions and comments but we are not in any case planning to have amendments entertained at this session today.

2. Discussion of the Final Report of the Ad Hoc Committee Established to Study the Status of Non-Tenure Track (NTT) Faculty at Cornell

Professor Norm Scott, Biological and Environmental Engineering: "Thank you. This is an interesting report in the sense that you have acted on one part of it already. The President and Provost have seen it and it was presented to Dean Walcott and he took it to both Bidy and Jeff and I understand they didn't raise any major objections to it.

"The main reason for putting this up (Appendix 1) is not to show you the title again but to point out that this report is available at <http://instruct1.cit.cornell.edu/~sad4/NTTF/> and unless something has suddenly happened since last night, it was still functioning and you get the whole report on this site.

"I wanted to put this up (Appendix 2) because I really want to acknowledge this group of people because it has been a very, very compatible group of people as we have addressed this subject. I will go through the names. I know some of them are here. I ask them to raise their hand starting with Lynne Abel who I don't think is here. Nancy Burton-Wurster is here. You can see their affiliation and I won't repeat that. Can you see the location from where you sit? Stuart Davis I know could not make it. Don Holcomb, Co-Chair was invaluable as we worked together on this particular committee. Kathleen Long, Mary Opperman, Steve Shiffrin is here from Law and Susan Steward who provided invaluable assistance with all of the legalese in one sense; not truly law but understanding of the processes that involve appointments and everything else. Maria Terrell, Pamela Tolbert and Linda Van Buskirk who is here. I again reiterate that it's been a bit of a long, arduous task from the time the previous Dean of the Faculty, Bob Cooke, appointed us, to this point. We did do an interim report for you well over a year ago and we have since worked to try to complete it and that is what you now have.

"This (Appendix 3) shows a majority of the academic titles and this is the group of individuals to whom this report basically is addressed. You can see the numbers across

the various categories and there are some graphs in the document that show some of these numbers over time and by research summed up over time in all the different categories over time. Essentially and interestingly the total number in this category of non-tenure track faculty is, at the date of February 1, 2004, 1624, which is almost exactly equal to the size of the faculty, the tenure track and tenured faculty. It's about the same number (roughly speaking). There are, you see, if you were quickly add up – the mathematicians in the group have added these up and said, wow that's not the full 1600 – there about 400 in predominantly post doctoral associates that make up the group that would add to this 1624.”

Professor Kathleen Rasmussen, Nutritional Sciences: “Are there not also some professorial titles that are non tenure track?”

Professor Scott: “There are. Susan is nodding her head to help me on this. There are, but they are not in this number of 1624.”

Professor Rasmussen: “Do you have any idea of how many there are?”

Professor Scott: “I have to defer to Susan.”

Susan Steward, Director Academic Personnel Policy: “46.”

Professor Scott: “There are some academic perceptions and when I say perceptions these are not necessarily Cornell perceptions. It's a broader concept across the nation about this whole area. We are calling it non-tenure track faculty. There are some different terms that are used in other places. If you will look at the report at some of the references you will see that we reviewed a number of different documents, including several books, that address the subject and a study that was in progress at the University of North Carolina. These are the perceptions that exist in academia, broadly speaking (Appendix 4). What you will see is one of the driving forces is cost reduction. The perception that we are suggesting is that when the labor pool is deep, you don't necessarily, or hopefully, you will not, sacrifice quality. Limited term contracts allow for considerable flexibility and can be more rapidly adjusted to changing parameters and lastly that there is a feeling relative to an assumption in terms of the limiting of NTT faculty salaries and the concomitant limiting of status and of resources available, particularly in fields heavily populated by women. Those are some of the perceptions that are out there.

“We operated as we developed this report around four major principals (Appendix 5). I won't read each of these. We are suggesting as number one, that the quality that exists is enhanced, as we have suggested here, by the involvement of this group of persons in the greater aspects of the department and the colleges. And also the aspect of the labor pool varied considerably over time and the only way to guarantee consistent quality of job performance is to hire from an excellent pool and then to assure some form of job security and opportunities for professional development suggesting that constant rotation offers very deleterious effects.

“Thirdly. Maintaining flexibility is a valid reason for hiring NTT faculty, but the value of this very flexibility must be reflected likewise in terms of salaries, professional development and a respectful workplace climate.

“Fourth and last, in terms of the principles that we operated off of - in this economic climate no family salary is secondary and financial well-being cannot be assumed. Adequate salary resources contribute to the professional workplace climate and permit the NTT faculty to perform their duties to the best of their abilities.

“We did two things to seek input and data for our effort. One was an e-mail survey, which was responded to by 63 respondents. These are the concerns expressed in the response to the e-mail in order of the frequency of the responses (Appendix 6). In other words, it says that job and economic security was the most frequently mentioned concern of the NTT faculty. Following that is career advancement, professional development, ambiguity about the status within the University, the college and the department and salary schedule incentives. Lastly titles, particularly with respect to titles that had to do and were perceived with respect to research and grantsmanship. One of which you have already responded to, one of the four resolutions that you will see later.”

Professor Lisa Earle, Plant Breeding and Genetics: “Was this survey sent out to the whole pool of people or to a sample?”

Professor Scott: “No, it was sent to the entire pool to the best of our ability to make that happen. It was a very large pool. Whether it got to every one of the 1600... I would say definitely it probably didn't go to 1600 because as I suggested the pool we are really looking is closer to about 1150, not the post doctoral associates, so somewhere in that neighborhood of the 1100.

“An open hearing, held last November, again attempted to address the issues. There were slightly over 60 attendees. They basically responded with concerns repeating those which were shown on the previously overhead, but adding some. As I made a point a moment ago, this is in somewhat highest and most frequent to the lowest. These following are just a listing of additional comments (Appendix 7) that that group expressed to us as we met with them: Access to appeals process, rights to academic freedom, consistency of promotion procedures and appointments across colleges, opportunities for phased retirement, clarification on voting rights whether that's within the college or the University or the department, representation in the University, a place to express themselves, and autonomy in research funding. It's quite a list of issues that these individuals were sensing and giving us to represent their concerns.

“This is one of the priceless, at least in my opinion and the committees, one of these e-mail responses (Appendix 8) I think very eloquently as represented by this statement said: ‘We want to 1) feel that our contributions are valued by the University just as faculty programs are, 2) work in an atmosphere where colleagues treat us as equals, 3) have the ability to gather resources (e.g., grants) necessary to support our program area, 4) have avenues for promotion built into the system and 5) be adequately compensated.’ The committee took this as a goal to which at least we should strive and our work be directed toward.

"There's a section, maybe you are following, this kind of walks a little bit through the report, but we have a section called Commentary and Assessment and these six areas are addressed in terms of appointments, performance and evaluation, job security, academic freedom, professional development, voting rights, titles, retirement and emeritus/emerita arrangements. (Appendix 9.)

"The recommendations have been divided into two parts. One is labeled Recommendations for Administrative Action (Appendix 10). I am just going to list these and not go into them. You are probably saying, 'thank God'. But, these are important recommendations, and as you see fairly large in number but specifically addressed in the report and are things not for the Senate to be necessarily taking action on, but to be supportive, of course. You can see these are academic freedom and consistency of procedure for appointment and promotion. There was a lot of concern about the great variety that existed across colleges in this area. To continue, job security-funding, job security-access to appeals, access to grievance procedures, consulting policy, salary study, phased retirement for NTT faculty, representation of NTT faculty at the University level, and a standing committee on NTT faculty. If you look through the report, you will see in more detail what is meant behind each of those."

Professor David Levitsky, Nutritional Sciences: "Can you explain a little bit what the problems are in academic freedom?"

Professor Scott: "Probably not completely, but to some extent. By and large most of the individuals felt they were accorded academic freedom. However, there were some very strong voices who suggested that they were more or less told, 'you know that kind of statement, that kind of behavior is causing a bit of unrest out there in the field. And causing people to call the Deans and say - I'll be blunt, can't you quiet that' - and they felt under duress that they were being told quite solidly that you are doing some things that are causing problems."

Professor Peter Stein, Physics: "Is that classroom teaching we are talking about?"

Professor Scott: "No, it tends to have been most frequently mentioned in terms of extension. But I wouldn't say there aren't some aspects that relate also to teaching."

Professor Steven Shiffrin, Law School: "I think one of the concerns that is somewhat exhibited by the low set of responses in terms of only 63 e-mails is the fear of speaking out in University life, a fear of retaliation. The AAUP recognizes participation in University life as a part of academic freedom. But I think there is a relatively little concern about problems with respect to teaching and there were some suggestions, though I don't think it's widespread, of concerns about research."

Professor Stephen Vavasis, Computer Science: "I have heard of some lab directors, directors of large labs perhaps, or most of them, having policies like no paper goes out of the lab without my reviewing it first. That's the kind of limit that tenure and tenure-track faculty don't face. Is your policy strong on that, outlaw it, or is that okay?"

Professor Scott: “We are not taking a stand on that directly. I think it has to be, my personal opinion, something that is discussed within that particular lab setting that you are talking about. There needs to be an understanding. That is a lot of what I think our report tries to provide, recognition of some of the concerns and some suggestions, which we believe are valuable to address those. Communication is critical in things like that.

“Now more specifically, there are four resolutions (Appendix 11) that are proposed for the Faculty Senate. We have actually gone further than just saying we recommend in these four areas. We have actually developed — and I think you know when having looked at the report — resolutions from which you may work if you so choose. Potentially we have done some work, that were you to agree with it, would help the process of addressing resolutions. The first one is on professional development opportunities. The second is on new titles, research scientists and principal research scientists, which you have done. So we only have three to go — eligibility for emeritus/a status and voting rights for continuing NTT faculty. I am only going to do the following. I thought it might be useful to just put up the ‘*Be it resolved part*’ and all the “whereases,” you can look up. This one says ((Appendix 12) *Be it resolved that the Senate calls on the Provost and Officers of Schools, Colleges, and Administrative units employing NTT faculty to create professional development opportunities for these faculty, where they do not exist, in the form of paid and unpaid leave in individual research and travel accounts corresponding to the following descriptions.* Obviously I don’t have the following descriptions. You can look that up. We firmly believe that people in these categories ought to be involved in professional development.

“This one (Appendix 13) you have already and it called upon the system, the Provost, to create these two titles and so these are two titles that are in addition to research associate and senior research associate.”

Professor William Trochim, Policy Analysis and Management: “There was some discussion, I think last year or maybe the year before, around other titles than just research oriented. These were titles related to professional practice, the clinical practice. How did that relate to this? The way you portray it here it sounds as though we are only talking about those titles we have already considered?”

Professor Scott: “Well, we did not address this issue of clinical professor because it had already been taken up by this body. We are addressing titles that we perceived, and were strongly supported by many, as titles which would be critical for the research University at this point in time. All I would say is that this does not diminish, nor go any distance in supporting, the whole idea of the clinical professorship. But, specifically these are titles that a good number of people believe are important for us. Somebody else may wish to respond more, the Dean or Steve, you are much more familiar with the clinical professorship, and how it operates.”

Dean Walcott: “I’ll answer that if you would like. The situation with the clinical professor is that it has passed this body. It’s passed the Board of Trustees, but no college has yet decided or voted to implement it. So it is a title without a portfolio. It’s a title that exists but is currently unoccupied.”

Professor Scott: "I think it is fair to say that we believe that that will not be the case with these titles (research scientist and principal research scientist).

"The third resolution (Appendix 14), and again I reiterate that all the language and the whereases in front are in the report. This is just the short hand, "be it resolved" part, that the Senate calls on the Provost and the Board of Trustees to create these emeritus/a titles to which senior lecturers, senior research associates, and senior extension associates with sufficient service may be appointed, and to extend to them prerequisites comparable to those available to their tenure track colleagues upon their transition to emeritus/a status. You might say well what are these sufficient services? Ten years if you go back into the ground rules and the conditions for this process. You will find the details on that."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "Just one point. Should you add tenure track and tenured faculty? That's how you mean it. I'm suggesting you say tenure track and tenured faculty."

Professor Scott: "I see, okay." And the last one is a proposed resolution on voting rights (Appendix 15). This is an area that seems to have a great deal of confusion and concern among this group, the NTT faculty. What we are recommending and proposing to a resolution is *Be it resolved that each college takes separate action to grant all of its affiliated and continuing NTT faculty voting rights appropriate to their jobs. Each department includes its affiliated and continuing NTT faculty in decision making related to their responsibilities. Such action does not imply their participating in appointments and promotion of tenure-track faculty. And then, be it further resolved the word directly in the following sentence, which is down below be removed.* That present sentence says, "However they participate fully in those decisions that are directly related to their roles within the college or school and within the department." What we are proposing or suggesting is delete 'directly'.

"'Concluding remarks and comments' (Appendix 16). The charge to this committee covered a large number of aspects of professional life. We believe that we have made some progress, not necessarily complete progress but some progress, in sorting out where future investigations and possible actions are called for by the Faculty Senate to those resolutions that I just put up, by the college administration, by the central administration, and the University Trustees.

"With that I am complete with any formal presentation and would note that we have I guess about a half hour almost to engage you in discussion and will do that."

Speaker Cooke: "The chair suggests that we proceed informally since we are not going take any formal resolutions. Why don't you take some questions?"

Professor Earle: "Just as a point of information, what is the definition of faculty in this context?"

Professor Scott: "It was the list of those individuals on page 21 in your report. That is the non tenured track faculty."

?? "Including post docs."

Professor Scott. "They are in that list. We, however, have really focused on that 1160 that are outside that particular group, for I think obvious reasons."

Professor Levitsky: "I don't see how your committee intended to deal with this perceived problem in academic freedom."

Professor Scott: "Under that recommendation in the administrative part you will see much more wording to address that issue in detail. Let's see – Page 10. (1) We have restated that Cornell must affirm the practice of academic freedom as a right and responsibility of academic employment. (2) Affirm its extension in the protection of academic freedom to its non tenure faculty; (3) Cornell hold its colleges and departments responsible for extending full rights and privileges of academic freedom to the NTT faculty; and (4) Cornell hold its colleges and departments responsible for defining the terms of employment for all non tenure track faculty in such a way as to create a climate in which academic freedom is perceived to be equally available to tenured, tenure track, and non-tenure track faculty. That really says it's in the court of the Provost to hold these principles and see that they are accomplished. Does that help?"

Professor Phoebe Sengers, Science and Technology Studies: "When dealing with questions of non-tenure track faculty it seems to me that there are two philosophical positions that are taken, by members in my department at least, and one is the desire to adequately reward these people. These people are doing essential work for the University as reflected really eloquently in your report. But the other concern that is often raised is the fear that non tenure track faculty are becoming a second class of faculty and have the rights to everything that faculty have the right to except for tenure. By making that better and by expanding that, one sees for example, that if you have a spouse coming in, you have a spousal conflict that they are not offered tenured positions because the non tenure track position can be offered to them. Did your committee talk at all about those kinds of problems of this issue of exactly how many people the University should be trying to get in this class, or how to deal with this problem that they don't have access to tenure in this issue?"

Professor Scott: "We did the latter. We didn't talk about any numbers which would be some sort of barrier."

Professor Sengers: "No I don't mean that precisely but more of this bigger issue that people are worried that non-tenure track faculty are in fact becoming a second class and the University can't run without them, but doesn't need to reward them in the same way."

Professor Scott: "I guess my answer, and I would offer other committee members to respond, I would offer that the total context, if you take this report in total context, it has the tone to address that and there is no simple answer to specifically what you say. In substance and in tone I think this does try to put in context the right kind of approach."

Professor Muawia Barazangi, Earth and Atmospheric Science: "I am glad to see this happening. It is hard to believe it is finally happening at Cornell. I would like to make comments from my experience on certain number of pages. On page 11 when you talk about job security you said 'whose service at Cornell exceeds six years.'"

Professor Scott: "That is on the funding."

Professor Barazangi: "That is correct. I think that is too long. You really should consider the possibility of making it three or four years. And, also I recommend that you make it plain in general to the credit of those who generate more funds or their professors who create with them should be given more in the bank. Columbia University does that. It should be linked to how much they are funded or your research group."

"On page 13 on the consulting policy, you mentioned in the middle of the commentary comments to the Provost that senior scientists, senior research associates, etc., you should delete senior scientists because at the beginning you said clearly that you are not going to address senior scientists, senior scholars, etc. These titles are very limited and special situations. To make it consistent you should delete that."

Professor Scott: "You are not suggesting deleting the approach for them, the facts."

Professor Barazangi: "No, no, these are special titles as said in the beginning of the document. On page 14, you have for the professional development two items that research scientists and the research associate and senior, etc., that what they really always desire is to become PI on proposals. As you know yourself very clearly that many of our peer institutions allow research associates to become PI. Cornell does not. This is tragedy for many years. We really should add this for professional development."

Professor Scott: "Muawia, just a little correction. You can be, but you can't without going through a process."

Professor Barazangi: "I know that you were graceful and often in the past to always to approve such requests when you were Vice President of Research."

Professor Scott: "I'm not sure about always."

Professor Barazangi: "This is the problem and I know they were concerned with many professor and department and center directors, etc.. They don't want to give this privilege to research associates. There is some rationale for it, but there are a lot of positive aspects about this issue."

"Also we should mention, although this is not written here, the right to become a member of the graduate faculty for senior research associates. There is an avenue for that. It should be mentioned in this document that should be open and also become a member of the graduate faculty."

“On page 16, number 4 – funding implementation. You say that the University will allocate moneys for these through the colleges, etc.. This is unbelievable. It’s hard to believe that Cornell’s central administration will give a huge amount of money. This is a huge amount of money, in deed. I am glad to see that this is at least being visited. But I don’t know they will approve it. The concern is that those people, the same situation when tenure track can go on sabbatical, etc., who is going to do the teaching, who is going to do the research? Remember these are senior research associates. Usually these are the backbone. Really they are. The University is running on many of these individuals. We have to worry about that they are going to take six months leave how this will affect the research group and the flow of research. I don’t have a simple answer, but I want to raise this concern.

“Finally, on page 17 when you discuss the principal research scientist and research scientist we really should apply a sentence, or you should add a sentence there, saying that all the recommendations proposed in the other pages should apply to these two titles because as written in this document, these titles had not yet been approved by this body.”

Professor Scott: “Yes, at the time we wrote this of course they had not been approved.”

Professor Barazangi: “That’s correct. I should stop here. I have more minor comments but these are the major comments.”

Professor Scott: “Thank you. Please give them to us.”

Dean of Faculty Walcott: “Norm, may I say a word? In presenting this proposal to the central administration, their reservations were very much about issue of money that you have raised. I think the argument is that in theory they have no problem with a six-month study leave but a paid leave is going to be far more problematic. There is nothing that they see inherently wrong with that except the problem of finding the money to do it. The hope would be that over time perhaps the colleges could develop a small pot of money that can be competed for. But the prospect of the central administration suddenly funding all of this in one fell swoop is not very likely.”

Professor Barazangi: “But it is really not fair to go back to the colleges now (there are some deans here) and tell them now we have to find money in the system to fund such activity.”

Professor Emeritus Donald Holcomb, Physics: “I wonder if I could pitch in just a little bit as a member of the committee. We began with a charge laced with ambiguity in terms of a number of things. One is who are the faculty and there are obviously two classes. There are faculty with a capital “F” and those are people in this room and there are faculty with a small “f” who participate in the functions that one assumes go with individuals in the teaching and research faculty. We chose to simply take a specific group of people within the wide range of academic appointments. For example, post doctoral associates, teaching associates, and there are several other categories within academic titles, it seemed to us to choose a group and for purposes of this document define this as the faculty for consideration. I think the other thing which one probably should say is that some of this is a response to a scene which has changed quite a lot in

this University and in others. I think it is perhaps the cleanest in terms of the roles now played at Cornell by senior lecturers.

“These people are often not simply in the classroom in front of the students, but they are actively engaged developing the educational program within the department. They have contact with people of other universities doing similar work to develop the effectiveness of the teaching and learning. In those circumstances it seemed to us, that the same purpose of the sabbatical leave for the tenure faculty, which often crosses both teaching and research and scholarship. In this case and the case of the senior lecturers we are typically talking about part of the responsibility of the rest of us, namely the teaching part. But they still have the same qualitatively kind of responsibilities. And that I think is what’s behind some of these things; to take a realistic look at the way the University now is and who is doing various things and try to respond to it.”

Associate Professor Mike Lynn, Hotel School: “I want to speak a brief note of caution about extending more voting rights to these non tenure track faculty. I should preface what I am about to say. We have a number of lecturers and senior lecturers at the Hotel School. They do already have a fairly expanded set of voting rights and I need to say I am speaking on behalf of myself. I know that my opinions are not unique in the Hotel School but I do not represent the entire Hotel School in what I am about to say. There are plenty of people who disagree with me. My experience has been that there are problems associated with giving lecturers and senior lecturers voting rights. Their responsibilities are narrower. They have a narrower job responsibility in scope than faculty, therefore they take a much narrower view on issues than do faculty and often they take a position as a unit that is different from the position of the majority of the faculty. Supposedly, I presume, reflecting differences in general perspectives and I can give you a couple of concrete examples. If we are making a decision about changes in our core curriculum the lecturers and senior lecturers get a vote. They are very concerned about making changes because it impacts their hiring positions in a way that it doesn’t affect the hiring or the hiring employment positions of tenured faculty and it is not clear that their concerns always lead them to do what is in the best interest of the program. Similarly, we have made decisions about a new line. We have just made a decision recently about whether we wanted to hire a full professorial faculty member or a lecturer to do certain activities for us. Again this was put up to a vote and senior lecturers and lecturers had a vote and their voting no doubt was influenced in part by a desire to increase their numbers and political power within the school, not necessarily a decision from the best interest of the school. Again, reflecting, I think, on just a narrower focus of interest. I am guessing, I don’t have a situation where we have researchers but I am guessing that they also have a more limited or different set of issues. But they also have probably a more limited set of job responsibilities that will give them a narrower focus in making decisions in voting that may not be beneficial to the institution.”

Professor Rich Burkhauser, Policy Analysis and Management: “I would also like to talk about this development idea. I certainly support the notion of providing funds to non-tenured folks for professional development. I wonder whether this is the most effective way to do it. An alternative way to do it is to have this as a specific pot of money for people who have ideas that they want to develop. That gets to the question of teachers. What I am really concerned about is whether you have carefully thought about the cost

of this. Just to show you an example, on page 16 I think you have a typo that says that University will allocate monies to several colleges, schools and employing administrative units sufficient to cover the cost of the professional development opportunities described here. I think you mean one half the costs, because you are saying the schools and colleges will pay the other half. So I think it's half and half. Is that the way you actually meant it?"

Professor Scott: "Steve do you want to respond?"

Professor Shiffrin: "I am trying to find it."

Professor Burkhauser: "The point is, that I really wonder if you have thought carefully about it who pays this, why they pay it, and what the justification for paying it is. For instance, I see this as once you have tied this to a sabbatical notion you are really talking about compensation. My estimation, just a simple estimation if you get six months off every seven years, that's effectively an eight percent increase in cost that could be used for an eight percent increase in salary. That's a trade off. If you are going to increase compensation by eight percent why should you go into this mode of sabbatical? Why not raise salaries? Or, think more carefully if you really want to spend this amount of money, do we really want to do it in this particular way or do we want to think about more effective ways of getting what it is we are really talking about? I am not convinced that this kind of sabbatical idea is the appropriate one although it sounds like it might be. What I ask you is a test for the market, how many other universities of our type offer sabbaticals to NTTs? If in fact it turns out that many schools are offering this then we are missing something. The market is telling us something and we are not paying attention. On the other hand if no one is doing this then why isn't anyone doing this and why should we be increasing the cost by eight percent without carefully thinking through whether that is the most effective way to use that money?"

Professor Steven Shiffrin: "First, with respect to that, the committee did think about the money. If you read the proposal carefully there is no guarantee that anyone will get a professional development leave. What they are given is the opportunity to apply for a leave. It is entirely left open how much money that there will be. The committee was entirely cognizant of the fact that to grant everyone a professional development leave would involve a tremendous amount of money and we neither hoped nor feared that that would happen. We realized that it could not. And so what is really being done here, what is being proposed, is very modest. It is simply that this group of faculty should be eligible to apply for professional development leaves and that some amount of money should be made available. The people who come up with really good proposals should be afforded that opportunity. With respect to emeritus, it is similar. The people who get this are people who have done distinguished work in their capacity. With respect to voting rights, the deans have the opportunity under our proposal to determine who shall be eligible to vote. What our proposal does is to re-pass what the Faculty Council of Representatives passed many years ago, but it was changed afterwards and that was that this group of faculty, actually it's senior lecturers and lecturers, should be eligible to vote on those matters that are relevant to their duties. I was the one who proposed the amendment in the FCR a number of years ago. The examples I gave were things like the Law School calendar. Not to let these people vote on the law school calendar didn't make sense. If people don't have a vote they

often tend not to show up and speak. It was not to take into account what clinical faculty were doing and it seemed to me that tenured faculty had no privileged knowledge on the subject. We also had a vote on who should get keys to the building. It again struck me that this group actually did have some important things to say about when students should get access to buildings and when not. That is why I proposed it at the time, the FCR passed it at the time, and again the deans get the opportunity to determine what's relevant and what is not. The final thing I would say is that in response to the notion that what this does is turn non-tenured faculty into tenure and tenure track faculty. It's not just tenure that non-tenure track faculty do not have and we did not propose. There is a significant monetary difference between non-tenure track faculty and tenure faculty. From my perspective what this proposal attempts to do is to treat this group of faculty with more dignity than they are currently afforded without bankrupting the University."

Professor Peter Stein: "I must confess I haven't read this report that is on the web but I will. I have sat in this room for many years and heard a number of discussions about this issue. The question that comes to my mind more and more is what exactly is the difference between tenured faculty and non-tenured faculty? These presentations more and more have the characteristics that say there really is no difference between them. They participate equally in the teaching. They should be PIs. They should be members of the graduate faculty and so on and so forth. The question comes to my mind well exactly what is the difference between these two. I don't know if you addressed that question. The only answer that I think I have heard points to a difference (outside of the one that Steve mentions) and I'll state as much but that sort of an unfair answer to the question. Whether it is in construct, what is the difference between them? It is flexibility. If you have tenure you don't have flexibility to change the faculty and if they are not tenured then you have flexibility. And that is a plausible reason as research interests change and teaching interests change. Then I started to wonder if that is really true. Did you people ever check and see how many non-tenured faculty were discharged because the specialty they were able to teach had changed or something like that? Not fired for cause or not removed for cause but lack of funds or changes in the teaching emphasis of the department. I think that's worth studying because if indeed it doesn't happen then this notion of flexibility is in a sense a red herring. My guess is that I have never heard of anyone who was discharged for that reason and I wonder maybe there are. If there aren't then in fact maybe one should reconsider the whole question of why is it that we have differences between the two."

Professor Scott: "Peter my quick answer to you is if you go to page 5 and look down that list of those concerns and you don't see a difference between the tenured faculty and non tenured faculty in those concerns, I would be very surprised."

Professor Stein: "I'm not talking about the concerns, I am just wondering."

Professor Scott: "Well no those concerns represent the differences."

Professor Stein: "No they represent the differences but the question I have is does in fact the Administration in running this University take advantage of this fact that these people don't have tenure to respond to changes that happens in the research and teaching environment or not. And I just don't know the answer to that question."

Professor Scott: "Well in terms of the study that you raise that was well beyond our ability to address."

Linda Van Buskirk, Communication: "Actually those charts of yours Norm do address that in that the trend data suggests the steady increase in the number of research associates compared to teaching positions, in CALS at least. There are some differences. They are interesting trend data. The overall numbers stay the same, the allocation has changed somewhat."

Professor Scott: "Yes, there are some figures in the back."

Professor Scott: "Let me get to the woman in the back."

Associate Professor Rebecca Schneider, Department of Natural Resources. "A relevant point to that is that in our department many of our NTTs are actually on soft money. They come in associated with a grant, either full soft money or part soft money. They are there for the length of the grant and then leave, if other funding doesn't come up. So the issue of sabbatical for example, would that be offered to people on soft money? I would assume not. The issue of how much turn over there is, there is considerable turn over in those positions either due to the lack of funding or the people moving on. So the one reason I don't see it really dealt with in here is, yes they seem to get less money but really how many are on soft money, what is the relation of soft money to core funding?"

Professor Scott: "I investigated that some years ago in another position and clearly it depends on where you are, which college. For example in engineering there is nothing but soft money supporting people in this category. In other colleges it is somewhat different. This is just a quick response. But you are absolutely right. There are huge differences."

Professor John Guckenheimer, Mathematics: "I would like to suggest that one of the differences between this category of NTT faculty and the faculty with the capital "F" is the way in which they are appointed and evaluated and the degree of rigor which we exercise collectively in those appointments. I think the long term health of the University is very highly dependent upon the quality of the Faculty and I don't think that we put as much effort into ensuring that the appointments that we make to these positions satisfy the same standards that we do for appointments to the regular Faculty. I think that there is a danger in the long run if there is an erosion in the regular Faculty in favor of the NTT faculty in the long term health quality in the University unless we begin to also subject these appointments to the same sort of rigor that we make for the regular faculty."

Professor Scott: "There is a huge variation in colleges relative to that evaluation and promotion process."

Professor Peter Davies, Plant Biology: I would like to make a very similar point and I will just take it a little further. You are proposing extensive benefits for NTT faculty — leaves, maybe paid leaves, emeritus and emerita status. Regular faculty are not entitled

to these until they become tenured. So they need to spend six years and at the point of tenure, tenured faculty have had a very extensive review with many taking up to nine months, with many external letters. I would like to know what criteria for evaluations there are between the regular titles of lecturer and senior lecturer, research scientist, senior research scientist because the experience from my own department when I was chair was that a person went from lecturer to senior lecturer was an excellent person, not just on the basis of the number of years of teaching. Everybody is saying yes this is a great person and we'll give him the title of senior. That would not seem to be sufficient to merit these benefits that are now being proposed."

Professor Scott: "Even without those benefits I would agree with what you are saying and there was an effort some time ago to move the process for promotions in this group of faculty, in this group of non tenure faculty, in the direction of what you are talking about in terms of promotion review processes."

Professor Davies: "I would like to know where that is. I haven't seen it."

Professor Scott: "It's not specifically stated that 'thou must go through a process comparable' but the inference is certainly there. And the colleges are, I think, being challenged to look at that approach."

Professor Davies: "I would propose that such an addition needs be made to this document otherwise you are giving away privileges for nothing."

Professor Scott: "Not sure that I would agree with that."

Speaker Cooke: "We are close to the limit on the time to be allocated to this. Are there any final questions?"

Professor Scott: "I just saw Maria since we started. Maria hold up your hand as another member of the Committee." (Maria Terrell, Mathematics)

Associate Professor Nick Calderone, Entomology: "I think that we need to really consider the long term implications. It seems to be a very radical restructuring power between tenure and non-tenure track faculty. I think it opens up a potential for tremendous conflict of interest in using resources and so on. There are many positive things in the report especially regarding academic freedom and so on, but I think we need to really consider the specific problems that might arise if this is implemented."

Professor Shirley Samuels, English: "I think to echo a couple of these comments. I am extremely happy about the general sense of this committee's work to endow members of this community who work hard to teach students, to run matters in labs, to do a lot of work of this University with the sense of investment to the University. That is an integral part of the reason the committee spent two years working on this material and that I think is worth paying attention to and endorsing. But what I get from some of these other comments is that it does seem to be useful to think about some kind of overarching structure of evaluation that would continue to imagine a process of comparisons that there would be a standing committee, a standing committee would evaluate how proposals to make lecturers, senior lecturers, or to evaluate proposals for

funded leaves or to evaluate proposals for any of the privileges that are coming down here in a way that would satisfy faculty. All of these have to go through rigorous procedures of evaluation and that set of evaluation procedures was continuing to be in place. The thing that I am hearing without being a scientist I know that the process of the mentoring and distribution of favors within labs for example (I'm really on thin ice here), could endanger relations among departments and could endanger relations among colleges. And that might be some of the dangers of bringing people into some sense of unease about this proposal. If there were some possibility of imagining a standing committee or some possibility of continuing to propose evaluation procedures, perhaps the good spirit of this report, the good sense of rewarding academic citizenship in participation at Cornell, could be continued."

Speaker Cooke: "Any one from the Committee wish to add to that closing note about the report?"

Professor Scott: "We thank you for the comments and the discussion that has ensued."

Speaker Cooke: "We will end by six o'clock. We need to observe a formality so that the chair of the Library Committee can make a report."

Dean Walcott: "I call upon the Chair of the Library Committee to make a report."

Speaker Cooke, Chair of the Library Committee: "This will be brief. This is just to remind of the straw vote that (Appendix 17, #1) was taken in this room a year ago dealing with the Library and journal subscriptions. There was a general expectation that the library and the library faculty committee would pay attention to that issue and continue.

" The Library Committee recently adopted this resolution (Appendix 17, #2) just in time for the closure of the NIH comment period on this matter of open access of materials funded by NIH by public funds should be made available to the public has been worked out. There was an intense debate. We were not really a party to that. We added our comments at the very end. And here is summary (Appendix 17, #3) and it is a very important change that has occurred. A Conference Committee has approved this and Congress has spoken. It is now ready to be signed by the President. It is apparently in a bill that must be signed so it's in effect something that will happen. Peter Suber of SPARC, which is an American Research Library Association organization, says this is the largest single step towards on line, free on line access in the history of the open access movement. NIH is the largest funder of medical research in the world with a \$28 billion budget for next year alone. So something has been set in motion. The Conference Committee took out the mandates. It does not require a faculty member to put material on line. It puts the mechanism in place so that pressure could be brought, but it is voluntary but the expectation is that anything funded by NIH in the public interest would become available within six months of its publication in a peer review journal. This has enormous implications for the future of libraries and the future of access of the scholarly literature. Let me stop at that and see if there are any questions. We didn't cause it, but are delighted that it happened and wanted to report that to you."

Professor Locksley Edmondson, Africana Studies & Research Center: “Just out of curiosity, what language was most offensive to the administration? Do you have any idea? It says something Congress will remove the language in your original piece.”

Speaker Cooke. “It was sent back to NIH to do some final wording and we haven’t seen that yet. But the House and the Senate agree and it’s embedded in a bill that will be signed so we can expect this major title change to occur. But there are some details but the main thing was to change it from mandated to recommended.”

Associate Professor Brad Anton, Chemical & Biomolecular Engineering: “Is there any discussion of what will be the mechanism for releasing these results six months after they appeared in peer review journals?”

Speaker Cooke. “NIH has already funded PubMed Central and that would be the mechanism. But I don’t think the details have been worked out. I think that would be an archive or repository as a last resort or maybe the main repository. I don’t think it rules out putting them in a local repository but it means putting it out where the public and the rest of the world can get to it.”

Professor Anton: “Web site?”

Speaker Cooke: “Yes.”

Professor Burkhauser: “What are the implications for using in the classrooms now? Does that mean that after six months we can use these articles in our classrooms without asking for copyright permission?”

Speaker Cooke: “I’m not sure. That is an important issue and we will track it down. It means that it will be available for you to see it eventually without payment of a fee. What it means for the publishers and the publishers fought this fiercely because it shuts off the limit of time that they have a unique monopoly hold. It likely will mean that but I don’t think that has already been decided. We can track it down and let you know. It’s a good question.”

Professor Davies: “Will this also apply to NSF?”

Speaker Cooke: “It does not now apply to NSF but if the biggest kid on the block does it, it’s reasonable to expect that it will ripple through a lot of other agencies. I think it’s the beginning of a major change in the way we do scholarship.”

Professor Kathleen Rasmussen, Nutritional Sciences: “Speaking as the president of a society that publishes a scholarly journal that needs the profits of its journal to survive and I think many of you would probably be in a situation of being members in such a society, this is not necessarily good news. It is not only not good for Elsevier, it’s also not so good for our scientific society. It is something you do need to consider. The questions that were just asked about copyright are not trivial issues. They affect research, not just NIH funded research but published.....”

Speaker Cooke: "The legislature instructed NIH to work with the publishers to preserve the peer review system. It did not say preserve profits, which was an interesting observation. But it is a serious situation because a great many societies do charge more for their publications than it costs and use that money to subsidize some of the aspect of their work. That's a very common widespread practice. So it's a non trivial issue."

Speaker Cooke: "We have one remaining item, Good and Welfare."

Professor Steve Vavasis, Computer Science: "The subject I am going to speak about is extremely related to what Bob just talked about, although I didn't know that. In the Computer Science Department we were not aware of what was happening at NIH. I just want to tell you about a policy (Appendix 18) we adopted just within our department, which is that all papers emanating from our department (we just adopted this policy a couple of weeks ago) should be archived in a publicly accessible archive like arxiv.org which is the most famous archive for the physical sciences. The rationale for the policy (Appendix 19), I suppose many of you are already familiar with this, is unreasonable subscription prices from commercial journal publishers. That is the main reason. The second reason is that commercial journal publishers by instituting electronics subscriptions and pressuring libraries to switch over to electronic subscriptions are usurping the role of archivists. In other words it becomes Elsevier's job to maintain the collection of published papers over the decades and centuries rather than the libraries. We were uncomfortable with that and so we adopted this policy because we think scientists should be charge of the long-term health of their collective publications. The policy is new and we are still trying to figure out how to implement it (Appendix 20). The first thing I will mention is that the compliance is voluntary in our Department although we are taking it seriously. We are asking questions like what exactly or how do we do this, what does it mean in the long term for the refereeing process. We are not sure but we are thinking about it seriously. We are also still trying to figure how this policy interacts with conference policies, like double blind paper reviews and journal copyright transfer of agreements. We are putting together a web site for our own internal use that will try to explain these questions."

Speaker Cooke: "Questions?"

Professor Alan McAdams, Johnson School. "Are others following your lead or are you following the lead of others?"

Professor Vavasis: "We decided to do this on our own. We are not following anybody's lead. We would like others to follow our lead certainly. We are not in a position yet to provide that leadership because we would like to have more thorough investigation of the issue that is mentioned about copyright, double blind review policies and other things that might interfere with our policy. Once we have a slightly better handle on all that then we are going to try to become missionaries to the rest of our colleagues."

Professor McAdams: "But you know...."

Speaker Cooke: "The open access movement is very widespread internationally as well. If you are interested send me a note and I'll be glad to give you a reading list."

Speaker Cooke: "Anything else that should be announced before we adjourn? We are adjourned."

Adjourned at 5:47

Respectfully submitted,

Cynthia Farina
Associate Dean and Secretary of the University Faculty

**Report of the ad hoc Committee of the
Faculty Senate established to study the
status of Non-Tenure Track (NTT) Faculty at
Cornell**

web site

<http://instruct1.cit.cornell.edu/~sad4/NTTF>

Committee Membership

**Lynne Abel, Associate Dean, College of Arts and Sciences,retired,
Assoc. Prof. Classics**

Nancy Burton-Wurster, Sr. Research Assoc., Veterinary College

Stuart Davis, Senior Lecturer, Arts & Sciences

Donald Holcomb, Prof. of Physics Emeritus, *Co-chair*

Kathleen Long, Assoc. Prof. of Romance Studies

Mary Opperman, Vice-President for Human Resources

Norman Scott, Prof. of Biological and Environ. Engr, *Co-Chair*

Steven Shiffrin, Prof. of Law

Susan Steward, Director, Academic Personnel Policy Office

Maria Terrell, Senior Lecturer, Arts & Sciences

Pamela Tolbert, Prof. of Organizational Behavior, ILR

Linda van Buskirk, Senior Lecturer, A&LS

Appendix 3

**Non-Tenure-Track Academic Titles and Employees
as of 2/1/04**

Senior Lecturer 164

Lecturer 134

Senior Research Associate 185

Research Associate 261

Senior Extension Associate 163

Extension Associate 124

Librarian 125

Archivist 5

Total 1624

source: Academic Personnel Database

Appendix 4**Perceptions**

1. In a workplace increasingly driven by the need to reduce costs, the cost saving achieved by hiring NTT faculty becomes a motive for their employment. The heavier course loads carried by NTT teaching faculty is an example, although not the only one.
2. Where the labor pool is deep, cost-saving can be achieved without sacrificing quality of work.
3. Limited-term contracts allow for flexibility, allowing departments, programs, and units to respond to changes in enrollments and fluctuations in funding. This flexibility also allows for precise definitions of duties and responsibilities that can fill the continuing as well as short-term needs and demands of departments, programs, and units.
4. An assumption that has prevailed at universities for some time is that NTT faculty salaries are a secondary part of a family's income. This assumption (in addition to prevailing market forces) has contributed to the limiting of NTT faculty salaries and to concomitant limiting of status and of resources available to NTT faculty, particularly in fields heavily populated by women.

Principles

- 1. Quality of instruction, research, or public service is enhanced by faculty members' knowledge and understanding of how a department or program functions and of its central goals. This knowledge is acquired over time and represents a form of "workforce capital." Supported by experience and academic qualification, this "capital" can contribute significantly to the effectiveness of NTT faculty. All these should be factors in hiring and retention decisions.**
- 2. The depth of a given labor pool may vary considerably over time, and the only way to guarantee consistent quality of job performance is to hire from an excellent pool and then to assure some form of job security and opportunities for professional development. Constant rotation of NTT faculty brings with it the risk of hires from a less qualified and less motivated pool of candidates. Long retention of qualified NTT faculty and support of their professional development enhances their stake in and their contributions to the life of the institution.**

Principles (continued)

- 3. Maintaining flexibility is a valid reason for hiring NTT faculty, but the value of this very flexibility must be reflected in adequate salaries, appropriate professional development opportunities, and a respectful workplace climate.**
- 4. In this economic climate, no family salary is secondary, and financial well-being cannot be assumed. Adequate salary and resources contribute to a professional workplace climate and permit NTT faculty to perform their duties to the best of their abilities**

E-mail Survey (63 responses)

- **Job and economic security,**
- **Career advancement,**
- **Professional development,**
- **Ambiguity about status within the University, college and department,**
- **Salary schedule/incentives, and**
- **Titles, particularly relative to both being able to be a Principal Investigator for a research grant, and to the perception of agencies about the appropriateness of Principal Investigator status for people with certain of our present titles.**

Appendix 7

Open hearing November 2003 (> 60 attendees)

- **Access to an appeals process,**
- **Rights to academic freedom,**
- **Consistency of promotion procedures and appointments across colleges,**
- **Opportunities for phased retirement,**
- **Clarification on voting rights,**
- **Representation in the University, and**
- **Autonomy in research funding.**

Appendix 8

One response portrayed the ideal situation for NTT faculty:

We want to

- “1) feel that our contributions are valued by the University just as faculty programs are,**
- 2) work in an atmosphere where colleagues treat us as equals,**
- 3) have the ability to gather resources (e.g. grants) necessary to support our program area,**
- 4) have avenues for promotion built into the system and**
- 5) be adequately compensated.”**

The Committee’s work should provide means to attaining some of these goals.

Commentary and Assessment

- 1. Terms of Appointment, Performance Evaluation and Job Security**
- 2. Academic Freedom**
- 3. Professional Development**
- 4. Voting Rights**
- 5. Titles**
- 6. Retirement and Emeritus/a Arrangements**

Recommendations for Administrative Action

A. Academic Freedom

B. Consistency of Procedures for Appointment and Promotion

C. Job Security: Funding

D. Job Security: Access to Appeals

E. Access to Grievance Procedures

F. Consulting Policy

G. Salary Study

H. Phased Retirement for NTT faculty

I. Representation of NTT faculty at the University Level

J. Standing Committee on NTT faculty

Proposed Resolutions for the Faculty Senate

A. Professional Development Study Leaves

**B. New Titles: Research Scientist and Principal
Research Scientist**

C. Eligibility for Emeritus/a Status

D. Voting Rights for Continuing NTT Faculty

Proposed Resolution- Professional development-Senate

Be it resolved that the Senate calls on the Provost and officers of schools, colleges, and administrative units employing NTT faculty to create professional development opportunities for these faculty where they do not exist, in the form of paid and unpaid leaves and individual research and travel accounts corresponding to the following descriptions.

Proposed Resolution- New Titles - Senate

Be it resolved that

The Faculty recommend to the Provost creation of the titles “Research Scientist” and “Principal Research Scientist.” The net effect of creating these two new titles is increasing to four the number of titles available for researchers: research associate, senior research associate, research scientist, and principal research scientist.

Proposed Resolution- Emeritus/a Status – Senate

Be it resolved that the Senate calls on the Provost and the Board of Trustees to create emeritus/a titles to which senior lecturers, senior research associates, and senior extension associates with sufficient service may be appointed and to extend to them perquisites comparable to those available to their tenure-track colleagues upon their transition to emeritus/a status on these conditions:

Proposed Resolution – Voting Rights – Senate

Be it resolved that each college take separate action to grant all its affiliated and continuing NTT faculty voting rights appropriate to their jobs and that each department include its affiliated and continuing NTT faculty in decision-making related to their responsibilities. Such action does not imply participating in appointments and promotions of tenure-line faculty.

Be it further resolved that the word “directly” in the following sentence in the paragraph beginning “Lecturers and senior lecturers are not members of the University Faculty or of the Graduate Faculty (page 30 of the 2002 *Faculty Handbook*) be deleted:

However, they participate fully in those decisions that are **directly** related to their roles within the college or school and within the department.

Concluding Comments

The charge to this committee covered a large number of aspects of the professional life of non-tenure track faculty at Cornell. We believe that we have made some progress in sorting out where future investigation and possible actions are called for -- by the Faculty Senate, by the College administrations, the central administration and the University Trustees.

Appendix 17**Appendix: Library Board Report by J. Robert Cooke****1. Prior Faculty Senate Action:**

Accepted unanimously by the non-quorum (straw vote) of the Faculty Senate on Wednesday, December 17, 2003

[Here's the part relevant to the item being reported today:]

(5) Recognizing that the increasing control by large commercial publishers over the publication and distribution of the faculty's scholarship and research threatens to undermine core academic values promoting broad and rapid dissemination of new knowledge and unrestricted access to the results of scholarship and research, the University Faculty Senate encourages the library and the faculty vigorously to explore and support alternatives to commercial venues for scholarly communication.

2. Statement by the University Faculty Library Board sent to NIH and the members of Congress from New York State**An Expression of Support**

Cornell University's University Faculty Library Board endorses the plan of the National Institutes of Health (NIH) to make research articles based on NIH funding available to the public free of charge within six months after publication in a peer-reviewed journal. This plan is a major contribution to the goal that the results of scientific research should be made broadly available. It is especially important for research that is funded by the U.S. taxpayer to be widely available, and not restricted to those people who have access through expensive research libraries.

Submitted on 16 November 2004 by Professor J. Robert Cooke, Chair, University Faculty Library Board

3. Quotes by Peter Suber from the SPARC Newsletter

- "Congress approved the NIH plan. In July, the House Appropriations Committee directed that the NIH develop an open-access plan
- "In September the Senate declined to include similar language in its own appropriations bill. The two appropriations bills had to be reconciled in a conference committee.
- "Congress has spoken. The President still has to sign the appropriations bill, but all omens suggest that he will. Congress has put the language into an

omnibus "must-sign" bill and has already eliminated the provisions most offensive to the administration.

"This is the largest single step toward free online access in the history of the OA movement. The NIH is the largest funder of medical research in the world, with a \$28 billion budget for next year alone. The new policy will apply to all future NIH-funded research published in journals. The significance of this step is not that it's "mandated" open access from a public funding agency; it could have been, but both NIH and Congress want to deemphasize the "mandate." It's simply the largest single initiative to provide free online access to peer-reviewed scientific research. It's not only the largest to date, but because of the size of the NIH budget it's likely to be the largest ever. It will affect an enormous body of literature directly, and many other funding agencies and disciplines indirectly."

On November 20 the conference committee approved the following language: (My italics)

The conferees are aware of the draft NIH policy on increasing public access to NIH-funded research. Under this policy, NIH would request investigators to voluntarily submit electronically the final, peer reviewed author's copy of their scientific manuscripts; six months after the publisher's date of publication, NIH would make this copy publicly available through PubMed Central. The policy is intended to help ensure the permanent preservation of NIH-funded research and make it more readily accessible to scientists, physicians, and the public. The conferees note the comment period for the draft policy ended November 16th; NIH is directed to give full and fair consideration to all comments before publishing its final policy. The conferees request NIH to provide the estimated costs of implementing this policy each year in its annual Justification of Estimates to the House and Senate Appropriations Committees. In addition, the conferees direct NIH to continue to work with the publishers of scientific journals to maintain the integrity of the peer review system.

4. Additional background:

The final version of the House Appropriations Bill, H.R. 4818
<http://thomas.loc.gov/cgi-bin/bdquery/z?d108:hr04818>:

Conference report to accompany H.R. 4818, Joint Explanatory Statement
<http://www.house.gov/rules/stmgrp4818text1.htm>
 (See pp. 104-105 for the conference committee language on the NIH plan.)

New Computer Science Dept Policy

- All papers emanating from the department should be archived in a publicly accessible archive like arxiv.org.

Rationale

- Unreasonable subscription prices from commercial journal publishers
- Commercial journal publishers usurping role of archivist from the library

Implementation

- Compliance with policy is entirely voluntary, but colleagues are taking it seriously
- Currently trying to resolve issues concerning double-blind paper reviews and journal copyright transfer agreements.

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, March 9, 2005

Professor J. Robert Cooke, Biological and Environmental Engineering, Speaker Pro Tem: "The meeting of the Faculty Senate will please come to order. The Chair has the routine announcements that no photographs are permitted and no recordings of the session. If you have a cell phone, please turn it off. When you speak would you please identify yourself and your department for the benefit of the secretary.

"We do have knowledge of one Good and Welfare speaker and I have one additional thing and that is to ask for unanimous consent to swap the order of the two resolutions. One deals with titles and one with professional development. The committee would like to have professional development come first. The Dean of the Faculty indicates that he knows of no reason not to, so unless someone objects we will switch that order.

"We will call on the President."

1. REMARKS BY AND QUESTIONS FOR PRESIDENT JEFFREY LEHMAN

"The Secretary should note that my name is Jeff Lehman and I am on the faculty of the Law School. I should begin by conveying regrets from Bidy Martin. Originally this was going to be more of a tag team performance. There is an ILR Dean search going on and there is a candidate performing at this moment. And as Chair of the Dean Search Committee, she needs to be there. Bidy sends her regrets and you are stuck with just me.

"I thought I would just talk a little bit about what is on my mind these days and what I am up to. I know that when the President is invisible for a while, it's natural to assume that he is up to no good. And so I thought I would just tell you the kinds of things I have been working on and worrying about and leave plenty of time for questions.

"In some ways what is continuing to stay at the center of my thoughts is an extension of what I said in the State of the University address in October, which is the question of how we renew Cornell in the two dimensions that I intend to focus on – the beloved and the revolutionary. I will come back to the beloved part, I think, at the end.

"In the State of the University address, in renewing the revolutionary part, I identified three challenges where I thought Cornell could make a special contribution by drawing on our strengths in the humanities and the social sciences and mixing it together with our strengths in science and technology to address a set of issues that are often bridged too narrowly, in my opinion. I asked the Provost to form task forces to consider what more we could be doing, how could we better draw on our enormous resources, our enormous human resources, as well as our financial resources. To think about these areas she has assembled the task forces. They are meeting, and I think the task forces also have the capacity to add more members. I expect they will continue to evolve over time, and I am looking forward to what they have to say.

“One of the consequences of the State of the University was a recognition that we have a lot to do, and a lot of what we aspire to do is extensive. And that therefore leads to the second thing that has taken a lot of my attention right now, which is the campaign. In order to accomplish all the things that I deeply would like to do, we need a lot of resources - - many of which will come through a campaign, many of which will come from other sources such as government support, internal reallocations from various kinds if necessary. But, in order to really excel we really need to have an extraordinarily successful campaign. And so as of July 1st, we have been in the quiet but hardly secret phase of the campaign building what we call the nucleus fund. I have been spending a fair amount of time meeting with individual trustees and other good friends of the University to see where they would like to be in this campaign. The response has been very good. It’s still early and it’s too early to really know where we will really end up as far as what the goals are in this campaign. I am optimistic that we will be able to pull off a very ambitious and successful campaign to build endowments in particular, but also other programmatic and facilities needs.

“I will say this about the campaign. The process for identifying campaign priorities has been very impressive to me. It has been more systematic, better organized than what I have seen at other campaigns before. I have been impressed by it. It has evolved initially to be development of long wish lists through the colleges, the schools and the units. Those have filtered upwards to the Provost and she has done a lot of work to try to boil those down somewhat. The next step is then to take this somewhat boiled down set of wish lists and do what is described as a feasibility analysis. Not everything that we absolutely need is something that we can raise money for through a campaign. We desperately need to have hot water in the hot water pipes. But, there aren’t many too donors out there who will give hot water. So part of what is happening in the campaign in this stage, and this stage is actually going on right now, is kind of a search for a reflective equilibrium, which means the development folks and the academic folks identify a subset of things that we really need and that we believe we can pay for through a campaign. For the other complementary subset, we believe we will need to find other ways to pay for. It’s a process that is going forward, I think, quite well right now, but it obviously does have a ways left to go.

“Speaking of other resources, the State of New York is an important supporter of what we do, especially in the contract colleges. The governor submitted an executive budget in January. The executive budget called for a cut of approximately \$85,000,000 in the appropriations for the SUNY operating budget. The overall theory of the executive budget was that this would be offset by a roughly comparable amount of new tuition money that the different campuses would raise through a tuition increase of about \$500 per student. Unfortunately because of the way the SUNY budget is constructed, that wouldn’t have, at least as far as SUNY is concerned, carried through to Cornell in that way. That is to say, we would not have been asked to absorb \$500 per student’s worth of cut. The way SUNY works is that they would have asked that the cut be distributed in proportion to total appropriations to the University through SUNY. And because we have things like Cooperative Extension and Outreach and because in other respects it costs more to educate our students than it does to educate students on other campuses, the initial formulation of the cut that we would have received would have been much, much bigger. I have spoken with Bob King, the Chancellor of SUNY, about this and expressed the view, that at least in my lights, when a cut is rationalized in a particular

way in the legislature, the method of allocating the cuts should be consistent with that rationale, rather than through the traditional SUNY budget mechanism. I did not persuade him of that. We recognized that we are at a point of significant disagreement over a matter of some consequence. We concluded that the best way to avoid that unfortunate situation would be to find a way to get rid of the cut, so there would be nothing to allocate. So Bob King and I are united in a legislative strategy that is asking that the Assembly and the Senate and the Governor and to work together to not have an \$85,000,000 cut in the appropriations.

“If you have been following the papers the last couple of weeks, the revised revenue estimates of the state are auspicious. There is a lot more money in the state budget than had originally been forecast and we are asking that some of that go to not have a cut in higher education this year.

“We are receiving support from a number of our trustees who are well known in Albany on both sides of the aisle by the leadership in the Assembly and the Senate and the executive mansion. I guess since I am always optimistic, I am cautiously optimistic but I don’t really know where this will go. What we are being told is that the three leaders, that is to say, the Governor, the leaders of the Senate and the Assembly are sincerely committed to trying to do something different this year about resolving their differences in a more expeditious fashion. We don’t know and people still think it is unlikely that it will actually happen by April 1, which is the official deadline. But they are thinking much, much closer to April 1st than to August this year. All I can say is that this is something that is a paramount part of my personal time and attention because I think it is very important. These numbers are very big. They pass through to Cornell as very big numbers and I would rather not end up where we were two years ago.

“Finally, I’m going to circle back to what I said at the beginning, this question of renewal of the two dimensions of Cornell. In my State of the University address I spoke about a concrete approach to renewing the revolutionary. I had an announcement that I was going to have task forces working on these certain areas and I wasn’t as specific about the renewal of the beloved dimensions of Cornell. Nor am I going to tell you something specific now. But I just wanted to say a little bit now in this audience because I think that it is the faculty that ultimately will determine how successful we are at renewing the ‘beloved Cornell.’ And I have been thinking about a number of different dimensions of how we are constructed as an intellectual community, and how we relate to one another, and how our students relate to one another that are worth further thought and investigation. The Dean of the Faculty and I have been talking about a number of these over the last few months and I just want to report about the kinds of issues that I am lumping in my head when I think about the sort of beloved community questions associated with Cornell. They have to do with things like authenticity of presentation of ourselves to one another and how we teach our students to present themselves authentically to us as faculty, and to one another. This can come up for example if the students try to understand what it means to have committed plagiarism. And I see that in part as a question of authentic representation of oneself. When one does work for a grade, one is making the implicit statement that “this is me, this is mine; this is my work.” And, helping our students understand the lines around plagiarism really are the lines around being authentic. It is something that we talk to

students about; we talk together about it. In the University Assembly there has been a conversation going about the possibility of Cornell adopting an honor code. We are thinking about what our code of conduct looks like. And, I think this is actually a good location for this conversation to take place because it engages students and faculty and staff together in what is ultimately a project of collective self-definition.

“Beyond authenticity I think there are questions more directly about the faculty and how we construct ourselves as a beloved community and not an atomized professional community. For instance, issues around childcare, issues around dual career situations for our faculty, situations around single or unpartnered faculty members who are looking to develop a more robust social life. These matter actually to the kind of community that we are and how it feels to be a faculty member. Again, I think these are issues that I am thinking about and talking with various people about. I don’t have an action plan for all issues. In some areas there are task forces working on these things.

“The third dimension has to do with is a set of issues that I hear a lot about when I travel and represent Cornell in the larger world, and that has to do with intellectual diversity. Intellectual diversity is the way people who are critical of university often portray it. The charge is made that we are actually not serious about our diversity, or when people are really hostile they say we are hypocritical about our diversity and the charge is made, after we construct a community that is diverse or some would say not diverse in some ways, we then don’t really engage in an effective discussion that is real and serious about hard issues that are potentially divisive. Either we avoid them or we shut down before we disagree with established university position. And I am thinking about this. I am not persuaded by the critique in its strongest form. But I think it is, nonetheless, one that we shouldn’t be smug about. I think it is a critique that we ought to reflect on, listen to, ask what we can learn from it, rather than describing it in a defensive way. We need to ask what our affirmative aspirations are for how we interact and how our students interact with one another across all of the different dimensions that characterize the fully diverse community.

“And so I have been thinking about this too. I think this is an area that I will probably end up speaking about. I am always fishing for themes to explore. I think it is a serious question and part of what I worry about is that when we leave the campus and we get out there in the outside world, there is a caricature of what happens on our campuses that is repeated over and over and over again. I think that on any campus, or any large, complex community there is a large amount of activity that goes on that we would all think of as normal and healthy. Then there is a certain amount of pathological activity that happens that we don’t particularly like and there are people who are not particularly sympathetic to universities. These people are latching on to the pathology of the month and keep repeating it over and over and over again to the general public so that a lot of friends of mine will call me and say, ‘is this really true, is this what happens at Cornell every hour of every day, day in and day out?’ And they can describe an actual event that did take place. So out there, there is a distorted sort of a fun house picture of who we are. I don’t think the right way to respond to that distorted picture, maybe it’s the right way, but not the most effective way, is to simply say, that’s not true. I think we have to do something more than that.

“So that’s what I am thinking about these days. Why don’t I stop there and take questions.”

Speaker Cooke: “Questions for the President or vicariously for the Provost?”

President Lehman: “I’m happy to answer for Bidy.”

Professor Eric Cheyfitz, English Department: “Speaking to your concerns and I certainly share them about community and diversity, but if I could just get a little more concrete and focus in on issues of academic freedom and freedom of speech which are currently on the agenda across the country. This started I think probably last year at Hasgrove’s Resolution 3077 and now has focused in on various attacks on tenure at Colorado, the Churchill case, Columbia University, not a direct attack on tenure but on ideas that are in this case critical of the administration policies. I am wondering if you see some way that Cornell publicly through debate, through a forum for example, might get a discussion going that raises these issues above the kind of low level they are being discussed at in the media, at this particularly time.”

President Lehman: “My intuition is that yes, there ought to be a lot of things that we can do to address this. My own thinking has not advanced far enough to know exactly what my own voice ought to be on this. Hopefully, I think my voice can be helpful on this but I have to find it first and that is taking a little bit of time. I also think it’s really important that faculty speak in their own voices. I am a believer in the importance of individual faculty members speaking for themselves to large public audiences about issues where they are experts. I think all of us, if we are living in this kind of community, we know a lot about academic freedom. We know a lot about why it is important for individual faculty members to be able to speak in ways that are unpopular in the larger society, unpopular with the government, unpopular with the President of the University. We know why that is so important and I think something is lost in the translation when all you have is a CNN reporter giving a three-sentence sound bite about academic freedom. And something important is lost because I do think the quality of public discussion on this is not very good. The idea of a forum is terrific and I think this is a very serious issue. The House Bill you mentioned, the Academic Bill of Rights as it’s called, if you look at it there are a lot of elements to it that I think most of us could find unobjectionable on their merits. They would say things that we actually believe. What is animating them is more problematic in my view and the originating principle that this is something that the federal government should be dictating to us rather than we evaluating ourselves is deeply troublesome. But I don’t think we are going to be effective in public debate if we don’t at least begin by acknowledging that some of what’s in there is actually what we really believe. I think if all we are doing is standing in a defensive crouch, I think people will dismiss us as just another self-interested political activist.”

Speaker Cooke: “Anyone else?”

Professor Dick Durst, Food Science and Technology (Geneva): “I was curious about these task forces that Bidy is setting up. Is there somewhere on the University website a description of these and their purview?”

President Lehman: "I don't know the answer to that. I should answer for Bidy and say of course there is, but I don't honestly know. The place to find them would be through the Provost's page. Actually our web guru, Tommy Bruce, is here. I don't know if he knows."

Tommy Bruce, Vice President for Communications and Media Relations: "If it's not there, I'll talk to Bidy and get it there."

Speaker Cooke: "The answer was to check the Provost's web page."

Professor Jane Fajans, Anthropology: "The other major event in the news that surrounds academia is President Summers' remarks on women in sciences. A lot of discussion has been going on at Harvard around that but not so much around the country. Shouldn't we also be addressing this? As an anthropologist I would love to be involved in addressing some of these issues."

President Lehman: "The President has a daughter who is a grad student in mathematics."

"I do think that the underlying issues of the conference which were about the importance of greater representation of women in math and science are very important. I think that these are issues that ought to be thought out carefully here and the Provost and I have talked about this as well. I might say the working hypothesis that we have is that it is important if we are to be successful in increasing the numbers of women in math and science here on the faculty that we pay attention to some of the elements of community that we talked about earlier. That is to say there are environmental interests that we ought be looking at in a thoughtful and self-critical way."

Professor Fajans: "I would call them cultural features."

Professor Cynthia Farina, Law School and Associate Dean and Secretary of the University Faculty: "I am very intrigued by your first point of examining how we are contributing to our students' development of perception of self when we talk about how they are presenting themselves. I want to suggest that you think about adding to that something we might call how a sense of personal responsibility is an element of their perception of self. I am thinking of conversations I have had within this academic year with colleagues about students not showing up for exams, not showing up for make-up exams, and then complaining bitterly about how our not allowing them to take another makeup exam will harm their future, as if this were not their problem in the first place. Or a colleague teaching a grad level course who has a great deal of difficulty getting papers handed in on time. One student who e-mailed him, almost as if a matter of courtesy, and said 'oh the paper is coming along very well, I'm not going to be able to get it in on time but I'll keep you informed of how I'm progressing.' I think from my experience - - over now almost 20 years I have been teaching that there is a growing sense that even the best of our students increasingly approach our expectations as if they are sort of the starting point for negations, and that rules are really something that they don't have to take very seriously or take responsibility for reading, no matter how often the materials are given to them. They don't seem particularly apologetic for not having read them when they fail to abide by them and are unwilling to deal with

the consequences. I'm sort of astounded that I sound so curmudgeonly about this. But I do actually think that we need to examine our own institutional responsibility for helping to create a group of young people who don't have much of a sense of personal responsibility. I don't know that we are doing them any favors any more than we do our children any favors as parents if we relieve them of the obligation of knowing the rules and following them or allow them to use every expectation as a tool for negotiation. I just wonder whether maybe we have gone too far in trying to alleviate some of the rigors of what we remember of the harshness of our own experience in school."

President Lehman: "What this reminds me of is I spent a couple of years living in France and learning about the tax system there. I remember being told that in France it is understood the tax return is to be an opening bid -- your suggestion that our rules are understood by our students to be the opening bid. But what it also tells me is that this is an area that is a collective action problem, because our students' expectations of what is appropriate for them are shaped not by any one of us. They are shaped by their experience of everyone. I think it means that this is a matter that needs to be a subject of community discussion with the faculty so that at least we understand what the range of views is on this. I think most faculty members would say that their own behavior and what they tolerate from their students is not actually where they would like to be. But they don't feel like they have a lot of choices because the sense of student expectation is so strong. There are members of the faculty -- and I know this from talking to students -- who are somehow able to create a different understanding of what their expectations are. They are able to have the students know that 'oh, that Professor X is not an opening bid' and that they really need to work. The students actually are able to adjust their behavior. It might be helpful for us to find out who those faculty members are and have a serious conversation with them about exactly what they do. I know in this climate today that this is something that requires a conscious decision and a conscious effort and a certain willingness in being understood as a curmudgeon, although often a highly respected curmudgeon by the students. And the ultimate paradox of this is that these are adult students although they are happy to try to push on us, they don't necessarily respect us for our roles."

Speaker Cooke: "We have time for one more at least. Yes."

Professor Steve Shiffrin, Law School: "This probably won't be a very popular position but I'll take it. Cornell, I think rightly, moved from being established as a Christian non-denominational university to being a secular university. And it strikes me that it is perfectly appropriate that Cornell not take positions on what God has to say on any subject or whether there is a God. At the same time so far as I am aware, and there might be one or two exceptions, I believe there is not a single theologian on the tenure or tenure-track faculty. There are some courses which have theology in them. To teach the bible as literature, it's a little hard to avoid it. In the religious studies program there is, for example, a course comparing the Jewish tradition and the Christian tradition and the Islamic tradition, and so forth. But it strikes me that our students, I was thinking, I saw posted on some web site that talks about how people on the secular left would have no clue as to how to respond to people on the religious right, on the religious rights' premises, that they wouldn't know how to engage in a theological conversation, and vice versa. And it strikes me that that's not good education. And the other point I

would make is in the program of ethics and public life for example. If there were conversations about war, it strikes me that having people who are both theologians and who are not theologians would be good. Many theologians are pacifists, some believe in the just-war doctrine. There are debates about which condition should apply for a just-war doctrine. It strikes me that to have a robust dialogue within a university, it makes sense to include theologians along with non-theologians. I don't know how this came about but it does strike me that if you are thinking about intellectual diversity that religion should be one of the things you think about."

President Lehman: "I accept the point. And I am actually curious do you know if there was a time in our history when we had theologians on the faculty?"

Professor Shiffrin: "Yes. There is a book by Madsen. I'll send it to you."

President Lehman: "Thank you."

Speaker Cooke: "If there is a very short question, we take that too."

Professor John Forester, City and Regional Planning: "I was struck by your reference to people asking you 'if this is really happening?' There seems to me there are internal and external dimensions to that. Does this kind of thing really go on on the campus? There's an external question which peculiarly is what have you done for me lately? How does the University relate to the outside world as if educated students didn't already answer that question. But it does seem to be still an important question that the University has tried to address very articulately - how it is that we connect to industry, to communities, to international development and so on? I think we have huge opportunities to address that. There are a individuals on my faculty that I think are extraordinarily gifted. If we don't do that I think we are really missing the mark. There's a suggestion and a question to you."

Professor Lehman: "Well if it's a question whether I agree with it, I agree with it. The suggestion is right. It's not as easy to gather information systematically about the University as I had thought it would be. And that is simply a statement about my own extraordinary naiveté. But we are in the process of trying to gather information about that and disseminate it into various ways. We talk about different aspects of it and some times we produce little brochures about certain aspects of it. So for example we would have brochures about our extension programs. We'll have brochures about technology transfer. We will talk about some elements of it. But when I talk to people what I find is that our penetration into the life of action beyond the life of ideas is much, much deeper than was generally perceived. That is true of universities in general. But it is especially true here. I think that goes back to the understanding of what makes Cornell special."

Speaker Cooke: "Thank you President Lehman for engaging in faculty discussions.

The Dean of the Faculty is recognized."

2. Remarks by Dean of Faculty Charles Walcott: "I'll be very brief with just a couple of announcements of coming attractions. Apparently the Law School is likely to request

the notion of clinical professor and a proposal will be coming forward through the appropriate committees and so on very soon to then be brought before this body for discussion. Furthermore we are in the final stages of the Corporate Strategic Alliances report thanks to Cynthia Farina and we are discussing with the Deans the final stages, at least what I hope are the final stages, of having a suspension policy. And so these are all things that are in the works."

3. Approval of the Minutes

Speaker Cooke: "The speaker will now ask for approval of the minutes. The typically, expertly-prepared minutes. The chair is aware of no corrections. Do you have any corrections for October 13 or December 8? Hearing none they are approved as distributed."

4. Report on Nominations and Elections Committee

Associate Dean Cynthia Farina: "We have a brief report from Nominations and Elections. Two of our colleagues have very generously agreed to fill in for people who are on leave this term. I am going to ask for your approval of these."

Report from Nominations & Elections Committee

March 9, 2005

Library Board

Jonathan Culler, English

Nominations and Elections Committee

N'Dri Assié-Lumumba, Africana Studies & Research

Speaker Cooke: "Is that it?"

Associate Dean Farina: "That's it for this."

Associate Dean Farina: "This is the slate of candidates for the at-large faculty senate positions and there are two elected committees, Nominations and Elections and University Faculty Committee. And I just want to point out to you that there is one additional nominee, Professor Baugher. I apologize we didn't get name on the original mail to you but we are very pleased to have Professor Baugher added to the list. I think we have a very strong slate for you and a slate that is selected as usual taking in account of the people who are ongoing members of those committees and trying to balance them disciplinary and unit membership primarily. Although there also some other demographic categories. Of course we don't know what the final election results will be."

SLATE OF CANDIDATES

(All terms commence July 1, 2005)

AT-LARGE MEMBER, FACULTY SENATE (tenured) - 2 vacancies, 3-year terms

Philippe Baveye, Associate Professor, Crop and Soil Sciences

Anne Blackburn, Associate Professor, Asian Studies

Charles Greene, Professor, Earth and Atmospheric Sciences
Jerome Hass, Professor, Johnson Graduate School of Management

AT-LARGE MEMBER, FACULTY SENATE (untenured) - 1 vacancy, 3-year term

Jakob Rigi, Assistant Professor, Anthropology
Sergio Servetto, Assistant Professor, Electrical and Computer Engineering
Ding Xiang Warner, Assistant Professor, Asian Studies

NOMINATIONS AND ELECTIONS COMMITTEE – 2 vacancies, 3-year terms

Jonathan Culler, Professor, English
Tove Hammer, Professor, Industrial and Labor Relations
Steven Stucky, Professor, Music
L. Joseph Thomas, Professor, Johnson Graduate School of Management

UNIVERSITY FACULTY COMMITTEE - 3 vacancies, 3-year terms

Rosemary Avery, Professor, Policy Analysis and Management
Richard Durst, Professor, Food Science and Technology, Geneva
John Forester, Professor, City and Regional Planning
Daniel Peter Loucks, Professor, Civil and Environmental Engineering
David Pelletier, Associate Professor, Nutritional Sciences

Speaker Cooke: "Are there any additional nominations? The Nominations and Elections Committee brings the slate to you but you have final approval of the slate. Okay. Is there unanimous consent? Any objections? Done."

Speaker Cooke: "The next item is presentation by the chair of the committee on Educational Policy, Professor Ann Lemley."

5. Discussion of Proposed Revised Final Exam Schedule

Professor Ann Lemley, Textiles & Apparel and Chair, Educational Policy Committee: "Thank you. It's interesting that President Lehman talked about an honor code and that discussion because the discussion actually began in the Educational Policy Committee. Well, actually it didn't begin there. It began earlier than that but an issue arose about excuses for exams and we, among others, went to the University Assembly and as we discussed a different specific topic it was graduate students on the University Assembly who had been to other undergraduate institutions who brought this topic up and it really snowballed. I am delighted that the President was at the next University Assembly meeting because EPC felt strongly, even though we weren't going to have a resolution on it, we were in support of a broader discussion of this topic at Cornell. We saw real interest on the part of undergraduate students, graduate students and some very dedicated employee staff members on the University Assembly. So that's one of the things we have been thinking about and talking about on the Educational Policy Committee. The other thing we have been thinking about and talking about is the implementation of People Soft as a method of handling all kinds of data about students,

which will have some implications with how we interact. We'll get back to that at a later date. But today, I want to tell you something about a project that really went on last year when I wasn't on the committee and that has to do with an approach to the way the final exams are scheduled. And then I am going to ask you to think about a second topic, which is changing the time.

"And we have to give tremendous credit to Bob Bland in Operations Research and Industrial Engineering and his two colleagues Dmitriy Levchenkov and David Shmoys. As the President said, we are pretty smart about a lot of things and, wow, what a concept! Somebody in Operations Research and Industrial Engineering used his ability to do an optimization program to take the 21 groups of examination periods and play around with what goes in those groups. One of the funniest things about this whole thing is you find that some of the students' conflicts are the ones that occur because students are taking two classes at the same time all semester. That's for real. But they optimized the 21 exam periods and they looked at data for a variety of past semesters and tried to minimize the occurrence of two exams back to back, three exams in 24 hours and so forth. There were significant complaints from the Student Assembly and from students about the three exams in one day. It is recommended you have an excuse but it's not required. They went and talked to the Student Assembly, got ideas, found out what the biggest problems were and came up with a program, which is effect for your spring exams. So if your exams aren't exactly where you expected them to be, the new program is in effect. This new programs gives fewer - 116 less -- three exams in one day, it gets it down to a pretty low number (Appendix 1). Many fewer exams are back to back, fewer three exams in 24 hours and a few more of two exams in one day but not back to back. And that was the tradeoff. They did a fabulous job.

"As discussion went on, the topic of the times of the exams came up - because if you ask students what their complaints are about final exams, you get answers. This came from the University Assembly and David Yeh, the University Registrar asked me then as Chair of our committee to have our committee talk about it. And as we all know students still live in a different time frame than most of us. There actually is some research that supports that for adolescents and now we find out that they are not very risk adverse until they are 25 or so and not terribly personal responsible either. That's quite a job teaching these kids. They would like to lessen the stress. Maybe if we do these things then they will do some things, they will take some responsibility for showing up for the exams and not wanting to have as many excuses. On this overhead (Appendix 2) you can see our current final exams are these three-hour periods at the top: 9 o'clock, noon and 3:00. At the bottom are suggested changes, and the students would love for us to make these changes, giving them more time in between and giving them at that time when they are really bright. (You know at seven o'clock at night.) Dining has agreed to keep certain dining halls open for longer periods of time. This is not a voting issue. It is not a resolution. It's not a resolution from my committee. It's not a voting issue for the Faculty Senate but I would like some input and David Yeh wants some input. We realize Friday nights are potentially a problem and we would try to make that a make-up night. I don't know if that came up at the University Assembly but we assume that that would be somewhat of a difficulty the same way we don't do Saturdays and Sundays. So I would welcome questions in the time left. "

Speaker Cooke: "There are no resolutions for you to act upon but there is time for questions. And if I may I would like to extend my appreciation to Professors Bland, Levchenkov and Shmoys from Operations Research because this is not a trivial piece of work that they did. It really does have an impact on the quality of life and indirectly on the learning environment."

(Applause)

Professor Lemley: "They did a fabulous job. Comments. We'd like comments. I don't have answers"

Professor Ronald Booker, Neurobiology and Behavior: "I look at the schedule and I am trying to imagine that I'm a student and I see one small problem. Even as a student around 9:30, especially after an exam, I still feel wiped out. I remember taking exams up until about 5:30 or 6:00 and becoming replenished with dinner and then would go back to the library to study for the next day's exams. Nine thirty I would go back up to my room and settle down with a list of questions I should have gotten right. It's now eleven o'clock and I would study for my next day's exams."

Professor Lemley: "I think that's what they do now. But that's why they seem to be interested. But that's a good question."

Professor Booker: "The question is are they really quite stressed, or do they think they are stressed. How do you tell the difference?"

Dean Walcott: "It might be worth pointing out that the registrar is running a student survey even as we speak to collect a broad spectrum of student opinion about which they prefer. We should know much more detail from the students. Really the issue we are interested in here is from a faculty perspective. What kind of problems does this cause for us?"

Professor Lemley: "Would you be awake at 9:30 at night?"

Professor Brad Anton, Chemical and Biomolecular Engineering: "I think that I am the curmudgeon that Jeff Lehman was talking about who is kind of hard on the students who gets respects for. I think this stinks. I don't want to have to give exams 7 - 9:30 at night. You know it's just a job. It's a profession and I think working from 8:00 in the morning to 6:30 or 7:00 at night like I do now is probably good enough."

Professor Lemley: "Okay. That's an opinion."

Professor Sherene Baugher, Landscape Architecture: "I actually think this is great because how many exams are we going to give if we are teaching two courses? So it's not going to be an inconvenience. I have to put my vote to have our exams 7:00 to 9:00 so it's going to inconvenience one evening for a whole semester. But if it improves the quality of life of the students, I think we should do it. And I think we should have a test period to see how it works."

Professor Lemley: "The students do take evening prelims as we know in the large courses so there is a fair amount of that."

Professor Kim Weeden, Sociology: "A related question to Dr. Anton's point and that is do we know how many non-traditional students we have? I know I have a few in my class who would in fact be quite inconvenienced by a 7:00 to 9:30 exam. They have families. They drive from Syracuse or wherever so I think yes, the majority of our students might prefer this but there is going to be a cost to a presumably non-trivial number."

Professor Lemley: "Well if they ever took chemistry, they are already taking a prelim at night."

Professor Subrata Mukherjee, Theoretical & Applied Mechanics: "Actually I like the second plan a lot because I have been here more than 20 years and nobody's complained about an evening prelim. I have done it all my life because usually I teach large courses."

Professor Andrew Ramage, History of Art: "I think part of the problem with this evening one is that you are at risk for a whole week. It may be just one exam that you give but you don't know until you hit the first day of the semester when your exam might be. And many times one has organized other things in their plans. So I am not too keen about that last block."

Professor John Forester, City and Regional Planning: "I wish to come back to the non-traditional student question and get some data. Is there some way you poll and find out the number?"

Speaker Cooke: "Any one last question? Okay, thank you. We have two resolutions for consideration. Ten minutes are allocated to each. We have agreed that we have changed the order so we will consider professional development opportunities first. The Chair calls on Professor Norman Scott who is co-chair of the committee that has spent many, many hours working on this."

**6. Resolution from Non-Tenure Track Faculty Ad Hoc Committee
Recommending that the Provost and Officers of Schools, Colleges, and
Administrative Units Employing NTT Faculty Create Professional
Development Opportunities**

Professor Norman R. Scott, Biological and Environmental: "Thank you. I have put up the resolution (Appendix 3) and I will only say a couple of things about it, leaving the rest of the time for any discussion. If you go back to the report which was given in December, you will see that for this particular resolution there has been an additional four words added 'as closely as possible' to the following descriptions. And if you were to go back to that which you have, I would just want to note that there are four primary points that fall under descriptions. And that is a discussion of eligibility, of duration of service before being eligible, and the fact that proposals must be made, and applications submitted to be able to obtain permission and approval for professional development

opportunities. And with that I would leave the floor open for discussion and any questions."

Speaker Cooke: "Resolution is pending. It requires no second because it came from a committee. The floor is open first for questions to Professor Scott and then for debate. Clarification questions first. Okay, open for any questions."

Professor Farina: "A clarification question. Am I right in understanding that in the provision for leave without pay, the idea there is that those would be available as a right to everyone, whereas the professional development leave with pay would be a smaller number made discretionarily?"

Professor Scott: "I'm not sure it's easily able to be separated that way because we talk about the fact that it's after six years of service in the case that you ask about."

Professor Farina: "Oh yes, I'm sorry it is for people who qualify with the eligibility standard. But the notion is that unlike the professional development leave the leave without pay would be something that would be routinely available to everyone once you have met the eligibility requirements. Is that correct?"

Professor Scott: "Yes. Certainly, more so."

Speaker Cooke: "I want to call attention to the fact that Professor Donald Holcomb the other co-chair is seated over there and can entertain questions if you wish to send them his way."

Questions? Are you ready to vote? I'll give you 30 seconds to be sure. It appears you are ready to vote."

Professor Muawia Barazangi, Earth and Atmospheric Sciences: "Excuse me. Are you discussing the new pages that were sent?"

Speaker Cooke: "We are discussing this resolution and the supporting whereases."

Professor Scott: "There were whereases and the following description laid out how the process would be the followed."

Professor Barazangi: "I would like to make a comment. First of all this only mentions the senior research associate and senior extension associate, but there's no mention here of the new title of principal research scientist that we voted for which is supposed to be more superior than these. Is that for later comment when we will discuss that?"

Professor Scott: "Yes. It is my understanding, I may be wrong. Let me ask. I don't think those have been officially approved yet, have they?"

Dean Walcott: "Yes they have."

Professor Barazangi: "What you meant was really that these are more than the position was needed more so than senior research associate and of course the other thing which I

mentioned last time, there is no mention, but I assume it's being assumed senior scientist, senior scholar, and non tenured professors will be added later."

Professor Scott: "Clearly the committee would have no difficulty with adding those particular titles to this grouping."

Speaker Cooke: "We are voting on the resolution as presented since there are no additional amendments in the hopper."

Professor Barazangi: "The other issue really of concern which again I raised last time that senior research associates work with individual faculty, not all of them but a lot of them, and for them to ask for a leave really it should be, it's a very tricky situation, when supported by grants and has to be worked out with the PI of that grant or unit or section. This needs to be again addressed here."

Professor Scott: "I think it is in the sense that it's first of all begins with the units or the departments so within that context what you raise in terms of the PI and so forth should be addressed there."

Professor Barazangi: "And finally really the issue which you said here the University should work with similar colleges to find funds available for paying for this. Again, this is a really... You are putting a lot of responsibility on the shoulders of deans. I have yet to see a Dean in 34 years of my presence here that did not really claim poverty."

Speaker Cooke: "Professor Shiffrin is a member of the committee."

Professor Shiffrin: "I just wanted to mention what I said in the last meeting in case there are a number of people who weren't at the last meeting. This resolution does not say that all such faculty will get professional development opportunities. It doesn't mandate any amount in a budget. The Provost will decide how much money can be made available for this. But it will give the opportunity for everyone to apply for whatever pot of money is made available."

Speaker Cooke: "I point out that if you have discomfort with the resolution, an amendment had to be distributed 24 hours before the meeting in order to be voted on."

Professor Alan McAdams, Johnson School of Management: "Unless you ask for unanimous consent to make the change."

Speaker Cooke: "I don't think so."

Professor McAdams: "I find it a problem not to know what these additional titles that are going to be added before we take a vote. Because if I understand Norm we are saying that those that have been approved will be included. Well, what are they?"

Professor Scott: "Well, there are the two new research titles Research Scientist and Principal Scientist and Senior Scientist. Is there another one?"

Professor Barazangi: "There are the Principal Research Scientist and Research Scientist. We are discussing the issue of should there be Principal Research Scientist but then there are two other titles with only a handful of people, two or three people in each, Senior Scientist and Senior Scholar. Then there is the issue that Bill Arms will discuss later of non-tenure track professor."

Professor McAdams: "Are they being included or not and how do we include them except by unanimous vote?"

Speaker Cooke: "You cannot by unanimous consent. I would like to read. It says *non-substantive, that is stylistic, grammatical, or clarifying amendments may be freely introduced at a meeting without prior circulation. The speaker will rule substantive amendments out of order.*"

Professor Shiffrin: "It seems to me that it would take an additional resolution to add people. That this, if it passes, will then go to the Provost and the Provost will read the minutes of this meeting and is perfectly capable of recognizing that it was not the intent of the committee to exclude these other titles and it would be the Provost who would make the decision in the end as to what titles should be included or not included. So, I don't anticipate that we will need to come back to have another resolution.

Professor McAdams: "Point of Order."

Speaker Cooke: "Point of Order."

Professor McAdams: "How can you call that then non substantive?"

Speaker Cooke: "I didn't make a ruling. I am just reminding you of the rules."

Professor McAdams: "I would like to know what we're doing."

Speaker Cooke: "You are going to vote, if you choose to, on the resolution as it is presented. If you wish to modify it, you must have 24 hours prior notified your colleagues that you intend to change it. You cannot surprise them and do it on the spot. That's the rule for many, many years now. The Speaker makes no ruling as to what it was until someone tries to change it. Then the Speaker will rule.

Anyone wish to speak? Are you ready for the vote?"

Professor Holcomb: "I have been around this place a long time. I'm surprised at the passivity of this group. I hope that you have all thought through this with some care because we are talking about here something that makes a significant effect upon the effectiveness of our learning. And perhaps people have thought this through and that's very good. What we are talking about here is recognizing that there are people, Senior Lecturers, Senior Research Associates, Senior Extension Associates about which I know less, who are engaged in the same kind of intellectual development, improvement, finding new things, seeing whether they are doing the right kind of thing, in this case either learning or research. It is necessary now because there are substantial cadres to these people who did not exist 30 years ago. The flavor of teaching and learning has

really changed and I think this is recognized and I hope that everyone is aware of that when you will, I hope, approve this motion."

Speaker Cooke: "I have time for one more question if there is another one."

The Chair assumes you are ready for the vote. If you are in favor, say aye. All opposed, say nay. It clearly carries. If there are no protests, it's carried."

Speaker Cooke: "There is a second resolution from the same committee that deals with titles. And here is the resolution."

7. **Resolution from Non-Tenure Track Faculty Ad Hoc Committee
Recommending that the Provost and Board of Trustees Create Emeritus/a
Titles to which Senior Lecturers, Senior Research Associates, and Senior
Extension Associates may be Appointed**

Professor Scott: "Again we will follow the same procedure. You have seen the supporting information (Appendix 4) that describes these conditions so I won't go into that, but it's got the same kind of expectation. There must be serious, meritorious and distinguished record to justify this type of recognition. And so with that I leave it for questions and discussions."

Speaker Cooke: "There's a proposed amendment which the chair will entertain first. Professor Arms has it and let me put it up."

Be it resolved that the Senate calls on the Provost and the Board of Trustees to create emeritus/a titles to which Non-Tenure Track Professors, senior lecturers, senior research associates, and senior extension associates with sufficient service may be appointed and to extend to them perquisites comparable to those available to their tenure-track colleagues upon their transition to emeritus/a status on these conditions:

William Arms, Computer Science: "It's the underlined words on this slide, to add non-tenured track professors to the list of faculty. I think in all honesty I should admit a vested interest in this, being someone in this category. But I believe that this is an oversight and not a controversial issue."

Speaker Cooke: "Is there a second? The chair is aware that the committee has agreed that this is a friendly change and has no objection to it so let me try unanimous consent. Does anyone object to incorporating those underlined words? Hearing none, it's part of the motion."

Professor Mukherjee: "This is just a reminder but I thought you want to say the other one, this is tenure track and tenured colleagues. ---- I mean as you get tenure track and somebody who is looking for tenure and hasn't got it yet. Tenured is one who does."

Professor Scott: "I guess you are looking at this last ..."

Professor Mukherjee: "Third from the last."

Professor Scott: "Right there."

Professor Mukherjee: "Yes. Is that tenure track and tenured colleagues? I think that's a friendly change."

Professor Scott: "Actually what it was really trying to say is that we wanted to make this title available as it is now available to tenure track colleagues."

Speaker Cooke: "So do you include both groups as under tenure track?"

Professor Mukherjee: "That's what you are probably saying."

Speaker Cooke: "He is asking whether you include both."

Professor Scott: "My first reaction would be there is no harm done with non tenure being added but I am not 100% sure that there isn't some reason."

Speaker Cooke: "Professor Shiffrin do you care to add to that?"

Professor Shiffrin: "I understand the point that's being made but contrary to the usage of many, here tenure track means tenured colleagues upon their transition to emeritus status."

Speaker Cooke: "So it's taken to mean both?"

Professor Shiffrin: "Yes. The minutes will show that."

Speaker Cooke: "Further questions for the committee or Professor Scott? Are you ready for the vote?"

Professor Mike Shapiro, Communication: "I believe one of the whereases calls for the Deans, etc. to give these emeritus professors voting rights."

Professor Scott: "No."

Speaker Cooke: "There was something about voting later but that's a different resolution."

Professor Scott: "Let's see. Yes. Schools and colleges should be requested to consider revising their policies to permit emeritus/a NTT faculty to obtain all level school rights and privileges of active and so forth."

Professor Shapiro: "My problem with this is that in our previous discussion probably the most controversial aspect was voting rights for lecturers and these other folks. And it's a little peculiar to me that we haven't resolved that issue for people who are active but we are now in this for people who are no longer active saying that the Deans should consider that. So it seems backward to me."

Professor Scott: "Well I think the point is from our perspective it's to consider. It's not a mandate. It's to consider. And you are undoubtedly right in some areas where there is that issue already for those who are in the non title."

Professor Barazangi: "I just want to point out that the same policy can get other motions in the future where you add these titles as we discussed to make a similar motion. That would be really appreciated. The principle research scientist, senior scientist, senior scholar be added. I just want to make another point about what Professor Holcomb said. I said it last time. This is a revolutionary concept what is happening here. And the intention here is trying to give these people the privilege of the tenured faculty. But I would like to really make some other time to have a discussion with the uncapping of the retirement age and the tenure system. Does it need to reexamine those privileges for the tenured faculty, including the sabbatical and the condition of many other universities doing an evaluation at that level? This is really important for the future."

Professor Shiffrin: "I just wanted to respond to the point about voting rights. There was a recommendation by the task force on voting rights, which is not before the faculty. There already are voting rights by the groups that we are talking about. This proposal doesn't change that except that it suggests that if you have somebody who gets to this level that they shouldn't lose the voting rights that they had before they went on to this particular title. That's the only import of this."

Professor Rich Burkhauser, Policy Analysis and Management: "As the chair of a department I am very deeply concerned with this proposal. There is nothing more contentious - in our department and it may be no different from yours - than the matter of space. My understanding with this proposal is if emeriti faculty are given space as part of their package to go to emeriti, that same space issue has to be granted to non-tenured faculty members. This is, I believe, a very scarce resource that will continue to be a scarce resource in this University. I really wonder whether we are serious if we want to make what I think would be a significant change in the space allocations of our departments."

Speaker Cooke: "Anyone else? We still have another minute. Are you ready for the vote? Anyone else who wishes to speak first and then I'll come back to you."

Professor Shiffrin: "Again on this space issue, I think the space issue is a very good point and I think my response on the task force would be that that would go to the question of who should get such a status. That if there wasn't space that they wouldn't get the status."

Professor Burkhauser: "Well you are going to put tremendous pressure on the chair or other people are going to have to make decisions now about which emeriti faculty are going to be given the space. How do we weigh the needs of the emeriti faculty versus non-emeriti and the non-tenure track folks? That's a hell of a job that you are asking chairs to do. Just be aware of what you are doing, the administrative responsibilities you are going to put on us. There will be a number of people who will second guess on this and the other kinds of issues that are going to come up for what I think is the odd notion that somehow these there is no clear difference between the career development

and career aspirations of people who are on the tenure track and people who are not on the tenure track. That's sort of what's driving this. There's really no difference among all of us. We are all good and hail fellows and we should try to break down the barriers between those on tenure track lines and those not. I think there are clear differences in our professional development. I really seriously question whether it's the wise thing to do."

Professor Greg Lawler, Mathematics: "I think this requires clarification in the minutes. In Part 3 of this where it says much of our office space I am asking whether or not it is the intent of this that in fact tenure track emeritus faculty are getting office space then it is expected that the emeritus research associates should also be given space or if you could put it as to the appropriate other lines."

Speaker Cooke: "Does the committee wish to respond?"

Professor Scott: "I think the statement is fairly clear on that as it is written."

Professor Holcomb: "Well perhaps this is not really an answer, but it is strictly a comment about the reality around the university. There are enormous differences around the University with respect to access for office space and other things. That is, it almost has to be. I suspect that if you looked at the retired tenured faculty, emeritus tenure faculty, you'll find enormous differences with respect to access of space. It seems to me, that one can not imagine legislating 600 square feet or 100 square feet, this just has to be worked out in the reality of people."

Professor Peter Davies, Plant Biology: "I just have a comment here. If you read it, it says depending on the individuals' involvement in continuing teaching, research and outreach. So only if a person is actually continuing to teach or continuing to do research would this apply."

Speaker Cooke: "Time to bring it to a vote unless there is some really compelling question that hasn't been addressed. If you are in favor say aye. If opposed say nay."

It carries. If there is no objection the chair rules that it carries."

Unidentified: "Could we have a count of the vote?"

Speaker Cooke: "All right let's have a hand raising vote and we will ask the Dean and Associate Dean to do the counting. If you are in favor raise your right hand."

All opposed, like sign.

The vote was 37 yes, 16 nay. It clearly has the majority and carries (Appendix 5, resolution as passed).

Now we have one final item the Good and Welfare. We have two individuals on the same topic. Professor Martin Hatch and Professor Phil Lewis wish to address the group."

8. Good and Welfare

Professor Martin Hatch, Music: "We would like to bring to your attention, Senators and other members of the faculty, via this body, a resolution by the Arts and Sciences Council, the faculty of the University of Colorado at Boulder, which is in support of the principal that tenure cannot be challenged and or revoked for ideological reasons. At this time we are asking for support of this resolution from individual members of the university community. The University of Colorado resolution and the facts on which it's based shows that the challenge to the tenure of one of their members was initiated by the Board of Regents and the Chancellor of the University for ideological reasons. This challenge to that member's tenure is going is going on right now, this week. And thus it becomes a test case for actions of this kind. This case of tenure challenge is not just a test of the effects of externally generated ideological pressures being brought to bear on academic freedom, it's one of a number of ideologically based assaults on academic freedom taking place elsewhere at American colleges and universities. Cornellians and Cornell as an institution should become informed about these actions and take stands against them to defend academic integrity, academic freedom early on, because freedom of speech and academic freedom are at the heart of the University's vitality and viability. We're taking the opportunity of the Good and Welfare to bring this to your attention now and we hope that should it be of interest to you, that you will join in your support of this resolution by the Arts and Sciences Council at the University of Colorado and we hope to, at the next Faculty meeting, bring up a resolution of our own that speaks to the issue. And Professor Lewis has something to present to you in this regard."

Professor Philip Lewis, Romance Studies: "I appreciate your willingness to hear from a non senator in this body. As many of you will recall the Faculty Senate has had numerous occasions to discuss the terms pertaining to academic freedom and its relation to academic tenure. Two and a half years ago I responded to questions that had been raised by Bob Cooke while he was serving as Dean of the Faculty with a statement that he subsequently placed on the faculty website. In that statement I laid out a rationale for extending the protections of academic freedom now afforded to tenured faculty to non-tenure track faculty and to academic staff. I do salute the members of the Ad Hoc Committee of the Faculty Senate on the Status of Non-Tenured-Track Faculty for recommending strongly in their report to you of last year that the University would formally provide the guarantee of academic freedom to non tenure track faculty. As far as I know the question of such guarantees for academic staff remains open still to be addressed. And I hope the Senate might be willing to play a role in seeing to it that the question is addressed.

"Now, in the fairly recent discussions that have occurred here at Cornell in the Senate and other quarters concerning the institution of tenure, few if any of us I think, anticipated the immergence of situations such as the one we are now observing in the University of Colorado. By way of underscoring what Martin Hatch has said to you with regard to the resolution that was passed by Arts and Sciences faculty at Boulder, let me just cite two sections of the statement that was delivered to the Regents of the University of Colorado by the University's acting Chancellor.

First, the order and I quote, 'a thirteen day internal review to determine if Professor Ward Churchill overstepped his bounds as a faculty member showing cause for dismissal as outlined in the laws of the Regents.' The order was given in response to the resolution passed by the Senate in Colorado. The review, and again I quote, 'the acting Chancellor stipulates that there be 'a thorough examination of Professor Churchill's writings, speeches, tape recordings, and other works.' The key point here is that the professor's rights to state his views freely is at the heart of the tensions that have brought the academic community at the University of Colorado to a state of crisis. Now I am bringing this to your attention on behalf of a group of faculty that have been meeting ad hoc to discuss this during the last couple of weeks. I want to emphasize that our purpose is to alert you of the possibilities that a resolution would come before this body in support of academic freedom in the future. And also to the fact that the situation we are looking at in Colorado is very much in flux. Yesterday when the news of President Elizabeth Hoffman's resignation was the main feature on the University of Colorado's web site there was also a small press release indicating that the reports on the internal review of Professor Churchill's work would not be issued as planned this week at the end of the prescribed thirty-day period. And that an announcement on the status of the report, if not the reporting document itself, would be forthcoming by Monday, March 14. Regardless of the outcome of the review, it's clear that in higher education in the United States at the present time, as President Hoffman who has just resigned has noted, we are confronting a chilling climate in which academic freedom does have to be defended. In the weeks and months ahead some of us will be trying to organize forums such as the one that the President alluded to in response to Eric Cheyfitz' question, that will heighten awareness of this issue on our campus. We hope that both the Faculty Senate and the University administration will be willing supporters of these efforts.

And in conclusion, what I would like to point out to you is that further formal action with respect to the protection of academic freedom for non-tenure track faculty and staff would be one means readily at the disposal of the University to assert itself in defense of academic freedom. Thank you."

Speaker Cooke: "Procedurally, all members of University faculty have speaking rights before this body. Are there any other issues that should be announced or presented before we adjourn in a few seconds? If not, we are adjourned."

Adjourned at 6:00

Respectfully submitted,

Cynthia Farina

Associate Dean and Secretary of the University Faculty

Appendix 1

The Educational Policies Committee reports on changes made to this spring's exam scheduling. It presents proposed changes to times of exams for the next academic year for discussion by the Faculty Senate.

Ann Lemley, Chair, EPC

Changes to Final Exam Schedule – Spring 2005

- **21 examination periods (7 days, 3 periods) – no change**
- **Optimization methodology to change way groups are assigned to exam period**
- **Results**
 - **Fewer – 3 exams in one day (-116)**
 - **Fewer – 2 exams back-to-back (-1656)**
 - **Fewer – 3 exams in 24 hours (-235)**
 - **More – 2 exams in one day not back-to-back (+861)**

Appendix 2

Current Final Exam Schedule

9:00 am – 11:30 am

12:00 pm – 2:30 pm

3:00 pm – 5:30 pm

Proposed Final Exam Schedule (Fall 2005)

9:00 am – 11:30 am

2:00 pm – 4:30 pm

7:00 pm – 9:30 pm

Some Dining Halls will stay open later

Appendix 3

New draft of Resolution A (III.A of NTTF report of 8/4/05)

date: 2/24/05

A. PROFESSIONAL DEVELOPMENT OPPORTUNITIES

Whereas non-tenure-track faculty (NTT faculty) are continuing long-term employees of the University who support the central missions of the institution in teaching, research, and outreach; and

Whereas the University has a positive interest in the professional and intellectual growth of all faculty; and

Whereas equity across college, school, and other administrative boundaries recommends similar treatment of faculty in similar titles,

Be it resolved that the Senate calls on the Provost and officers of schools, colleges, and administrative units employing NTT faculty to create professional development opportunities for these faculty where they do not exist, in the form of paid and unpaid leaves and individual research and travel accounts corresponding as closely as possible to the following descriptions.

1. Professional Development leaves. Senior lecturers, senior research associates, and senior extension associates should become eligible to apply for paid Professional Development (PD) leaves at regular intervals.
 - i. Eligibility. Senior lecturers, senior research associates, and senior extension associates should become eligible to apply for PD leaves after their first reappointment after six years of full-time service. Part-time service should be prorated for progress toward eligibility. Interruptions in service, unless spent in a comparable PD or study leave or Prestigious Fellowship leave, should not interrupt progress toward eligibility. After a first PD leave, senior lecturers, senior research associates, and senior extension associates should become eligible for another after seven years of full-time service.
 - ii. Duration. Under this proposed policy a PD leave will normally be for a full semester (or in the case of 12-month employees, six months) at full pay and benefits. In exceptional circumstances it may comprise two semesters or 12 months at half pay.
 - iii. Proposals. Applicants for PD leaves will present proposals for projects allowing for concentrated thinking on or investigation of substantive topics of interest related to their professional or intellectual commitments. Proposed PD projects need not be related directly to improvements in pedagogy or extension/augmentation of research skills, but they should promise (and deliver) a yield of contributions to the applicant's discipline or department that would not otherwise have been possible.

- iv. Application. Applicants will submit proposals together with the endorsement of the chairs of their departments to their school or college deans or other officers of their employing units, or to their designees.

2. Leaves without pay.

- i. Unpaid leaves of absence should be available to senior lecturers, senior research associates, and senior extension associates after six years of service (and, by negotiation with the department chair or head of administrative unit, before that time).
- ii. Leaves may be for one or two semesters with assurance of reemployment in the same position upon return.
- iii. Under these conditions, unpaid leaves of absence should be granted upon suitable application. University contributions to retirement, medical, and Cornell Children's Tuition Scholarship plans of those taking leave should be continued at the level obtaining immediately prior to the leave.
- iv. A senior lecturer, senior research associate, or senior extension associate should not be unduly penalized with respect to salary increases by taking an unpaid leave for which she or he is eligible.
- v. Those in these titles who win any of the prestigious awards which make tenure-track faculty eligible for unpaid leaves with continuing benefits from Cornell should be eligible for unpaid leaves with the same continuing benefits as tenure-track faculty receive.

3. Research and travel support. Continuing NTT faculty in some schools and colleges are already provided with annually replenished individual research accounts and with funding for attendance at and travel to professional conferences. Where these opportunities do not exist, we believe they should be established

- 4 Funding and implementation of these proposals. The University should work with the several colleges, schools, and employing administrative units to identify funds available and to seek them where they do not exist. Colleges and schools should keep NTT faculty informed of the availability of such PD opportunities as develop.

5. Adoption of any part of this PD proposal should not diminish travel and research funding already made available to NTT faculty as members of a college school, or department. The granting of a PD leave to a NTT faculty member should not impair his or her eligibility for such travel and research funding as is available to other NTT faculty members in his or her college, school, or department.

Appendix 4

New draft of Resolution C (III.C of NTTF report of 8/4/05)

date: 2/24/05

C. ELIGIBILITY FOR EMERITUS/A STATUS

Whereas senior non-tenure-track (NTT) faculty, like their tenure-track counterparts, are continuing long-term employees of the University who support the central missions of the institution in teaching, research, and outreach; and

Whereas senior NTT faculty may continue to contribute to the missions of the University and the campus community after their retirement; and

Be it resolved that the Senate calls on the Provost and the Board of Trustees to create emeritus/a titles to which senior lecturers, senior research associates, and senior extension associates with sufficient service may be appointed and to extend to them perquisites comparable to those available to their tenure-track colleagues upon their transition to emeritus/a status on these conditions:

1. The emeritus/a title should be made available to Senior Lecturers, Senior Research Associates, and Senior Extension Associates who have retired after ten years of service and who have rendered distinguished and meritorious service to the University in these titles. "Emeritus" is not synonymous with "retired." Just as the title emeritus or emerita is not conferred upon members of the University Faculty automatically upon retirement, so appointment to these NTT Faculty emeritus titles should be contingent upon a history of distinguished and meritorious service and on departmental and school/college recommendation and the Provost's approval.
2. University policy (including, if necessary, Trustee legislation) be amended to effect such a change as this to the description of the emeritus title found in the 2002 *Handbook*. pp. 31-32.

Professor, Senior Lecturer, Senior Research Associate, Senior Extension Associate Emeritus. Any member of school, college, or University faculties who retires after ten years in the tenured ranks of university professor, professor, or associate professor or in the nontenured ranks of senior lecturer, senior research associate, or senior extension associate and who has rendered distinguished and meritorious service to the university, may be appointed to an *emeritus* or *emerita* title corresponding to his or her title upon retirement by the provost after recommendation by the members of the particular department and the dean of the college or school faculty to which that member belonged.

A faculty member who does not seek or is not qualified or approved for *emeritus* status is considered a retired academic.

3. University policy for emeritus faculty recorded in section 4.2 (pp. 64-68) of the 2002 *Faculty Handbook* should be modified to extend to NTT faculty emeritus/a perquisites comparable to those available to tenure-track faculty, and these in particular:

i. Emeritus/a perquisites pertaining to use of the approved title, to legal defense and indemnification, and to membership in the University community (directory listing, *Chronicle* delivery, identification cards) should be extended without reservation to NTT faculty emeriti/ae, as should those providing basic resources for study and communication (library and computer services, mail, and C.U. course enrollment).

ii. Schools and colleges should be requested to consider revising their policies to permit emeritus/a NTT faculty to retain all of the college/school rights and privileges of active NTT faculty members, including voting rights in the college/school faculty. Emeritus/a NTT faculty are to be welcome to attend departmental faculty meetings. Each department will set its own policies regarding voting rights and privileges, but these policies should be put in writing.

iii. Depending on individuals' involvement in continuing teaching, research, and outreach activities and on the availability of resources, office space and basic office and clerical support should be provided NTT faculty emeriti/ae by departments, colleges, and schools. Laboratory or experimental space is not an entitlement for emeritus/a faculty. Provision of such space should be made by department chairs for emeritus/a NTT faculty who maintain active research programs meeting conditions for those of tenure-track faculty laid down in the Provost's Policy Statement, 4.a, 4.b, and 4.c (2002 *Faculty Handbook* pp. 66-67).

iv. It should be noted that in the Provost's Policy Statement of 1997 (see *Faculty Handbook*, pp. 66-67) there appears an important qualifier in the matter of providing office and other support facilities to emeritus/a faculty, to wit: "The allocation [of space and support facilities] will treat faculty who have retired on an equitable basis with non-retired faculty, based upon post-retirement levels of teaching, research/scholarship and outreach/extension activities." Said somewhat differently: The provision to provide certain University support facilities to those with emeritus status is based on the assumption that there is a balancing responsibility on their part to continue, albeit at a lower intensity and, perhaps, along different channels, "distinguished and meritorious service to the University." Such an assumption should be equally applicable to non-professorial academics who might be appointed to emeritus status.

v. Participation in Graduate School faculty responsibilities will be available only to those NTT faculty emeriti/ae who have been members of graduate Fields hitherto.

4. Where appropriate, emeritus/a status should be extended to already- retired NTT faculty on the above conditions.

Appendix 5

Resolution as Approved

New draft of Resolution C (III.C of NTTF report of 8/4/05)

date: 2/24/05

C. ELIGIBILITY FOR EMERITUS/A STATUS

Whereas senior non-tenure-track (NTT) faculty, like their tenure-track counterparts, are continuing long-term employees of the University who support the central missions of the institution in teaching, research, and outreach; and

Whereas senior NTT faculty may continue to contribute to the missions of the University and the campus community after their retirement; and

Be it resolved that the Senate calls on the Provost and the Board of Trustees to create emeritus/a titles to which Non-Tenure Track Professors, senior lecturers, senior research associates, and senior extension associates with sufficient service may be appointed and to extend to them perquisites comparable to those available to their tenure-track colleagues upon their transition to emeritus/a status on these conditions:

1. The emeritus/a title should be made available to Senior Lecturers, Senior Research Associates, and Senior Extension Associates who have retired after ten years of service and who have rendered distinguished and meritorious service to the University in these titles. "Emeritus" is not synonymous with "retired." Just as the title emeritus or emerita is not conferred upon members of the University Faculty automatically upon retirement, so appointment to these NTT Faculty emeritus titles should be contingent upon a history of distinguished and meritorious service and on departmental and school/college recommendation and the Provost's approval.
2. University policy (including, if necessary, Trustee legislation) be amended to effect such an change as this to the description of the emeritus title found in the 2002 *Handbook*. pp. 31-32.

Professor, Senior Lecturer, Senior Research Associate, Senior Extension Associate Emeritus. Any member of school, college, or University faculties who retires after ten years in the tenured ranks of university professor, professor, or associate professor or in the nontenured ranks of senior lecturer, senior research associate, or senior extension associate and who has rendered distinguished and meritorious service to the university, may be appointed to an *emeritus* or *emerita* title corresponding to his or her title upon retirement by the provost after recommendation by the members of the particular department and the dean of the college or school faculty to which that member belonged.

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iv. It should be noted that in the Provost's Policy Statement of 1997 (see *Faculty Handbook*, pp. 66-67) there appears an important qualifier in the matter of providing office and other support facilities to emeritus/a faculty, to wit: "The allocation [of space and support facilities] will treat faculty who have retired on an equitable basis with non-retired faculty, based upon post-retirement levels of teaching, research/scholarship and outreach/extension activities." Said somewhat differently: The provision to provide certain University support facilities to those with emeritus status is based on the assumption that there is a balancing responsibility on their part to continue, albeit at a lower intensity and, perhaps, along different channels, "distinguished and meritorious service to the University." Such an assumption should be equally applicable to non-professorial academics who might be appointed to emeritus status.

v. Participation in Graduate School faculty responsibilities will be available only to those NTT faculty emeriti/ae who have been members of graduate Fields hitherto.

4. Where appropriate, emeritus/a status should be extended to already- retired NTT faculty on the above conditions.

Approved 3/9/05

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, April 13, 2005

Speaker Mary Beth Norton: "I'm sure a quorum will arrive by the time we have any significant business to transact. I would like to remind the body that there are no photos or tape recorders allowed during the meeting and please everyone turn off cell phones. Also please when you speak identify yourself and your department. There is only one good and welfare speaker. And he just needs a short time. So we do have some additional time beyond the agenda for a debate on the motions in front of us today in case we want to go on a bit more. I will now call on the Provost for remarks and to answer questions."

1. REMARKS BY AND QUESTIONS FOR PROVOST MARTIN

"Good afternoon everybody. Well I am delighted to be here again. I would begin with the good news, which is that we have once again done well on the salary front. And with the new salary survey that comes out on Monday, April 18, it will show that endowed salaries moved 3.3 percent this past year and contract college salaries 5.9 percent. The consequence of that, we believe, will be that we'll achieve the goal that was set on the contract college side to reach the median of our peers. We will have reached it. We will reach the goal that we set on the endowed side next year, with things continuing to work out as we have seen them working out. This next year, that is this year's SIP for next year, will involve ranges among colleges. We don't have a one-university number. It will be more college-specific than it has been in the past. But the ranges, I think, will please you. There will continue to be strong increases, strong pools. We aim continually to do well. As many of you have pointed out and as we agree, it won't be enough for us to feel that we have achieved the two different goals. Our goal now is to continue studying salaries across college lines, and the contract and endowed boundary, and study them by discipline, and try to see what we can do to ensure that we have greater parity across various boundaries internal to Cornell, and not to just that we keep up with our peers. So that's our goal and we'll also make good strides on staff salaries in this year's SIP as many of you know. So that's the good news on the faculty front.

"This is also the season during which you are completing successful faculty searches. I know about only a portion of them, but the ones about which I know anything, are just spectacular. And I hope each of you in your unit has had a great, or will have had a great, hiring year. The biggest planning challenge and budgetary challenge, in my view, going forward over the next five to ten years really has everything to do with the number of retirements we will see, because of the number of hires in the decade of the sixties and the number of retirements that we'll see going forward. I really think we are going to see a shift soon from worries about whether enough people will retire to worries about whether we can compete with our peer institutions for the talent that we'll need to fill the positions that will open up. That's already occurred in some disciplines. We have some disciplines that planned well ahead. I use Physics as an example. They have already began working hard to figure out how they can with, our help, amass the amounts of funding that will be needed to recruit the faculty. That's

just one example. There are many others. That sort of planning and anticipation is a great deal of fun and is, after all, the best and most important thing we do, in my opinion, which is to hire the best possible faculty.

“The other news front, which I think is good news, is that you probably remember that we are engaged in a work-life study. That work-life study has a special emphasis on the experience of women but we are trying to do something a little bit different from what has occurred at some of our peer and sister and brother institutions, where gender equity studies have been conducted and have focused primarily on the sciences. Here we aim to include the entire campus, and we are trying to devise a study that makes fewer assumptions about how all of us actually lead our lives, than some of the other studies do in our opinion. We don’t know whether we will succeed in coming up with a methodology that is better than some of the studies we have seen, but there’s no reason not to try to make fewer assumptions about how people’s lives are actually organized, in advance of surveying you, and that’s what we are trying to do. We have done the focus group work and we are studying those. We have a methodology group, which is a faculty committee. That group is looking at the results of the focus group work and is beginning work to develop a survey instrument. You all in the Fall will be receiving a survey that will be done on line. I will urge you already now, even though it’s only April, please participate in the survey. It will be very important information for us to have for all sorts of reasons, and not just because of our questions about gender specifically.

“Those are some of the good news items. There are, as of course you can imagine, a lot more than that going on and I’d be happy to take questions about any of it. We’ve spent a lot of our time this past semester working on campaign planning. I have spent a lot of my time this spring, with Vice President Reichenbach, developing a presentation for the Board of Trustees and the campaign chair people as a sort of consolidation of our academic and campaign planning. I believe that went over quite well, and our trustees and alumni are poised to support us by going to bat in a major capital campaign to raise the funding that we need to do what we have established as goals.

“But on that note I should also announce the bad news. Some of you will have heard, and others will not have heard, that Vice President Inge T. Reichenbach, head of Alumni Affairs and Development, will be leaving Cornell and going to Yale in about a month. I can’t tell you that without being extraordinarily sad. It is a huge loss, but we will move ahead and we wish her well. She is extraordinary, and Yale will reap the benefits. We have reaped the benefits for 25 years. She has put together an extraordinary organization. Laura Toy, who has been a member of her senior team for quite a long time, will step in as interim Vice President for the short term. We are beginning a search immediately for a new Vice President. So as I say, I wish to be reassuring about moving forward, and I wish to register my own great sadness at losing someone so talented.

“And, I’ll be glad to take any questions you may have about anything.”

Associate Professor Nick Calderone, Entomology: “I am a little confused. The message we have been hearing in our Department is that CALS is not losing faculty fast enough.

Is that a true statement? How do you see this? Does that fit with your five or ten year plan?"

Provost Martin: "Yes. The demographic issues are different by college. There's no question about it. And right now, I would say there are some large and some smaller units on the endowed side that probably face bigger problems in the shorter run than some of the units in CALS. There are all sorts of reasons for these differences. But you are right, the picture is more differentiated than what I presented. I am simply saying that whereas we have been very worried only about one thing for a long time, we really need to get more worried about the other. In CALS, it may take us longer to run up against the same demographic problems that we are already seeing in some other units. So I am looking five to ten years out. And you are thinking rightfully about where we are right now. It really depends on the unit. I am just trying to get the people with whom I work, and also you all, to think wisely about the five to ten year horizon because we have to marshal our resources, to anticipate. In some fields, you all, the faculty, have been telling me that the talent pool, given what the competition is going to be, is small and that we really have to have to resources to be able to compete well. I think that is going to be an issue. It's the one that I am more focused on than the other, the demographic problem, which is also a problem in some units and not in others. So I would say that's the culture as I see it. But you are right."

Professor David Owen, Near Eastern Studies: "Biddy, does the fact that we have achieved our salary goals a year or so earlier than we anticipated mean that you are giving up with keeping ahead of the mid-stream of the salaries, or does it mean that we are going to continue the salary improvement so that we can actually gain on what we set out to achieve?"

Provost Martin: "Did everyone hear the question? I would say we are certainly not going to give up. My idea would be that we keep being as aggressive as possible, in part for the reasons I just stated. I mean, there's a link between keeping salary levels high and being able to compete well, not just to recruit people but to retain the best people. So I would say we have to be as aggressive as we can. Now some of you, or at least your department heads, have over the past few years at times said, you know there are trade-offs that we are making by virtue of the fact that we are being so aggressive on the salary front. There are uses for, say on the endowed side, general purpose money and, on the contract side, state funds that are getting the short shrift as a result and those are going forward. The question about how aggressive to be on the salary is relative to other kinds of things. For example, in my brand of work, say in the Humanities, do we have a greater need for more and more aggression on the salary front or a stronger movement on research funding? Those are the kinds of decisions that I think everyone has to be involved in making going forward. But I will say my own strong view is that we have to stay aggressive on salaries. As you know we ramped it down. Our first two years were our most aggressive years. It was planned that way. That's the way we realized to make the progress needed and that certainly helped us because we were very aggressive in a couple of years when no one else was, during very, very bad economic years. But the price we paid is there were other things we couldn't do, that you couldn't do. So I think it takes discussion. But we certainly don't give up or fall back to saying, you can raise salaries a percent or two and that will be fine. And then we use the rest for the funding for something else."

Professor Owen: "Have you decided on this year's pool?"

Provost Martin: "Yes. You got here after I think I said that. I am not going to announce across-the-board pools because we don't have one this year. Unlike some of the previous years, we are making it college-specific. We are talking to the deans about what they need to do to meet specific needs. So there's not an overall pool but the ranges, are I think, would be acceptable to you. That is, it's not one to four; one percent in some colleges and four in another. It's more like, say three or a little above, even three to five."

Professor Lisa Earle, Plant Breeding and Genetics: "Today's Cornell Sun had an editorial presenting the student perception that Cornell is emphasizing the Sciences at the expense of Humanities and Social Sciences. I know you don't believe that is the case but I wonder if you have any thoughts about how to convey to the student body the priorities that you believe are being followed."

Provost Martin: "Yes, that's a very good question. I don't know if you all read the Cornell Chronicle but there was a piece in it a few weeks ago, an interview with me in which I talked about this. You might say, so what? We're asking you now, we don't want to have to go back to the Chronicle. Here's the thing. I think everyone emphasizes the sciences and engineering more than the humanities at one level because they are easier to talk about. When people say, is it a higher priority in the sense that, from the point of view of this University or other universities, the arts and humanities count less? No. But is it a problem nationally, multiple problems nationally, when it comes to the question of visibility and understanding humanities and the arts as well as the social sciences? I think it is. I have been made part of a steering committee of the American Association of Universities to work on this perceived problem at a national level. At Cornell if you look at our rankings, I don't know how recently you consulted the NRC rankings; they are now eleven years old or so. But if you look at our rankings, generally you see that Cornell has historically been very strong in the physical sciences and engineering and humanities. We rank in the top five in many of our humanities areas. They are very strong. They continue to be very strong and we want them to be that strong. I think what we are doing with the deans of Arts and Sciences and Architecture, Art and Planning is working – and even deans now of other units that have humanities-related programs and initiatives – to ensure that we are, for example, replenishing the humanities faculty, providing adequate research funding, that the salary structure is appropriate, and all that. But I think it is more of a communications issue to some extent, and so one thing that I have done with our still relatively new Vice President for Communications, Tommy Bruce, is to establish within his shop a group. It's a small group that will be three people, but they are devoted wholly to promoting and making visible work in the humanities and the social sciences, internally to Cornell and externally to the rest of the world. How well will this work? I don't know yet. I don't know of any university that has actually made a conscious decision to invest in that way. It will take us some time to see how well it works. But I am convinced that it is necessary and we will do it as an experiment and see whether it helps. I did discover something that surprised me, that I feel like I should have known but I don't exactly know how I would have know it, and that is, that in the general area of media and communications at Cornell, we had a large ratio of science writers to writers about the

humanities in social sciences. I won't tell you what the ratio was but it was a horrible ratio. And it was at that point that I realized that it's not just that it's easier to write about the sciences and engineering, it's not just that nationally they get the headlines in a way that other things don't and are harder to produce headlines about; it's also that we haven't tried hard enough. So this is my effort to ensure that within our own operations we are getting people into communications. We are investing in them to a degree that allows them to get to know what is going on in the humanities and the social sciences, and make it more widely available. There's a lot going on in humanities. Nationally Brett de Bary, who is the Director for the Society for the Humanities at Cornell, has undertaken an initiative to talk about the future of humanities at Cornell and beyond Cornell, and she has sponsored a set of workshops, which have been well attended and I believe are generating a lot of high morale.

But you asked specifically about students, and I really think it's communication and I think all of us in this room can help in that regard. I think for students, and I'm not telling you anything you don't know, they are more and more focused on getting a pre-professional education or even a professional one as undergraduate and being very directed to jobs and placement, grades and so on. And you know the arts and humanities tend to suffer in that environment, not because we want them to, but because of larger cultural and economic forces. Now the way to grapple with that is that we can't turn the tide all by ourselves, but as faculty who advise students and who set curricula, I think we can take responsibility for trying to work with students to help them understand the downsides of being quite that career and training oriented and what they miss out on. Our alumni, are also great ambassadors of this message because, as many of you know, when we talk to our trustees and our loyal alumni, one of the things they will say is that they feel that they missed out on exposure to the full range of disciplinary and sub-disciplinary opportunities when they were students for this very reason. So I think we have to do a range of things to try to generate more interest and excitement about it."

Professor John Forester, City and Regional Planning: "Bidly, is this message somehow articulated with the overall structure of the campaign?"

Provost Martin: "Yes, absolutely."

Professor Forester: "Well maybe you could say a little bit about that, because that is so high profile and seems so not narrowly focused, but focused in a direction that I think these broader issues that you have just been talking about really get lost. And many students see that and they say well, gee that's really not our part of the campus."

Provost Martin: "Because you think, for example, that the three themes are sort of the guiding principals of the campaign. That I think is something that many people have worried about, including our Trustees. And Charlie, when Inge and I gave this presentation to the Trustees at the request of the Trustee leadership of the campaign in March, I think we made it apparent that it's a misunderstanding to think that we are organizing the majority of what we are setting as goals, or wanting to do on campus, in the terms of those three themes. I think we successfully showed where they fit. Charlie suggested to me after the meeting, that it would be great if I could share that presentation with the faculty. I would be happy to do that at any point. I must tell you

that you may find it potentially below your nouveau in some ways. That's my worry: that I will get up and say things to you that just seem a little too obvious. But I would be happy to do that if people would be interested in coming. I would have liked to have done it with Inge, but I will do it together with Laura. I could find the time in the fall to do it and anybody who thought it was interesting enough could come. I would be delighted to do that. But I think if you see that presentation you would see that the themes, while Bob was there and Charlie was there, they could I think vouch for it.

"The campaign will be organized primarily around three things: the importance of faculty, the importance of students, and the importance of sustaining quality in those areas where we have traditional strengths or where we are poised to become major players. That's what I firmly believe. Tommy Bruce said to me recently, he thought the theme of the campaign, if you listen to what I am saying, should be 'it's the faculty, stupid.' And I thought maybe it's not quite elevated enough language. But I think to get the alumni excited, which of course is key, the campaign has to be organized around the quality of the faculty, the quality of the students, access for the students to education regardless of need, and outstanding programs. That's what they want to hear, that's what they want to support. And I say, 'Right on'. Now the three themes are crucial too, and they are the way in which I think this particular President feels universities can make transformative contributions beyond the traditional ways in which we organize our disciplinary knowledge. And those will be crucial targets for fund raising, and we are working really hard to tap forces to define those areas and think about what Cornell can do uniquely to contribute in those domains. But those are by no means the bulk or the dominating focus of our campaign strategy."

Speaker Norton: "Thank you Madame Provost. Now I will call on the Dean of Faculty for brief, very brief remarks."

2. REMARKS BY THE DEAN

Dean of Faculty, Charles Walcott: "Thank you. They will be brief. I want to say three things. First, I don't like in public to disagree with our distinguished Provost. She said that her remarks to the Board of Trustees were all right, something of that sort. They were spectacular. They galvanized the removal of checkbooks from pockets. They created enormous enthusiasm. It was an absolutely superb presentation. And I asked her whether she would be willing to give it to the faculty, the staff, and us at some occasion. And she agreed to do it. I am delighted that she has not forgotten that and perhaps in the fall we can put on such an occasion because I think it is important for all of us to hear the kind of presentation that excited our Board of Trustees. And is likely to excite our major donors. So, thank you very much.

"On minor things, the conflict of interest form is available. It went on line April 11th. It will be closed May 6th. Please, please fill it out so we don't have to harass you. And get your colleagues to fill it out likewise.

Finally, I am hopeful that in May we may have a version of a suspension policy for you to consider. But that is not still quite clear. But time will tell.

Thank you very much."

Speaker Norton: "Thank you.

3. APPROVAL OF MINUTES

Speaker Norton: "I now would like to ask for approval of the minutes of the March 9-2005 Senate meeting. Are there any corrections, amendments? Seeing none, do I have unanimous consent? All those in favor, please say aye. Opposed?"

Hearing none. Minutes approved.

I now call on Associate Dean Cynthia Farina for her report on the Nominations and Elections Committee."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Cynthia Farina, Associate Dean and Secretary of the University Faculty: "Good afternoon. On behalf of the Committee I am bringing you what is the first group of filling committee vacancies for next year's committees. I would just like to call your attention to two names that have been added since the mailing and that is Richard Booth for Academic Freedom and Professional Status of the Faculty and Kerry Cook for Academic Programs and Policies."

Report from Nominations & Elections Committee April 13, 2005

Academic Freedom and Professional Status of the Faculty

Richard Booth, AAP*
Barbara Correll, A&S

Academic Programs and Policies Committee

Kerry Cook, CALS*
Martin Hatch, A&S
Susan Piliero, CALS

Educational Policy Committee

David Delchamps, Engr.
David Henderson, A&S
Tom Owens, CALS

Faculty Advisory Committee on Athletics and Physical Education

Susan Ashdown, CHE
Francis Kallfelz, Vet.
Charles Van Loan, Engr.

Financial Policies Committee

Ronald Ehrenberg, ILR
David Sahn, CHE

Human Subjects Committee

Tamar Gendler, A&S
Michael Shapiro, CALS

Lectures Committee, University

Shelley Feldman, CALS
Andrew Ramage, A&S

Library Board, University Faculty

Jon Parmenter, A&S

Professor-at-Large Selection Committee

Stephen Ceci, CHE
Barbara Lynch, AAP

University Benefits Committee

Deborah Streeter, CALS

University Committee on Conflicts

Barry Carpenter, A&S
Ton Schat, Vet.

University-ROTC Relationships Committee

Mark Psiaki, Engr.

Speaker Norton: "Okay, may I have a vote on the Committee report, please? All those in favor say aye. Opposed?"

Committee report passed.
Thank you.

Now I will call on Professor Farina to present the next item on the agenda."

5. DISCUSSION AND RESOLUTION REGARDING "FACULTY STATEMENT OF PRINCIPLES & BEST PRACTICES CONCERNING STRATEGIC CORPORATE ALLIANCES, SPRING 2005

Associate Dean Farina: "What we are bringing you this afternoon is the report (Appendix 1) of the committee that was constituted now more than a year ago, after the University Faculty's Forum on Strategic Corporate Alliances. As you have seen, the report takes the form of a 'Faculty Statement of Principles and Best Practices on Strategic Corporate Alliances.' We are asking you to endorse that (resolution, Appendix 2) and, in effect, to call on the trustees and the administration to implement the recommendations in the Statement as the principles and practices that will, from now, on govern the negotiations, the formation, the management, the monitoring and the evaluation of strategic corporate alliances if the University does enter into them.

“What I thought I’d do this afternoon is review the evolution of this Statement, so that I can highlight for you how it’s changed over the extended process of discussion and comment, and call your attention to the areas that seem to remain most controversial.

“The first version of this Statement was before you actually a year ago, at the April 2004 Faculty Senate meeting. There were a number of comments that I think can be grouped into three principle concerns. One was a concern about scope and, in particular, whether the statement was sweeping a range of existing funding arrangements into some new and complex scheme of regulations. Now when the committee got back together after the April meeting in the Spring of 2004 and discussed those comments, what was done at that point was to add a section to the Statement that emphasized that the Statement applied only to things that the University in its Strategic Corporate Alliance Plan had itself defined as strategic corporate alliances. And that’s the definition. So we added a section emphasizing very clearly that the Statement would apply only to things that met the University definition, and also disclaiming any intent to disturb the vast majority of existing arrangements.

“A second principle theme in the comments of the April 2004 Faculty Senate meeting was a concern that the provisions in the Statement on interference with publication rights and other academic freedom issues were not strong enough. And so what the committee did after the meeting was to go back and review the Faculty Handbook and review regulations from the Office of Sponsored Programs and make certain that nothing in the language in the Statement suggested any less stringent protection than we found in those sources.

“The third concern expressed a year ago was that restricting representatives of the corporate sponsor from participating in decisions about which projects actually to fund would be a deal killer. What I want to remind you about – and here, the structure of the original draft is now different in the final report – is that the original draft contemplated that there would be a joint steering committee for all alliances, which is actually not something this committee came up with. It’s something that is in the Cornell Plan. And, that the joint steering committee would select projects for funding through a process that involved requests for proposals. Again, not something that this committee came up with, something that is in the Cornell Plan. But that while Cornell and corporate representatives would participate jointly in drafting a request for proposals according to the original draft, after that corporate representatives would take no active role. The decision with respect to which projects to fund had to be a purely academic one. There would be peer review internal to Cornell and that only the Cornell members of the joint steering committee would actually be involved in the decision about which projects would be funded. And this was the section in the original draft, the draft of April 2004, about which there were great concerns as to whether this would be a deal killer. The committee, on thinking about those comments, decided to leave the draft as it was to go out for university-wide comment and see what came in response to that proposal.

“Those three major issues, in addition to a number of other issues that, in committee’s view (even though they weren’t raised in comments last spring) we felt were ones that faculty really ought to focus on and might want to comment on, were highlighted in the cover memo that went out with a revised draft in the early summer to all departments,

to the chairs, to the deans, to program directors, to you as Senate members. There were numerous reminders that I know you got at various points over the course of the fall, by e-mail and in person from Charlie. Basically, comments were requested and taken by the committee. Initially the deadline was October, and it was extended until November.

“We did get comments, not a huge number, but I thought a healthy number. Those comments, if you want to review them, are on the University Faculty website. And again, if I can sort of summarize comments. Well, let me summarize into, again, three points.

“First, let me note that there was actually not any significant concern any longer expressed about scope. So I think that the steps we took in the draft to try to tie the scope of the Statement very clearly to the University definition of SCA appears to have worked, at least with respect to the broader University faculty. Nonetheless, in this Statement that you now have before you we did reframe that section one more time, and if you look at Table of Contents page, you will see that it now takes the form of what is becoming increasingly more familiar to all of us: ‘frequently asked questions.’ Those questions, some of them, actually do address some relatively specific comments we received. For example, what’s the relationship between the general principles and the very specific text under the general principles? So that gave us a chance to address a question like that. But more generally, we hope that this format will help the reader place the statement in context: historically (how the Corporate Strategic Alliance initiative developed here at Cornell), in terms of the Statement’s, intended scope and function; and in terms of its relationship to other important University documents, both about strategic corporate alliances specifically and, more generally, other important University documents. Having said that about scope, there are some important refinements about scope that are made in this document that I’ll address in a moment, which go to one of the other components.

“Second, the comments we received, – at least one very long, eloquent, well-argued one – did continue to express concerns about whether the statement takes a sufficiently rigorous position on interference with publication rights: in particular, making the argument that permitting the delay for first-look is a violation of academic freedom. That actually is a position that the committee is very sympathetic with, and the Statement is structured to recognize that the delay of publication does implicate academic freedom. And if you look at page 15 (at least it’s page 15 in my copy), which is the section that addresses the best practices in this area, it suggests a number of specific provisions that are desirable to make sure that corporate sponsors are not misusing first-look rights; that, in the first place, those rights are not given too quickly by the University and that they are not being abused. The committee was sympathetic to the argument that first-look rights are problematic from an academic freedom perspective. At the same time, we heard from Bob Richardson that corporate sponsors are increasingly pushing the University, and faculty funded by some of those sponsors are increasingly pressing the Office of Sponsored Programs, to extend the current 90-day limit on first-look rights. So we had competing sets of comments. And it was the committee’s judgment that we did not feel we should recommend anything beyond that the University continue to hold firm to the current policy, which is we don’t go beyond 90 days. That 90 days requires a special request or justification. The provision here

says the request ought be in writing, and there's a number of other as I said, suggestions for best practices here, in terms of making sure the corporate sponsor is aware that this is regarded as a serious matter.

This is an area where there is disagreement, and where at least some commentators were of the view that the faculty ought to take harder line on this. There are some faculty who are pressing in the opposite direction. That is, in order to obtain corporate funding the University ought be relaxing its current position on first-look rights.

"The third area where comments are clearly taking a divergence of view is on this question about the appropriate role of corporate representatives in funding decisions. I think how I would describe the situation is: we have a spectrum of views.

At one extreme, there is the view that was reflected in the original version, the version that you saw last April: the corporate sponsor's appropriate role is limited to setting the general criteria for what they want to fund, expressed through the standards in the RFP. Their involvement is totally appropriate at that point. However, the decisions as to which specific projects should be funded ought to be made on the basis of academic merit. That ought to be an academic decision. The corporate sponsors' representatives should recede at that point. There should be no involvement. That's one extreme, one end of the spectrum.

"At the other end of the spectrum, there were commentators who apparently – from their comments, the way their comments were worded – were taking the position that unless the corporate sponsor had control over which projects would be funded, these things would not go forward. Because it was important that they go forward, we ought to recognize that it was appropriate to give corporate sponsors control over the funding decision.

"Then of course there were positions in the middle, which meant some degree of sharing of responsibilities between Cornell faculty and the corporate sponsors in selecting projects to be funded, after some initial process of an RFP.

"This is where there is probably the most change in the final version of the Statement from what you saw a year ago. Because what the committee ended up doing was attempting to reach a middle ground in two ways. In the first place, instead of providing that corporate representatives have no role in making decisions about particular projects to be funded, the statement now contemplates that corporate representatives would be involved throughout the entire process. Not only in drafting the RFP but also in selecting projects. However, the current Statement also limits corporate representation to no more than a third, to ensure that there would be clear faculty control over the selection of projects as well as over the management. The current Statement also preserves the notion of intra-Cornell peer review – although specifying that the notion here is not necessarily an extensive formal process, but suggesting that it could be done like some of the other internal peer reviews that we have for some of our grants and programs which are actually a much less involved process. So that's one change, an important change, from the draft you saw the first time. There is contemplated here direct involvement of corporate representatives throughout the process, including selection of projects for funding – although there is a

limitation on membership within Joint Steering Committee to make sure that there is clear Cornell faculty dominance over the process.

“The second attempt at balancing these two sets of interest was to subdivide the group of the total set of strategic corporate alliances – still using the University definition but recognizing that they might actually come in two different flavors, if you will. I’m mixing my metaphors. There are ‘broad SCAs’, which involve research projects where the range of issues are sufficiently diverse that they would involve a potentially large group of faculty whose precise membership could not be easily specified in advance. For those big SCAs – which I think were probably in the ones which were contemplated initially – the process that was specified in the original draft would be the process. But then, we recognized that there might be different kinds of SCAs, called ‘narrow SCAs’, that is, SCAs where a small number of specific faculty have been identified in advance as a relevant researchers, where there really was never any question from the onset about who was going to get the money. The thought was that, in that situation, the whole notion of an RFP process and all that, simply didn’t make any sense. It would be an over- abundance of bureaucracy to no really good end. And the thought was that, in those situations more than in the other, from the perspective of corporate sponsor there would be little tolerance for the notion that different faculty would actually be funded. And also, from the perspective of concerns about whether the funding was even-handed as between faculty who might compete and things like that, the problems were perhaps less.

“So, these are the two ways in which the Statement you now have before you differs on this point from what you had before you a year ago, and where the committee attempted to balance these two competing positions. To say that there are other possible ways these might have been balanced is, I think, to understate the degree to which reasonable minds can disagree on this point. Obviously you are going to have an amendment before you from a member of the committee who disagreed with how the committee balanced this. This is probably the central issue of contention here.

The only other thing that I will say before I stop is that, as a result of having this take so long, we learned from Bob Richardson that there is yet a third flavor in which these things might come, and that is things that are almost SCAs, but aren’t quite. Apparently, actually we have some of these that are in the works, or maybe even a little further than in the works, that are being referred to as ‘small SCAs’ or ‘SCA-like partnerships’. [Vice Provost Robert Richardson says something to Professor Farina.] Oh, now they are being called ‘partnerships.’ Okay, because of course if you call them ‘SCAs’ then they sort of sound like that should be regulated under this system. We struggled with the idea of whether we ought to expand the definition to cover these, and we quickly realized that therein lies madness. So what we did decide, what we have done, and the scope section says this is, there may be certain kinds of arrangements that do quack a little bit like these ducks but really aren’t within the scope of this definition, and therefore they are not governed by this Statement. They are outside the Statement. But that doesn’t mean that you might not benefit a bit by thinking about them and using some of these principles and best practices by analogy, to the extent that they do quack a bit like the ducks that we are intending to be bound by this.

“So, that is, I think, the structure of this and probably the basic issues. We have members of the committee here who can take questions. And, I course will take questions too.”

Speaker Norton: “Okay the floor is open for debate on the resolution presented by the committee.”

Professor C.C. Chu, Textiles and Apparel: “I really appreciate the committee members’ effort together and tried to poll people from different disciplines into this area. After reading this document I personally feel that it has a combative tone in the document. And of this combative tone I will give you some examples. In the relaxation of academic freedom of publication, it appears to me that working with industry based on this document is that the University is giving industry a favor. I think that is combative tone. It probably would not be mutually beneficial for both sides. I think the corporations and industry and the University work together as a partner. They are mutually beneficial. They are not only one-sided. That’s one issue.

“The second issue. I think the document is very rigid and it does not take into account a wide range of disciplines, which may require certain flexibility. For example, for genomics it may say publications in the next minute is the almost most important thing. But for some other disciplines that may not be an issue. And taking that into account is very important.

“Finally a technical issue is what happens if that SCA involved more than one university? For example, you have two or three universities involved and each university has their own guidelines. How do you reconcile the difference among different institutions, which should be addressed in what we call worldwide collaborations? And that should be addressed as well.”

Speaker Norton: “Does someone of the committee have a response to the third question? Or, do you have a response? Did the committee address that issue at all?”

Professor Chu: “I don’t believe the committee addressed that issue.”

Professor Robert Richardson, Vice Provost for Research: “Thank you very much for the very thoughtful comments you made. My concern is that there are places where this language will work perfectly. I’ll be perfectly happy with it. But there are lots of things that we haven’t thought of. We haven’t ever had a strategic corporate alliance. And the third category that we call ‘partnerships’ that was for \$200,000 a year and it seemed to me that it would be not particularly appropriate to invoke all this hardware for a grant that’s \$200,000 a year. And it’s from Johnson Diversity and it’s an extremely interesting project. It’s for training at the hotel school and learning about the control of pathogens with the vet college. Basically it’s to keep people from getting sick in the hotels, either in the restaurants or in the rooms. It’s a very, very interesting project, but there has to be some threshold for amount of investment people are making in these before we invoke this.

“CC brought up another really important topic, and I think increasingly we will be able to see opportunities where they might have more than one industry and more than one

university in a consortium. And in fact we have talked with a few people about those. There has to be some agreement or understanding that this will be the principle that will guide us. But we have to have flexibility in negotiations or it will never ever happen – a corporate agreement.”

Professor Chu: “The key word I would like to address is to have some flexibility to take into consideration the rate of some foreseeable change in the future.”

Professor Richardson: “Right. And then I want to say a third thing. It’s not specifically related to this, but I want to tell you one of the most difficult parts of my job – and the thing that bothers me most – are telling people that ‘no we can’t permit this particular research because they want to have 120 days or 150 days’. And the people to whom I tell that and their deans say, ‘you are stepping on the academic freedom of the person by refusing.’ I am somewhat protected, and you quoted exactly the Faculty Handbook. The rule is 90 days, and I have come before you once or twice a year for a good long time saying, ‘I will not violate that.’ But still it hurts. I lose sleep because of some research people have not been able to do because I am intractable on that. Thank you.”

Professor David Pelletier, Nutritional Sciences: “I was a member of the committee. Let me address your point about different disciplinary needs and requirements and the need for flexibility. I think early on the committee recognized that, given that SCAs and their management are so new in this environment, it would be impossible in those circumstances to prescribe what could and should not be done in that rigid of fashion. So these structures that are in place, including not just the joint steering committee but also the LAC (Local Advisory Committee), are intended to be able to take account of those individual requirements as they emerge, so that we can learn and make a policy as it’s being implemented rather than try to do it all in advance. So that was sort of a major philosophical thing that we had to come to grips with right up front. And hopefully, the language you have before you does not suggest otherwise.”

Professor Rich Burkhauser, Department of Policy Analysis and Management: “I would like to respond to CC’s point and also to Bob Richardson’s point. The first is with regard to the notion that this issue of academic freedom is somehow confined to private enterprises and colleges. I deal with governments all the time and have in fact been part of a group where our grant was taken away by the country of Panama and the United Nations that funded the grants because they said we couldn’t publish any of this work. This is not an issue of private enterprise and academics, but any grantor and grantee and the comparative relationships between the two. I have a department in which, unfortunately, I can tell you that Bob has had to tell us that we had to turn back money from the Justice Department because it fell victim to this issue of academic freedom, which is a difficult one.”

Professor Richardson: “They wanted prior approval.”

Professor Burkhauser: “Yes. That’s right. So this is not private enterprise versus universities. I had a five million dollar grant from the Social Security Administration that ran afoul of this, and we had to work with Bob’s office and others for two years before the negotiations came through so that we could deal with this kind of issue. This is an issue that goes far beyond the way this report is structured. What I would urge

you to do is to get out of that kind of paradigm and think more about flexibility of the type that Bob's talking about and think about a minimum cap. So, a million dollars is not a lot of money, really. And think about that as a minimum. That doesn't mean that we go with this but it gives Bob and others who I have some confidence in, in their judgment, that they'll have a little bit more flexibility than is allowed by these rigid rules. Why is 90 days the golden number that can never be changed? Why don't we have some confidence in our administration that they'll be allowed to work with faculty members who want to make these kinds of negotiations work."

Speaker Norton: "Any other comments.

Professor John Guckenheimer, Senator-at-large and committee member: "I share Professor Chu's remarks that I think there are parts of this document that have a combative tone."

Speaker Norton: "Are you arising to propose your first amendment?"

Professor Guckenheimer: "Yes."

Speaker Norton: "Okay before you start debating it, we have to put it up on the board. (Appendix 3, Amendment 1). It was distributed in advance. Is there a second to the amendment? I see one. Okay, go ahead."

Professor Guckenheimer: "So Section D is the most egregious part of the document in this regard. The word that best characterizes to me the impression that I get from it is mistrust. That the impression is that one must hold the people who are involved in these alliances accountable, and that if they aren't watched very carefully they will do things that are inappropriate in some fashion or another. The requirements for requests for proposals and for annual reporting that are stated in Sections D1 and D3 are repetitions of those requirements that appear elsewhere in the document in Sections C and E. The requirement in D2 for peer review by non-participating disinterested faculty seems to me to go overboard in the imposition of how these alliances are going to be managed. And I think that we should really allow more flexibility. Even as a participant in government review panels, the primary requirement is not that one be disinterested in the research that one is reviewing, but that any specific conflicts of interest are clearly expressed and avoided. And this goes much farther than that in saying that faculty who are participating in the alliances are not involved in the review of the proposals at all. And I believe that the word 'disinterested' is subject to different interpretations. So I propose that in the version of the document that the Senate recommends for implementation to the Administration Section D be deleted. That the requirements for RFPs and annual reporting not be deleted, but that the language that is used in Section D is something that I find objectionable. Thank you."

Speaker Norton: "Is there a speaker opposed to the amendment?"

Associate Professor Thomas Bjorkman, Horticultural Sciences: "While I really understand the reaction of seeing distrust in there, I have the same reaction myself in this kind of situation. I have found that when you have big things that people are concerned about, transparency is really very important and solves a lot of your

problems. I feel that if I were a member of an SCA, I would actually insist on having the kind of external examination that is in D2 with the disinterested reviewers, to demonstrate clearly to anybody who might be concerned that the process has not been co-opted. I have seen the process get co-opted with only a few million dollars in research funds involved, and it causes a lot of strain within the faculty when that happens. I feel that by the review by other Cornell faculty, to demonstrate that it's somewhat in line with what the steering committee actually decides to allocate, will prevent a lot of the negative consequences that you might have."

Speaker Norton: "Is there someone else who would like to speak on behalf of the amendment?"

Professor Brad Anton, Chemical and Biomolecular Engineering: "I first want to commend the committee, particularly Cynthia Farina who I know worked really hard on this, through their hard thoughtful work on this subtle complicated problem that involved people with widely disparate views pulling at one another.

"I am in favor of this amendment. I think it's important that we have a policy that encourages these strategic corporate alliances to happen and to be administered properly. We don't want a policy that discourages them from happening or makes us an unattractive place for companies to seek help with research and to spend their funds supporting education. I think that deleting Section D does take away the most, as John said, egregious parts of this. And what is left is more than sufficient to ensure with the skilled guidance of our leaders whom we should have some confidence in (they've earned it), leaves us in a position to make these things work properly, and makes Cornell an attractive place for companies to come to and engage in research partnerships."

Speaker Norton: "Dean Farina is asking to speak on behalf of the original committee document."

Dean Farina: "Thanks for the compliment Brad. Actually, I saw myself largely as not an independent drafter, but a collector of thoughts on behalf of the committee members.

What I would like to comment on, on behalf of the committees' resolution of this issue, is a couple of things. One is – perhaps I misunderstood what John – said but wanted to make sure that there was not a misunderstanding about how the current Statement would operate. The peer review process does not determine, under the current Statement, which projects are funded. The results of the peer review funnel back in to the decision-making process that exists in the SCA. What the statement recommends is a director as well as the joint steering committee. But it does not in any sense require it even, as the whole thing is a recommendation. It does not even say this is required. It simply says 'for example a director as well as a joint steering committee.' And the expectation is clearly that the joint steering committee, the people who are indeed involved in the alliance, will make the determination of which projects to fund. They are simply getting a recommendation, an assessment, from peer reviewers of the academic merit of those proposals measured against the RFP. So I just wanted to make sure that there wasn't any unclarity about that.

“And I guess the other thing I would suggest on behalf of the committee is that we perhaps resist dichotomizing this as an issue of ‘trust’ or ‘mistrust.’ – pretty loaded words sounding like bad faith. I don’t know that anyone on the committee thought that Cornell faculty members would be engaged in bad faith, or for that matter that industry scientists engaged in these alliances and working side-by-side with Cornell faculty members would be engaged in bad faith. Rather, what you have here are two very different cultures coming together. I think we all appreciate that or we wouldn’t be here rather, than in industry or private firms making a lot more money. That’s part of the choice we make. Those are very different cultures and they are very different cultures with very different values. And you don’t have to say one is worse than the other to recognize the difference in the two. When these two cultures come together, there may very well be some degree of misunderstanding.

“The third possibility, I think, is the one that the committee chose, which is to trust but verify. And that’s what’s Subsection D is about. You have an RFP but it should have objective standards, because that makes it easier to verify what’s going on. You have a peer review process; it doesn’t have to be a big one, but it should be one. And you report out to LAC or somebody like LAC, because they have transparency and accountability. I regret if it seems that the language is unduly harsh. I think that that was not the intent of the draft. I think the intent was to capture basic principles of transparency and accountability. And to say ‘this is a different culture here, and there will be concerns. And we need these things to address those concerns.’ But let me end where I started. Reasonable minds can disagree about this.”

Speaker Norton: “The chair will point out to the body that we have only 20 minutes left if we are going to adjourn at our usual time of 6:00. So I am bit concerned about time because we do have another amendment to go and another resolution on the agenda. So I would hope there will be no further comments on the first amendment.

There are still.”

Professor Phoebe Sengers, Science and Technology Studies: “This is not a comment but a question. I am not sure that I understand what the amendment actually would do. So it’s clear that you want to delete point 2, under Section D.”

Speaker Norton: “No, to delete all of Section D.”

Professor Sengers: “Well let me put it this way. The amendment says we are going to delete Section D but we are going to keep the RFPs and we are going to keep the annual reports. So does that mean that points not in points 3 are still in? Or does that mean you want those in but in a different way?”

Professor Guckenheimer: “Those points will remain in the other parts of the document where they also appear at this point. They are described in different terms in Section C and in Section D.”

Professor David Pelletier: “It’s really a continuation of this. It’s just all presentation. It’s just transparency that said, this one has RFPs, this one doesn’t. I might be crazy. Is that the case? And now we hear they both have RFPs.”

Professor Farina: "There is a bit of a disagreement between the drafter and John about whether these things appear in two different places. The amendment does direct the drafter to reconcile this. So, if you adopt the resolution, I guess my job would be to make sure that those things appear if they don't now. I think the other way to look at it - John is it fair to say that this would collapse broad and narrow SCAs?"

Professor Guckenheimer: "No, I don't think it necessarily does."

Professor Farina: "No. Well let's forget that then."

Speaker Norton: "Were there other comments? Is everyone prepared to come to a vote on the first amendment? Do people understand?"

Professor Ron Booker, Neurobiology and Behavior: "I am just a little bit confused actually. Because it's hard for me to actually understand when I looked at the definition of what's broad and narrow, what criteria are actually being used to make that definition? And that could be an amazing moving target. You could worry about having transparency but if you don't have those things defined, and I'm not even sure if that's necessary, then how do you have transparency? So I really want this one to go, so five million dollars is the limit. I don't want this one to go, so two million dollars could be the limit. But in the language that I saw there, it just said that some are small and some are large. Are the faculty defined, or are the faculty not? So I can make it a narrow SCA by simply working hard at defining who the faculty are ahead of submitting the proposal? So in a way it's very complicated because it's really about how you want to go about the process - unless I'm wrong - of actually setting up the arrangement personally. It becomes a choice of the whether or not they want to have a broad approach or a narrow approach. And in a way it allows you to skirt some of the issues that people have raised. And I'm not even saying that is our argument to keep in the original wording because naturally I think the original wording is a little . . .

Professor Farina: "Narrow SCAs would have nothing to do with amount, first of all. It only has to do with range of faculty. And it is completely true that by how the initial project is structured, the project could be put in one category or the other. Absolutely true. Absolutely true."

Speaker Norton: "Other comments on the amendment, on the first amendment? Seeing none, oh I do see a hand."

Professor Risa Lieberwitz, ILR: "I'm a member of the committee. I am sorry to go around this again, but it does seem like it may be needed. The point that I wanted to underline in terms of speaking against the amendment has to do with the role of peer review, and to underline something that Cynthia said about maintaining the culture that we have as an academic institution - is that as a structural matter, not as an issue of personalities, which points to the issue of whether you trust someone or not, but as a structural matter that we respect the views of others and the way that we respect the views of other academics judging our work is through the peer review process. That's the most traditional way to do it. And the reason for doing this besides transparency is that we are maintaining independence from the funder, which is the corporation. And

so this is one way to reinforce the peer-review traditional ways in which we judge the merit of the proposals and grant applications. And it's also a way in which we reassert the independence of the academic institutions to judge the merits of these proposals as opposed to simply allowing a corporation to interfere with that independence."

Speaker Norton: "Are there other comments? If not I assume you are ready to come to a vote. All those in favor of adopting the amendment – that is deleting Section D and directing the chief drafter, that is Professor Farina, to reconcile the document in the absence of Section D – please say aye."

"All opposed?"

"The chair is in doubt. Can I have a standing vote, please? Let me try this first. I am going to ask Professor Cooke and Dean Walcott to be my tellers. All those in favor of the amendment, please stand and remain standing. Remember only Senators can vote.

"Those opposed, please stand.

"Are there abstentions? Please stand. Is there anyone here who didn't vote, neither abstained or voted aye or no? Because folks we don't have a quorum. Let's try it one more time. All those in favor of the amendment, please stand. Some people obviously left because we had a quorum before.

Opposed, please stand. Let's see abstentions again, please.

"We still don't have a quorum. The chair regrets that we had people who must have left. I can announce the vote, but it's not official because we have no quorum. There is absolutely no point in proceeding to a debate on the second amendment or on the other action before us, that is, the resolution from the Library Board.

"We can have a discussion without vote that's true, but we still can't have a vote on it."

Professor Richardson: "I just want to make a very brief comment. I am very grateful to you (Prof. Farina) and the committee for all the work that you put in on this. It's a very, very thoughtful document and regardless of how this turns out, I will tell you I will use it as a guiding principle. However, I need to warn you that there will be times when what we are trying to sell and what we are trying to do aren't going to fit in the conceived model that you have. That's all I can promise you, is that it will be used as a guideline for developing the arrangement. And we will go to the LAC and have detailed discussions with them and we will involve them as early as possible when it looks like we have a live customer on line."

Speaker Norton: "Presumably we will have a quorum at our next meeting and I would hope that we can vote on it since we have had debates at this meeting. The chair assumes that everyone will be well informed at the next meeting, and we can carry this matter over until the May meeting. I don't think we are going to carry this over to next week, right and have an extra meeting? The chair will ask the body what you would prefer to do. Shall we call on Professor Arms to present the resolution from the Library Board? Professor Cooke says we can have a discussion even though we don't have a



**FACULTY STATEMENT
OF
PRINCIPLES & BEST PRACTICES
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STRATEGIC CORPORATE ALLIANCES
Spring 2005**

This document has four parts:

HISTORY, SCOPE & APPLICATION – describes the process by which the Statement was created and adopted, its relationship to relevant Administration and Trustee documents, and its intended scope and function. The definition of “strategic corporate alliance” – which is a University definition – appears here.

GENERAL OBSERVATIONS – compares and contrasts the typical mission of the for-profit corporation and the research university, notes Cornell’s distinctive history of commitment to *both* academic independence and openness *and* practical collaboration, and describes faculty ambivalence about the possible benefits and risks of SCAs. The importance of ongoing monitoring and rigorous subsequent evaluation is emphasized here.

STATEMENT OF PRINCIPLES AND BEST PRACTICES – provides a set of overarching normative propositions, particularized by more specific directives and explanatory text, to be applied during the targeting, negotiation, approval, implementation, and oversight of strategic corporate alliances.

APPENDICES A-D – contain relevant Administration and Trustee documents and a bibliography.

The **TABLE OF CONTENTS** serves as a substantive outline of the Statement, as well as a locator. The **INDEX** not only helps find specific issues and terms but also provides a summary of some important concepts.

Respectfully submitted,

Elizabeth D. Earle, Plant Breeding & Genetics

John M. Guckenheimer, Mathematics (joining in this Statement except for Section D)

Anthony R. Ingraffea, Civil & Environmental Engineering

David A. Levitsky, Nutritional Science

Risa L. Lieberwitz, Industrial and Labor Relations

David L. Pelletier, Nutritional Science

Peter C. Stein, Physics

Steven A. Wolf, Natural Resources

Elaine Wethington, Human Development

Cynthia R. Farina, Associate Dean of the Faculty, Chair (non voting)

Charles Walcott, Dean of the Faculty, ex officio

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HISTORY, SCOPE AND APPLICATION

What Are Strategic Corporate Alliances, and What Is Their Origin at Cornell?

On July 30, 2003, the Administration completed the Cornell University Strategic Corporate Alliance Plan (“the Plan”), the objective of which is “[t]o leverage access to Cornell University intellectual capital, including faculty research, into major corporate alliances leading to competitive opportunities for select companies and financial support for faculty research and related infrastructure.”¹

The Plan defines a Strategic Corporate Alliance (“SCA”) as

a comprehensive, formally managed company-university agreement centered around a major, multi-year financial commitment involving research, programmatic interactions, intellectual property licensing, and other services.²

The initial target industries are affiliated with the New Life Sciences Initiative, but the Plan contemplates “expand[ing] the alliance concept to other industries beyond the scope of the New Life Sciences.”³

At a University Faculty Forum held on October 22, 2003, Vice President Inge Reichenbach explained the process that led to the Plan⁴: The Plan was the project of the Division of Alumni Affairs & Development, the Vice Provost for Research, and the Vice Provost for the New Life Sciences, in consultation with the Research Subcommittee of the Board of Trustees. That subcommittee spent six meetings discussing the SCA initiative. Also involved were the Office of Sponsored Programs and an informal New Life Sciences advisory council group. Special meetings were held with the Life Sciences and Food Sciences faculty, as well as two general meetings open to all faculty. Additionally, Vice President Reichenbach explained, the Trustees visited two institutions with SCA experience: MIT, which has been doing SCAs since the 1950s and which currently gets 45% of its corporate research sponsorship in this form; and Partners Health Care System, the teaching hospital related to Brigham and Women’s and Massachusetts General Hospital, whose faculty is affiliated with Harvard Medical School. The earlier draft of the Plan was discussed with the University Faculty Committee (“UFC”)⁵ and reviewed by the Local Advisory Council (“LAC”).⁶

¹ Cornell Strategic Alliance Plan (7/30 version) at 1 [Appendix A]. This version of the Plan superseded an earlier draft.

² Id.

³ Id. at 1,4.

⁴ Vice President Reichenbach’s remarks, and the transcript of the rest of the Faculty Forum, can be found at <http://web.cornell.edu/UniversityFaculty/>.

⁵ The UFC advises the Dean of the Faculty and serves some of the functions of an executive committee of the Faculty Senate.

What Other Administration and Trustee Documents Directly Address SCAs?

In addition to the Strategic Corporate Alliance Plan (7/30/03), which is attached as Appendix A, the process described above produced two other documents intended to govern SCAs:

- Trustee Document: Considerations & Principles Regarding Strategic Corporate Alliances (May 22, 2003), issued by the Research Subcommittee of the Board of Trustees, attached as Appendix B
- Cornell Document: Current Cornell Principles to Guide Development of Strategic Corporate Alliances (undated), attached as Appendix C

These three documents are essential background for this Statement. Faculty unfamiliar with them may wish to review them before reading the Statement.

What Process Produced The Faculty Statement of Principles and Best Practices?

As a result of the October 2003 University Faculty Forum, the Dean of Faculty and the UFC determined it would be appropriate for the Faculty to do as the Administration and the Trustees have already done:

- thoughtfully consider the implications of a commitment by Cornell to pursue corporate research support in the particular form of strategic corporate alliances (as that concept is defined in the Plan); and
- attempt to formulate a set of principles and practices that should govern Cornell's actions in such alliances.

As paragraph V of the Trustee Document appropriately recognizes:

Faculty should be deeply involved in the planning, execution, and monitoring of any plan for a specific strategic alliance, as well as being involved in and committed to the creation of the plan.

A committee prepared a draft statement that was presented to the Faculty Senate in April 2004. Revisions were made in light of comments received at that meeting. The revised draft statement (dated 6/15/04) was then circulated for comment to the entire faculty, the deans and Administration, the department chairs, and the program directors. The comment period lasted 6 months, during the last half of which the Dean of Faculty's office sent three separate e-mails urging Senators, deans, department chairs and program directors to discuss the draft with their faculties. In addition, at two Senate meetings in Fall 2004, Senators were reminded of the

⁶ The functions of LAC are described in footnote 39 infra.

pendency of the comment period. The original closing date for comments (mid-October 2004) was extended to mid-November. The committee received several comments from departments and individual faculty, and reviewed and considered all comments received.⁷ The committee also met with Vice-Provost Robert Richardson to get updated information on how the University is treating corporate sponsorship arrangements that have certain characteristics of SCAs but do not involve large dollar amounts or multiple departments/units. Based on all this information, the committee revised the 6/15 draft to produce this Statement, which was presented to the Faculty Senate at its April 2005 meeting.

How Does This Statement Align with the Relevant Administration and Trustee Documents?

On many important issues, the Faculty, the Trustees and the Administration have arrived at similar conclusions, and such consensus is encouraging. This Statement, however, addresses several points not covered in any of the current Administration or Trustee documents. Moreover, in a small but significant number of instances, this Statement takes a position that is, or may be,⁸ at variance with the position taken in the Plan. Such instances are flagged in the text below.

It is hoped that this Statement will form the basis for even broader consensus about applicable principles and practices among those responsible for targeting potential corporate partners, negotiating the terms of SCAs, giving final approval to the agreements, and overseeing their implementation.

What is the Function of This Statement?

This Statement has three principal functions:

- To provide recommendations that ought to be incorporated, in mandatory form, into the final version of the general University policies and procedures to govern SCAs, as well as into individual SCA agreements
- To govern faculty review of proposed SCA agreements and ongoing SCA oversight, as undertaken by LAC or whatever other faculty committee may be charged with these functions
- To assist individual faculty involved in SCAs in thinking about the academic freedom, integrity, and openness implications of these arrangements for themselves, their colleagues, their students, and the university community as a whole

⁷ These comments can be found at <http://web.cornell.edu/UniversityFaculty/>. Identifying information about individual authors has been deleted.

⁸ Sometimes, the text of the Plan is *capable* of being interpreted in a way consistent with this Statement, but inconsistent interpretations are also possible.

What Is the Intended Relationship Between the General Principles and the Accompanying Text?

The lettered statements are overarching principles – usually rooted in concerns about academic freedom and integrity – that form the main normative framework. The numbered statements are more specific expressions of these principles that give particular guidance in the SCA context. The accompanying text provides both discussion of the substantive values and concerns involved, and more detailed examples. This text should be used along with the lettered and numbered statements as an integral part of their meaning and application.

To What Sort of Sponsorship Arrangements Does This Statement Apply?

As previously noted, the University Plan defines an SCA as “a comprehensive, formally managed company-university agreement centered around a major, multi-year, financial commitment involving research, programmatic interactions, intellectual property licensing, and other services.”

Obviously, some of these terms are indefinite – if not vague – and the provisions of this Statement are intended to apply to sponsorship arrangements involving a private, for-profit partner that fall within the intent of this definition, whether or not they are formally labeled an SCA. Moreover, developments since the Plan was written suggest the possibility that smaller-scale arrangements involving sponsorship by for-profit corporations may have characteristics of SCAs (e.g., negotiation by central Development); these arrangements may even be described as “small” SCAs, or as being “like SCAs.” In such cases, this Statement can provide useful guidance for structuring and managing such arrangements, even though they are not formally within its scope.

This Statement recognizes the possibility of two types of SCA, the different dimensions of which call for somewhat varied procedural protections. The term “**Broad SCA**” refers to those agreements that involve research questions relevant to a potentially large group of faculty whose precise membership can not be easily specified in advance. All of the provisions of this Statement apply to Broad SCAs. The term “**Narrow SCA**” refers to those agreements in which a small number of specific faculty have been identified in advance as the relevant researchers. Because it is clear from the outset whose research will be funded under such agreements, Section D (protecting academic integrity and enhancing fairness in the funding process) does not apply to Narrow SCAs.

What Sort of Sponsorship Arrangements Are NOT Intended to Be Governed By This Statement?

This Statement is consistent with a larger framework of policies and practices established by (among other sources) the Faculty Handbook, the University Conflicts Policy, and the various regulations administered by the Office of Sponsored Programs. Therefore, many of the principles stated here will apply **because of these other sources** to all sponsored research – and, indeed, sometimes to all research. However, this Statement does not **itself** govern research arrangements that do not meet the Plan definition of an SCA.

Specifically, this Statement does not apply to:

- research sponsored by a government agency; or

- research sponsored by not-for-profit entities; or
- for-profit-corporate research sponsorship that is episodic, negotiated individually by specific faculty, or otherwise not reasonably within the Plan definition of an SCA.

Obviously, line-drawing may be difficult in some cases but, as with the Plan itself, the intent of this Statement is not to alter the operation of the vast majority of existing sponsorship arrangements.

Why Distinguish Between SCAs and Other Forms of Sponsored Research?

As just noted, many of these principles and practices discussed in this Statement are germane to all sponsored research – and, in some instances, to all research. What this Statement provides for SCAs is: (1) a more contextualized consideration of how academic freedom and integrity concerns may be implicated; and (2) a more elaborate set of procedural devices to ensure and monitor compliance. (Note that some of these procedural devices – e.g., the Joint Steering Committee and the RFP process – are originally conceived by the Plan, not by this Statement). This additional attention and layer of regulation is justified, quite simply, by the additional pressures and temptations created by SCAs.

Consider two situations. In the first, a member of the Engineering faculty is receiving \$250,000 from an automobile manufacturer to research more efficient fuel cells. In the second, a department is receiving \$2 million a year for 5 years from a pharmaceutical company to identify the potential for a naturally occurring bioactive molecule to demonstrate anti-carcinogenic activity. The latter situation may result in a re-focusing of laboratory space, faculty effort and graduate student research within the department, as well as the need to limit communications between participating and non-participating faculty and graduate students to protect proprietary knowledge, and a stronger-than-usual preference for obtaining positive results in order to secure future funding (as compared, for example, with NIH funding). It is not that the principles of academic freedom and responsibility, or the obligations to avoid conflicts of interest, are different in these two cases. Rather, the concern is that in the latter case the essential quality of academic independence from the sponsor is more difficult to maintain at an *institutional*, as well as individual, level, and the source of funding may create undesirable effects on intellectual exchange within the department. Therefore, more formal decisional processes and oversight mechanisms are appropriate as continual self-checking and self-correcting mechanisms.

Some may argue that all forms of sponsored research should be identically regulated. The fact remains, however, that Cornell has a history of successfully supporting certain forms of governmentally and privately sponsored research without undue sacrifice of academic freedom and integrity. SCAs, on the other hand, are new for us. A range of respected academic voices agrees that large-scale research partnerships between universities and for-profit corporations should be approached with care.⁹ In the circumstances, giving special consideration to the principles and practices that should attend these alliances seems appropriate.

⁹ For some sources, see Appendix D.

GENERAL OBSERVATIONS

Historically, research universities and for-profit corporations have had very different goals, and very different ways of organizing to achieve those goals. The goals of the research university have characteristically included the creation of new knowledge and its broad dissemination. The university typically pursues these goals by affording faculty the freedom to define their own research agendas, and by protecting unrestricted access to the results of scholarship and research. The primary goal of the for-profit corporation has characteristically been to generate a return on investment for its shareholders. The corporation typically pursues this goal by channeling the efforts of its employees towards the objectives defined by corporate leadership, and by utilizing the intellectual property its employees produce for commercial purposes.

Despite these distinctive characteristics, Cornell has long appreciated the possible benefits of collaboration between the university and the corporate sector. Whether expressed in Andrew Dickson White's revolutionary commitment to pairing technological with classical education, or in the land grant mission to couple research with the practical education of society, Cornell has a distinguished history of working with both private and public research sponsors. At the same time, however, it is equally part of Cornell's history to guard academic values jealously. For example, it has refused to sacrifice public access to new knowledge by permitting classified research on campus.¹⁰ It has been a strong proponent of peer review in allocation of research funds, declining offers of earmarked funding from Congress that lacked this hallmark of academic integrity. In each instance, Cornell has refused to compromise the values of open access and research autonomy in exchange for financial support.

Both strands of Cornell's history – an established, richly varied practice of corporate sponsorship of research *and* a distinctively rigorous commitment to academic integrity and openness – are relevant in thinking about SCAs. In one sense, SCAs are “merely” an extension of what we are already doing. In a very important sense, however, the commitment to pursue SCAs is a significant new step for Cornell. Indeed, were this not so, it is hard to understand why the Administration and the Trustees expended so much time and effort in researching the idea, discussing it among themselves and with various constituent groups, and developing the Plan and the other documents specific to SCAs .

The Faculty both appreciates the need to find new sources of support for the research mission of Cornell and applauds the creativity and initiative the Administration has shown in

¹⁰ See Cornell University Guidelines on Sensitive and Proprietary Research, adopted by the Cornell Research Council on May 20, 1985, reproduced in Faculty Handbook at 91 (“Given the open nature of Cornell University, research projects which do not permit the free and open publication, presentation, or discussion of results are not acceptable. ... In particular, research which is confidential to the sponsor or which is classified for security purposes is not permitted at Cornell University.”)

pursuing the SCA idea. At the same time, Faculty opinion is divided about whether, in the end, SCAs will benefit the university. Some fear that the corporate and university cultures are too incommensurate for true partnership. Others are more optimistic and believe that mutually beneficial collaborations are possible without compromising Cornell's academic values and mission. Not surprisingly, this division mirrors the larger debate within the academy about the impact of various sorts of sponsorship on academic freedom and the breadth and integrity of research. (Those wishing to explore this debate will find a sampling of the literature in a bibliography attached as Appendix D.)

In any event, there is broad Faculty agreement that SCAs must be carefully managed at all stages: negotiation, initial implementation, ongoing oversight, post-hoc assessment and, if warranted, policy and practice modification. Attention to the principles and practices of this Statement will help ensure that Cornell retains its academic integrity as it enters into these new collaborations. Particularly important are the recommendations concerning monitoring and evaluation of the SCA experience. Some academic institutions have apparently done SCAs well; others have had well-publicized problems.¹¹ But there are extraordinarily few reliable data and rigorous assessments of the actual impact of SCAs on research quality and academic culture. Ensuring that such data are being collected and such assessments are occurring here will go a long way towards alleviating Faculty concerns.

PRINCIPLES & BEST PRACTICES TO BE APPLIED DURING THE TARGETING, NEGOTIATION, APPROVAL, IMPLEMENTATION, AND OVERSIGHT OF STRATEGIC CORPORATE ALLIANCES

A. THE POWER TO CHOOSE RESEARCH TOPICS FREELY AND THE ABILITY TO PUBLISH RESULTS PROMPTLY, WITHOUT REGARD TO OUTCOME, ARE BASIC ELEMENTS OF ACADEMIC FREEDOM.

1. Research Autonomy Should Be Safeguarded.¹²

¹¹ MIT is a principal example of the former; Berkeley and the Novartis arrangement, the classic case of the latter. (Articles on Novartis, including a citation to the recently released external study, can be found in Appendix D). The difficulty is that neither of these is a sensible model for imagining how SCAs would look at Cornell.

As noted above, MIT has cultivated SCAs for over half a century and now gets almost half of its corporate sponsorship in this form. It is difficult to imagine Cornell, with its many colleges' far more diverse scholarly agendas, ever developing such extensive research integration with private industry.

The Novartis arrangement was only a single venture, but of such massive scale that the corporate sponsor effectively bought almost all the research output of an entire department for 5 years. This level of sponsorship is, perhaps, just within the limits of the imaginable here – but, at the same time, the Berkeley/Novartis partnership has become the textbook example of how NOT to do an SCA. Only unimaginable ineptitude could lead a university now to agree to the sort of terms Berkeley accepted then.

¹² Compare Trustee Doc: Considerations & Principles ¶ II.1 (“The academic independence of the University and the integrity of the Cornell name will be paramount.”)

Autonomy in selecting the topics and direction of research is a defining distinction between holding a faculty appointment, and working as a non-academic employee or as a consultant for hire. Obviously, no faculty member or graduate student should be coerced into participating in any project funded by an SCA.¹³ But research autonomy will not be preserved merely by prohibiting direct coercion. Rather, the entire circumstances of the department/program need to be evaluated to ensure that there remain sufficient institutional resources and support to allow the flourishing of research not allied with the SCA.

To be sure, constriction of research freedom by the pressure of donor preferences is not unique to SCAs. Unless a gift is unrestricted, sponsored research (public and private) always forces the researcher to choose a project of interest to the sponsor. However, the potential magnitude and comprehensiveness of SCAs substantially enhances the threat. Therefore, the key question is whether the SCA occupies so much of the department's/program's potential research capacity that it crowds out non-conforming research agendas.

An SCA should be approved only if faculty within the department/program will, as a practical as well as theoretical matter, retain a sphere of freedom to pursue research topics of their own choosing – either within the SCA or by seeking alternative support for such projects. Factors relevant to this assessment include:

- (a) the proportion of department/program faculty expected to receive all or most of their funding through the SCA;
- (b) the magnitude of any unrestricted funds available within and outside the SCA;
- (c) the proportion of department/program physical, administrative, support, and other resources devoted to SCA projects;
- (d) the narrowness or breadth of the type of projects fundable through the SCA;
- (e) departmental/ program commitments to funding diversity of research beyond the SCA;
- (f) whether the success of the SCA has been identified as one of the strategic goals of the department, thereby putting undue pressure on faculty to take part in it;
- (g) likely effect of the SCA on projects/programs traditionally conducted in the public interest.

Particularly in light of these concerns, the faculty commends the administration's commitment to obtaining, in the SCA agreement, both full recovery of overhead costs and a philanthropic portion

¹³ Compare Trustee Doc: Considerations & Principles ¶ II.4 (“Faculty participation in any alliance, as outlined, will be voluntary.”). See also id. ¶ VIII.1.

of funding.¹⁴ The former is essential to ensure that other Cornell resources are not covertly underwriting the SCA and so exacerbating the problem of crowding out. The latter can affirmatively expand the sphere of research freedom if it is channeled to support meritorious projects that do not readily attract sponsors.

The faculty expresses concern over the degree to which the corporate partner's power to terminate the agreement prior to the expected term, or to lower the originally-committed funding level, provides opportunities for covert pressure on faculty research agendas. University negotiators should be extremely careful to protect faculty from such pressure. One possibility is a provision that the partner will pay the salaries of project personnel for a stated period of time in the event that the partner decides to terminate the agreement before the agreed-upon date or decrease the originally-contemplated funding level.

2. RESTRICTIONS ON RELATIONSHIPS BETWEEN FACULTY OR STUDENTS AND "COMPETITORS" OF THE CORPORATE PARTNER SHOULD BE MINIMIZED.

Agreeing to restrict faculty or student relationships with "competitors" of the corporate partner both shrinks the sphere of potential alternative research support and inhibits the public dissemination of knowledge that is a central part of the university's traditional mission. Therefore, such promises should be made only sparingly, and should be very narrowly drawn.¹⁵

In particular:

- (a) The group of "competitors" should be *defined in advance* at the time of entering into the SCA, should be *as limited as possible*, and should in any event include *only for-profit* entities.
- (b) The "when" should be very clear, covering only work done *simultaneously* for the corporate partner and the competitor.
- (c) The "who" should be very clear, covering only the *same* faculty member or graduate student.
- (d) The "what" should be very clear, covering only *similar* work as defined in advance at the time the faculty member's project is funded through the SCA.

Legally justified claims to protect trade secrets or similar proprietary data from competitors can be more broadly recognized, but the scope of claimed protected material should be clearly identified in advance whenever possible.

¹⁴ See Cornell SCA Plan at 6, 8. Restrictions by government or non-profit funding organizations on overhead recovery are not implicated here. See "What Sort of Sponsorship Arrangements Are NOT Intended to Be Governed By This Statement?" supra.

¹⁵ Compare Cornell SCA Plan at 6-7: "Among the benefits Cornell may offer companies are: ... Agreement that Cornell will not enter into research sponsored by competitors that involves the same investigator and similar work."

In a related but more subtle area, it is important that commitments in an SCA to “facilitate” access by the corporate partner to Cornell faculty and students¹⁶ not become the effective equivalent of discouraging such access to the partner’s competitors. A properly conceptualized SCA is a collaboration supporting academic research of interest to the corporate sponsor – it is not a joint venture in which a Cornell department/program becomes a remote research facility “belonging” to the sponsor. It is especially important that arrangements to support faculty research not be permitted to wreak incidental but real harm on vulnerable graduate students.

3. INTERFERENCE WITH PUBLICATION (INCLUDING DELAY FOR FIRST-LOOK REVIEW) SHOULD BE MINIMIZED.

Any censorship of the content of publication by the corporate partner (beyond legally justified claims to protect trade secrets or similar proprietary data) is obviously unacceptable. However, even “first look” rights can threaten academic freedom and inhibit public dissemination of knowledge. In some fields or sub-fields, timing is so critical that an enforced delay of even 30 days can be significant, and 90 days can be disastrous. Moreover, the right of delay is susceptible of being misused to waylay undesirable results.

Therefore, granting “first look” rights should be understood as undesirable from the University’s perspective.¹⁷ Rather than being routinely offered as part of an SCA,¹⁸ they should be regarded by University negotiators as a *significant* concession that will be made only for good and sufficient reason. Moreover,

(a) To minimize disputes over publishability and to protect graduate students, the scope of claimed proprietary or other protected material should be clearly identified in advance whenever possible.¹⁹

¹⁶ See Cornell SCA Plan at 7: “Among the benefits Cornell may offer companies are: ... Facilitated access to facilities, faculty and students.”

¹⁷ Compare Cornell University Copyright Policy (adopted by Board of Trustees Executive Comm., 6/28/90) (“As a matter of principle and practice, the University encourages all members of the Cornell community to publish without restriction their papers, books, and other forms of communication in order to share openly and fully their findings and knowledge with colleagues and the public.”)

¹⁸ See Cornell SCA Plan at 6-7: “Among the benefits Cornell may offer companies are: ... First look at discoveries.”

¹⁹ Compare Cornell Guidelines on Sensitive and Proprietary Research, Fac. Hand. at 91 (“Such information [i.e., proprietary] must be identified as such in writing when transmitted and the condition of its acceptance specified.”)

(b) If first look rights are given, they need to be accompanied by conditions and safeguards that should, at a minimum,²⁰ include the following:

- (i) separate identification of each medium (journal publications, external presentations, dissertations, etc.) included in first-look review;
- (ii) such rights should never extend to work beyond that funded directly through the SCA;
- (iii) the corporate partner should be urged to develop a rapid clearance procedure (i.e., considerably shorter than 30 days) for time-sensitive material and circumstances such as external presentations;
- (iv) the ability of graduate students to present material in a timely and effective fashion in connection with seeking employment or another research position needs to be protected even if the involved faculty are willing to delay their own presentations and publications;
- (v) the corporate partner should give explicit written assurances in the SCA agreement that the right to delay will not be invoked for the purpose of temporarily suppressing undesirable results;
- (vi) exercise of the right to delay beyond 30 days should be justified in writing by the corporate partner²¹ and monitored by the Joint Steering Committee (see Section C) to ensure that it is not being used as a means of censoring results;
- (vii) the right to delay should in no event extend beyond 90 days.²²

4. LICENSING OF INVENTIONS DERIVED FROM SCA-FUNDED WORK SHOULD ALWAYS RESERVE ACADEMIC USE & DISTRIBUTION RIGHTS, AND SHOULD BE NON-EXCLUSIVE TO THE EXTENT REASONABLY POSSIBLE.

Cornell has repeatedly reaffirmed its fundamental commitment to faculty “shar[ing] openly and fully their findings and knowledge with colleagues and the public,”²³ and has recognized that “the

²⁰ Regulations from the OSP may impose additional limitations on first look rights.

²¹ Compare Cornell Guidelines on Sensitive and Proprietary Research, Fac. Hand. at 91 (“Beyond the thirty days, delays of up to three months are acceptable on the basis of a *formal request* from the sponsor.”) (emphasis added)

²² Compare Current Cornell Principles (undated) No. 3 (“Reasonable delays would be permitted for review for confidential company information, patentable subject matters and, if appropriate, preparation of patent applications. In no case will the total delay exceed 90 days.”)

²³ Cornell University Copyright Policy, General Statement.

University's primary obligation in conducting research is the pursuit of knowledge for the benefit and use of society."²⁴ Moreover, it has acknowledged its obligation "to seek assurance that any patent right be administered consistent with the public interest."²⁵

In light of these commitments and obligations, licensing of inventions derived from SCA-funded work should, whenever possible, take the form of non-exclusive licenses to the corporate partner to use university-owned patents. By giving the licensor a monopoly over use of the patented invention, exclusive licensing inevitably interferes with full and open sharing of the results of academic research. Moreover, unless circumstances are very carefully assessed, it may allow the principal beneficiary of the patent right to become the private, rather than the public, interest.²⁶

In the event that exclusive licensing rights are given to the corporate partner, such rights should be as narrowly drawn as possible. For example, they should cover the fewest number of patents, for the shortest period of time that can be negotiated.

Most important, all SCA agreements should include a provision protecting Cornell's right freely to use and distribute research methods and results to academic researchers at Cornell and other academic settings. Even if an exclusive license is granted, these rights to use and distribute methods and results for academic research should be retained.²⁷

5. ANY INTERFERENCE WITH ACADEMIC FREEDOM SHOULD BE REPORTED TO THE DEAN OF THE FACULTY, WHO IN ADDITION TO COUNSELING ORDINARY REMEDIES WILL ENSURE THAT SUCH REPORTS ARE TRACKED.

Any faculty member who experiences interference with academic freedom in connection with an SCA should seek the assistance of the Dean of the Faculty.²⁸ Moreover, "[i]ndividual faculty members are encouraged to speak out on behalf of a fellow faculty member's academic freedom,

²⁴ Cornell University Patent Policy, ¶ A.1.

²⁵ Id. ¶ A.2.

²⁶ The Patent Policy recognizes that "the development and marketing of inventions resulting from University research so as to reach a public usefulness and benefit ... may require various forms of agreements including the granting of exclusive licenses." Id. ¶ F. The challenge, of course, is accurately predicting the circumstances in which exclusive licensing will indeed be the optimal strategy for developing the invention in the public interest.

²⁷ Compare Cornell Principles (undated) No. 5 ("Cornell will retain the right to practice any inventions for its own research and education purposes, and will retain the ability to distribute any biological materials created under a corporate research sponsorship to other academic researchers.")

²⁸ See Faculty Handbook at 89 (statement on research freedom of faculty, indicating that those who are threatened or harassed in the exercise of this freedom "should seek assistance through the Dean of Faculty.")

either individually or through the Faculty Senate and its committees”²⁹ or by seeking the assistance of the Dean of the Faculty.

In such circumstances, the Dean of the Faculty should counsel the faculty member as to the range of remedies ordinarily available for such interference. In addition, he/she should (1) report the complaint to the Local Advisory Council (LAC), who should take such complaints into consideration as part of its periodic review of the operation of the alliance (see Section E.2); and (2) ensure that a database is being maintained of such complaints, in order that they may be appropriately considered in assessing the experience under particular alliances and SCAs in general.

B. ACADEMIC FREEDOM ENTAILS THE RESPONSIBILITY TO UNDERTAKE AND PRESENT RESEARCH WITH OPENNESS AND INTEGRITY, AND CONDITIONS HAVE TO BE MAINTAINED IN WHICH FACULTY CAN FULFILL THIS RESPONSIBILITY.

Academic freedom brings with it the responsibility of disinterested integrity in the conduct of research and the publication of results. As the subsequent external review of the Berkeley-Novartis agreement put it, ““The privileges of academic freedom do carry the responsibility of professional ethics and candor.””³⁰ Although this responsibility attends all research, sponsored or not, the comprehensiveness and scale of an SCA and the pervasive influence of the corporate partner may make it particularly difficult to maintain the conditions in which faculty are able, and motivated, to fulfill their responsibility.

1. NO RESTRICTIONS ON REVEALING THE SPONSORSHIP RELATIONSHIP ARE PERMISSIBLE.

No SCA should contain any provision that permits, or even implies, that the corporate partner has the right to forbid faculty or graduate students from disclosing SCA sponsorship of research. Oversight of SCA implementation should be sensitive to any evidence that the corporate partner (or its on-site employees) is exerting pressure on faculty or graduate students not to disclose sponsorship.

Forthright disclosure of the sponsorship of particular research is one of the simplest, and best, antidotes for the suspicion that the quality of work has been compromised by the interests of its sponsor. Increasingly, external review organizations, top journals, and even entire disciplines are adopting norms that require disclosure of sponsorship relationships as a matter of course. It may be that Cornell ought consider adopting a university-wide rule in this area, as a way to safeguard the integrity of research that is so essential to the academic mission. Such a norm would protect faculty from pressure not to reveal sponsorship affiliation when publishing results that are

²⁹ Id.

³⁰ Busch, et al, External Review of the Collaborative Research Agreement Between Novartis Agricultural Institute Inc and the Regents of the University of California at 154 (July 31, 2004) [hereinafter “External Review”, available at http://www.berkeley.edu/news/media/releases/2004/07/external_novartis_review.pdf].

counterproductive, embarrassing, or otherwise undesirable from the sponsor's perspective.

2. MULTIPLE SIMULTANEOUS RELATIONSHIPS WITH THE CORPORATE PARTNER SHOULD BE CAREFULLY MANAGED.

SCAs pose significant challenges for departments/programs and for individual faculty in maintaining the line between academic independence and corporate employment. These challenges become even greater if the corporate partner seeks to employ faculty as consultants or independent contractors while faculty are also receiving funds through an SCA.

Such simultaneous arrangements have to be very carefully managed, and will need to be avoided unless a clear separation can be maintained between work done as a faculty member of the university (though made possible through SCA sponsorship) and work for hire done for the corporate sponsor. See generally "Cornell University Conflicts Policy, Academic Policies/Responsibilities: Consulting"; Office of Sponsored Programs, "Guidelines for Consulting Agreements." The circumstances of a particular SCA may make it prudent to require the corporate partner to forego entirely such simultaneous, potentially confusing side relationships with faculty receiving support through an SCA. Indeed, experience with SCAs over time may reveal that general guidelines in this area are possible and appropriate.

3. ANY INTERFERENCE WITH A FACULTY MEMBER'S RESPONSIBILITY TO PUBLISH RESULTS, REGARDLESS OF EFFECT ON THE SPONSOR, IS UNACCEPTABLE.

To be consistent with academic integrity and responsibility, a faculty member's decisions about whether and when to publish results have to be based on objective assessment of the value of the work, using the standards and norms of the discipline – not on perceptions about the likely reaction of the sponsor to publication. Unfortunately, effectively insulating faculty from pressure to behave in ways that will please their sponsor is difficult – especially when the sponsor has committed large amounts of funding to the department/program over multiple years. The difficulties are multiplied when the faculty member has been working side by side with employees of the corporate partner, who understandably share their employer's interests.³¹

At a minimum, the SCA agreement should contain an explicit written commitment that neither the corporate partner nor its employees will attempt to dissuade faculty from publishing results obtained from sponsored research.³² Such a provision at least puts the partner on notice that publication decisions lie solely in the realm of academic judgment, and are an area in which the

³¹ Among the duties of the new Director of Corporate Strategic Alliances is "keeping companies fully engaged" by "e.g., facilitating symposia, arranging visits, and placing company researchers in residence at Cornell. [The Director] ... will maintain close communication and coordination with Cornell faculty, and will help bridge any culture gap by exhibiting and encouraging mutual trust and synergy among scientists." Cornell SCA Plan at 8.

³² Compare Cornell Guidelines on Sensitive and Proprietary Research, Fac. Hand. at 91 ("Nor will the university enter into any agreements unless the principal and co-principal investigators have the final authority on what is to be published or presented.")

partner has no legitimate role. Beyond this, oversight of the SCA in progress should be alert to any indications that faculty are being induced to engage in self-censorship based on sponsor interests rather than appropriate scholarly norms.

C. DECISIONMAKING AUTHORITY OVER CORNELL RESEARCH HAS TO REMAIN PRIMARILY WITH CORNELL DECISIONMAKERS.

The Plan calls for creation of a Joint Steering Committee (JSC) to manage the SCA.³³ Beyond providing that the JSC will be “led by a Cornell and company representative,”³⁴ the Plan does not specify organizational or operative details of the JSC. Under the Plan, the JSC “will review and select faculty proposals for funding,” through a process involving “internal faculty Requests-for-Proposals.”³⁵

1. THE MANAGEMENT GROUP SHOULD CONTAIN NON-PARTICIPATING, AS WELL AS PARTICIPATING, FACULTY.

The JSC should contain some faculty members who are not direct stakeholders in the SCA and who are outside the specific intellectual disciplines of the faculty participating in the SCA. Being themselves outside the funding opportunities of the alliance, their perspective can help provide balance and objectivity, flag potential conflicts and other incipient problems, and prevent the fact or appearance that the enterprise is becoming inbred. Moreover, participation of disinterested faculty gives additional reassurance – both within and outside the department/program involved – that funding decisions will be evenhanded, and that the SCA is being managed with due regard for the values and mission of the university as a whole.

Selection of Cornell JSC members should involve consultation and advice of the Dean of Faculty.

2. DAY-TO-DAY MANAGEMENT OF THE SCA SHOULD BE PREDOMINANTLY BY CORNELL FACULTY, NOT CORPORATE REPRESENTATIVES.

One fundamental touchstone can never be lost: This is academic research, not corporate research.³⁶ If there is a Director of the alliance (see Section D.3), that Director needs to be a

³³ Cornell SCA Plan at 6, 7, 8.

³⁴ Id. at 8.

³⁵ Id. at 8, 7.

³⁶ See Cornell Guidelines on Sensitive and Proprietary Research, Fac. Hand. at 91: The university will accept only sponsored research projects which are expected to further the research and educational mission of the institution. While a sponsor may delineate the areas of research to be supported, the principal and co-principal investigators must have final authority for decisions on the course of the research program within these limits. The principal and co-principal investigators must also have final authority regarding employment of personnel for the project. In particular, research that is subject to a sponsor's approval of personnel is not permitted at the university.

Cornell faculty member. If all management is to be done by the JSC as a committee of the whole, then Cornell representation has to predominate. The corporate sponsor appropriately has a voice in management decisions, but may not have a representative with Co-Director status, and no more than 1/3 of the members of the JSC or any other management group should be corporate representatives.³⁷

3. SELECTION OF FACULTY PROPOSALS FOR FUNDING SHOULD NOT BE DICTATED BY CORPORATE REPRESENTATIVES.

The distribution of alliance funds to Cornell faculty, staff and students should be primarily in the hands of Cornell, not the sponsor.

In keeping with the purposes of the alliance and the interests and priorities of the sponsor as expressed in the RFP, representatives of the corporate sponsor may participate in the selection of proposals to be funded, but this process should be led by Cornell faculty, and corporate representation should not exceed 1/3 of the membership of any selection committee.

D. IN THE CASE OF CERTAIN SCAs (“BROAD SCAs”), OBJECTIVE STANDARDS, PEER REVIEW, AND SOME FORM OF EXTERNAL ACCOUNTABILITY ARE NEEDED TO PROTECT ACADEMIC INTEGRITY IN THE FUNDING PROCESS AND TO ENHANCE FAIRNESS.

Although the subject-matter interests and commercial priorities of the corporate sponsor may appropriately inform the general objectives of the alliance, in the case of “broad SCAs” – those involving research questions relevant to a potentially large group of faculty whose precise membership cannot be easily identifiable in advance of the formation of the SCA – the process for funding research through the SCA should follow traditionally respected academic protocols for proposal evaluation and grant awards. This process includes Requests for Proposals, peer review, and a selection process that seeks to ensure a proper balance in the research portfolio among scientific merit, commercial potential and public interest research.

Note that this entire section does not apply to “narrow SCAs” – i.e., those in which a small number of specific faculty have been identified in advance as the relevant researchers

³⁷ Compare Cornell SCA Plan at 6-7: “Among the benefits Cornell may offer companies are: ... Shared management of the Alliance via Joint Steering Committee.”

The 33% formula chosen here is slightly below the 40% corporate membership on the Berkeley-Novartis governing committee. The structure of that committee occurring in one of the most pro-industry SCA agreements we know about) should allay concern that no sponsor will enter an SCA unless it has at least equal representation in – if not control over – the governing body. Indeed, according to the external study subsequently commissioned by Berkeley, the presence of Novartis representatives on the committee originated in the faculty’s suggestion rather than the sponsor’s demand. See Busch, et al, External Review at 87, note 30 supra.

1. THE JOINT STEERING COMMITTEE SHOULD PREPARE REQUESTS FOR PROPOSALS THAT SPECIFY AS CLEARLY AS POSSIBLE THE CRITERIA THAT WILL GOVERN GRANT AWARDS AND THE PROCESS FOR APPLICATION.

Clear and detailed notice of the criteria and the process for obtaining funds through the SCA serves several purposes. Most obviously, it enables participating faculty to design their proposals as effectively as possible. In addition, it facilitates the job of those who will be reviewing the proposals (see Section D.2). Finally, from an institutional perspective, it is a small but important piece of the transparency that allows external monitoring to confirm that research funding through the alliance has been evenhanded and based on scientific merit. (See Section E.2).

2. PROPOSALS SHOULD BE EVALUATED BY NON-PARTICIPATING CORNELL FACULTY COMPETENT TO ASSESS THEIR MERIT.

Peer review by disinterested scholars remains the premier method of assessing the merit of academic work. Cornell recognizes this in a number of relevant settings; for example, it constitutes internal peer review panels to evaluate proposals for the Affinito-Stewart Grant Program of the President's Council of Cornell Women.

After proposals are submitted in response to the RFP, internal peer review panels of non-participating faculty should be constituted to evaluate their merit. Factors to be considered may include the mission statement of the alliance. These evaluations need not be lengthy; examples of modest-length evaluation instruments exist from other programs. The important point – vital to honoring the principle that we are engaged in academic, not corporate, research – is that genuine, disinterested peer review occur.

3. FUNDING DECISIONS SHOULD BE MADE IN A WAY THAT ENHANCES ACCOUNTABILITY, AND SHOULD BE THE SUBJECT OF PERIODIC EXTERNAL REPORTING.

(a) The final step in the grant process – deciding which proposals to fund – should be structured to maximize accountability. This goal could be accomplished by, for example, placing ultimate responsibility in the hands of an alliance Director who is not a member of the JSC and who would make grant award decisions (after receiving the peer review assessments) with the advice and consent of the JSC.

(b) Whether decisions are made by a Director, the JSC itself, or some other mechanism, a report of funding decisions from each grant cycle, along with the relevant RFP, should be submitted no less frequently than annually to the Local Advisory Council (LAC). (See Section E.2). This report should be sufficiently detailed in describing projects both funded and not funded that LAC can satisfy itself that research support through the alliance has been evenhanded and based on scientific merit.

THE FACULTY, THROUGH ITS REPRESENTATIVES, SHOULD HAVE A CENTRAL ROLE IN THE APPROVAL AND OVERSIGHT OF SCAS.

Both the “Trustee Document: Considerations & Principles” and the Plan commendably contemplate that LAC will play a key role in review, approval and oversight of SCAs.³⁸ LAC’s substantive expertise, its tradition of providing rigorously independent faculty judgment within a constructive working relationship with the administration, and its demonstrated ability to handle sensitive information appropriately, all make it the logical first choice for this role.

Nonetheless, some caution in calling upon LAC is appropriate. This committee already performs a vital service that places heavy demands on the time of its member faculty.³⁹ If a complex SCA were to be proposed and/or if multiple SCAs were simultaneously to be undertaken, the burden could quickly become overwhelming. The faculty role in approval and oversight contemplated by this Statement is significant, and should not be undermined by entrusting it to a committee which, no matter how well-qualified and well-intentioned, is simply too busy with other important matters to carry it out. Therefore, although this Statement refers to LAC as the faculty committee with responsibilities in this area, entrusting the responsibilities to some other faculty committee might prove necessary.

1. NO SCA SHOULD BE ENTERED INTO WITHOUT THE APPROVAL OF LAC, WHO SHOULD BE INVOLVED EARLY ENOUGH IN THE PROCESS THAT THE AGREEMENT IS NOT A FAIT ACCOMPLI. AMENDMENTS TO AN SCA SHOULD ALSO RECEIVE LAC APPROVAL. LAC SHOULD REPORT ITS CONCLUSIONS TO THE DEAN OF THE FACULTY, AS WELL AS TO THE APPROPRIATE ADMINISTRATION OFFICIALS.

Finalization of an SCA should not occur unless and until LAC has reviewed its terms and determined that the SCA – both in concept and, so far as can reasonably be predicted, in likely implementation – is consistent with this Statement and any refinements suggested by practice and experience under it. Moreover, LAC should be involved early enough in the process of attempting to form an SCA that it can have meaningful input in changing problematic elements. This timing issue is a point of considerable sensitivity for several reasons.

Involving LAC early in the process will raise concerns. From the perspective of the negotiators, the period before key terms of the deal are finalized is understandably viewed as highly confidential, volatile, and vulnerable to private leaks or unguarded public statements. Multiplying

³⁸ See Trustee Doc: Considerations & Principles ¶ VII; Cornell SCA Plan at 5.

³⁹ Currently, LAC performs two principal functions. It advises the administration, through the Vice Provost for Research, on key issues pertaining to the research enterprise at Cornell. Recent examples include review of the Center for the Environment and the Ward Center for Nuclear Sciences. In addition, it reviews proposals and nominations and makes recommendations regarding the relative ranking of Cornell candidates for external grants and awards in cases where the competition is limited to a fixed number of applications or nominations.

participants multiplies risks. From the perspective of the faculty, involving LAC while bargaining is active poses the danger that LAC will become invested in achieving an SCA. LAC's role as independent reviewer is compromised if it becomes a stakeholder in getting to an agreement.

On the other hand, too-late involvement also carries serious risks. If LAC does not review the proposal until the deal has been effectively struck between the administration and the corporate sponsor, the costs of disapproval become enormous. Considerable time and effort will have been expended by administration and corporate officials (often at the highest levels of both organizations), faculty in the involved department/program will have become invested in going forward, and a great deal of money and other research support is likely sitting on the table. LAC objections at that stage may divide the faculty against itself, and will surely put the faculty and the administration on a high-stakes collision course from which no one benefits.

In arriving at the form and timing of LAC involvement that best balances these various risks, the faculty must largely rely on the administration. The Plan contemplates LAC involvement at the point at which the negotiations team has reached a Memorandum of Understanding (MOU).⁴⁰ An alternative model, that we encourage in the spirit of open and thoughtful faculty consultation, would be a carefully selected subcommittee of LAC who is initially briefed on the target project, who is kept informed by the negotiating team of any significant policy issues as they emerge, and who then can take an informed lead in full committee discussion of the MOU. In any event, subsequent to the MOU, LAC should *also* review and approve the final version of the SCA.

Recognizing that experience and/or external events might prompt changes during the term of an alliance, the Plan provides for the possibility of amendment.⁴¹ The advice and consent of LAC should be sought before any not insignificant amendment is made to an SCA.

After it has made its assessment of the MOU, the final version of the SCA, or any amendments, LAC should communicate its conclusions to the Dean of the Faculty, as well as to the appropriate members of the administration.

2. LAC SHOULD REVIEW THE PERFORMANCE OF EVERY ONGOING SCA ANNUALLY, RECEIVING FROM THE JSC AND/OR THE ALLIANCE DIRECTOR PERIODIC REPORTS AND OTHER INFO AS NEEDED TO PERFORM THIS REVIEW. LAC SHOULD REPORT ITS CONCLUSIONS TO THE DEAN OF THE FACULTY, AS WELL AS TO THE APPROPRIATE ADMINISTRATION OFFICIALS.

It is anticipated that SCAs will enhance Cornell's ability to produce knowledge that is publicly available and promotes other public interests. At the same time, the planned scale and

⁴⁰ Cornell SCA Plan at 5. The MOU sets out the "key elements" of a proposed SCA ("the expectations of the parties and the source(s) of alliance funding"), but has not yet been approved by either legal counsel or senior management. *Id.*

⁴¹ *Id.* at 6-7.

comprehensiveness of SCAs may produce a variety of unanticipated consequences in practice – consequences, for individual faculty and for departments/programs, that differ not only from those produced by other forms of sponsored research, but also from one alliance to another.⁴² A great deal of uncertainty attends both the positive and the negative potential outcomes – in part because little systematic research has been conducted at other universities on SCAs, and in part because the design of SCAs can vary widely. No matter how carefully the faculty, the administration, and the trustees attempt to manage these outcomes through guidelines produced *ex ante*, we can be confident that alliance implementation will be a work in process that needs refinement in light of experience, in order to maximize the hoped-for benefits of SCAs and minimize or mitigate the unanticipated negative consequences.

Therefore, in addition to approving the initial agreement, LAC should review the actual experiences in the course of implementing the SCAs and communicate its findings to the Dean of the Faculty as well as appropriate members of the administration.

To conduct its review, LAC should rely upon the following:

- Reports, at least once a year, from the JSC and/or alliance Director concerning funding decisions (see Section D.3), and any other material LAC needs to determine that the SCA is being implemented consistent with this Statement and any subsequent refinements suggested by practice and experience under it.
- Any complaints forwarded from the Dean of the Faculty under Section A.5, along with the results of any university processes that have been invoked to resolve those complaints.
- Three years after the formation of the SCA, LAC should request an independent review by a team of researchers who are qualified and experienced in mixed methods evaluation, and who are not associated with either the SCA or the corporate sponsor. The researchers should assess the impact of the SCA on the goals and functions of the University as a research and teaching institution. Responsibility for the design of the evaluation should rest with this team, not with LAC or the administration. This team should have access to all the material available to LAC. It is contemplated that the team will interview participating and non-participating faculty and students in the involved department/program. The team should report to the LAC, the Dean of Faculty, and appropriate members of the administration; at least a summary of all principle findings and conclusions – and if possible the entire report – should be made available to the university community. See Section F.

⁴² The Plan acknowledges this by contemplating the creation of a new administrative position, the Director of Corporate Strategic Alliances, although the focus of this position may be more on facilitation of alliance activities than oversight of them. See p. 8. See also Trustee Doc: Considerations & Principles ¶ IX (“The plan, and any alliances, will include provisions that will require periodic review and will allow the University to implement modifications or terminate alliances that were not judged to be successfully furthering Cornell’s research or educational missions.”)

3. TO PERFORM ADEQUATELY THE FUNCTIONS OF APPROVING SCA AGREEMENTS AND REVIEWING THEIR IMPLEMENTATION, THE COMPOSITION OF LAC SHOULD BE BROADENED.

To the extent that it is engaged in review of SCA-related matters, LAC should be expanded to include significant representation from some or all of the following groups of faculty: (1) natural scientists with no personal stake in the alliance funding opportunities; (2) social scientists; (3) ethicists; and (4) researchers with experience in human and animal subjects research protocols.

Just as participation of disinterested faculty on the JSC helps expand the viewpoint of day-to-day alliance management (see Section C.1), so broadening the composition of LAC will enhance the range of perspectives that are examining SCA proposals and reviewing implementation. Broadening the expertise base of LAC review in this way could have very specific benefits. For example, private research is not covered by current federal law on human subjects research; therefore, the ramifications of the complex, and sometimes time-consuming, compliance procedures in this area may be outside the contemplation of the corporate partner. Ensuring that someone on LAC has this expertise could help bridge a potentially significant cultural gap.⁴³

More important, however, is the general benefit of bringing representatives of the larger university community into the process of SCA review, approval, and oversight. The addition of social scientists and ethicists, for example, will better position LAC to assess the alliance's ongoing impact on the department/program and on participating (and nonparticipating) faculty and graduate students.

4. IN ADDITION TO EVALUATIONS OF EACH SPECIFIC SCA, BROADER STUDIES OF THE SCA EXPERIENCE AT CORNELL SHOULD BE UNDERTAKEN.

In addition to the evaluations described in Section E.2:

- (a) The Dean of the Faculty should annually convene a confidential meeting of the non-participating faculty serving on all the JSCs of SCAs that, in his or her judgment, are still operative. The faculty should discuss their observations and experiences from their JSC service and issue a report to LAC which may, if appropriate, include recommendations. A summary of this report will be presented to the Senate.
- (b) A more comprehensive longitudinal study of the SCA experience should be initiated to examine broader issues related to potential crowding-out of public research, effect on the nature and extent of intellectual interchange among participating and non-participating faculty and students, displacement of funding from other sources, disproportionate growth across unit, impact

⁴³ We assume that every SCA agreement will contain an explicit statement that research conducted under the alliance will comply with all rules, policies, and protocols applicable to other Cornell research. Of course, it is a wholly separate matter whether the corporate sponsor *knows* the full extent of these rules, policies and protocols – and appreciates the practical implications they may have for how research is done and published in academia.

on external relations, and other issues. The dearth of empirical information on these matters is one of the factors impeding informed and reasoned discussion of SCAs at Cornell and elsewhere, and this study can become a resource for Cornell and the larger set of organizations interested in evolving public-private relations in the production and control of knowledge. According, this study and the other activities noted above should be funded as a charge to overhead of SCAs.

F. ONCE AN SCA HAS BEEN FINALLY APPROVED BY CORNELL AND THE CORPORATE PARTNER, THE TERMS OF THE SCA SHOULD BE MADE AVAILABLE TO THE CORNELL COMMUNITY.

Transparency and openness are significant steps towards reassuring those who fear the effect of SCAs on Cornell's tradition of research autonomy and integrity. As a former chair of LAC said in discussing his committee's report with the Faculty Senate, "We think the way to deal with these potential fears, from our committee's point of view is..., 'Let there be light'." Many of the practices set forth in this Statement implement this general principle.

Allowing the community to see for itself what is permitted – and forbidden – under the terms of an alliance is essential. Otherwise, an undertaking that will inevitably be the subject of considerable interest and debate may become the object of uninformed speculation and wild rumor. Obviously, confidentiality is essential while negotiations are pending. Once the agreement is final, however, the administration should work hard to overcome any reluctance, on the part of the corporate partner, to make the terms of the agreement public to the university community. Openness about such matters may be a cultural difference about which the corporate partner will require education; nonetheless, it has such a high value in this environment that the administration should be insistent.

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APPENDIX A

**Cornell University Strategic Corporate
Alliance Plan (7/30/03)**

Cornell University Strategic Corporate Alliance Plan

Objective: To leverage access to Cornell University intellectual capital, including faculty research, into major corporate alliances leading to competitive opportunities for select companies and financial support for faculty research and related infrastructure.

Goal: Secure strategic corporate alliances for the Cornell New Life Sciences with one or more companies in each of five initial target industries. Also, capitalize on non-New Life Science alliance opportunities where Cornell has unique strengths.

Definition: A strategic alliance is a comprehensive, formally managed company-university agreement centered around a major, multi-year, financial commitment involving research, programmatic interactions, intellectual property licensing, and other services.

Observations:

Cornell's sustained research expenditures (\$465M in 2002) represent to prospective partners significant investment, a strong infrastructure, committed administration, and potential commercial opportunity, especially in genomics, proteomics, bioinformatics, pharmacogenomics, devices and plant science.

Cornell's planned investment (\$500M) in the New Life Sciences infrastructure and new faculty represents an opportunity to attract, interest, and engage companies at a high level over a sustained period.

Cornell can offer to companies cutting edge-basic research over a broad landscape (e.g. mammalian, microbial, plant, and computational genomics.); unique strengths especially in plant science, materials, and nanotechnology/nanobiotechnology; unique facilities; a strong track record of interdisciplinary research including multi-disciplinary national research centers, e.g., Biotechnology Institute, Center for Materials Research, High Energy Synchrotron Source, Nanoscale Facility, Nanobiotechnology Center, Theory Center, Developmental Resource for Biophysical Imaging and Optoelectronics; and a reputation for outstanding scholarship and research.

Companies are willing to engage in company-to-company and company-to-university alliances to share costs, increase R&D productivity, boost pipelines, acquire new technology, and supplement internal research, e.g., Eli Lilly's strategy of "innovation without walls."

Companies have an increasing need for the "new life scientists" and Cornell is the nation's largest producer of undergraduates who go on for PhD's in the Life Sciences (National Science Foundation).

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Revised: 7/30/03

While traditional single academic scientist-to-industrial scientist relationships will continue, a focused effort to secure broader, strategic alliances will benefit larger numbers of faculty and improve their combined research infrastructure. Faculty research support is foremost but philanthropic funding, including term professorships, graduate fellowships, new or renovated facilities, and equipment, is feasible when it supports the aims of an alliance.

The Alliance Plan should include the Weill Medical College in alliances that touch upon the life sciences or human health care. Cooperation and collaboration between the Medical College and Ithaca are essential in order to maximize the intellectual and economic benefits of relevant alliances and make an alliance more appealing to prospective company partners.

The leadership of all colleges should be committed to the basic principles of strategic alliance development, implementation and management processes. The synergy inherent in Cornell's interdisciplinary structure and supportive climate is a great advantage.

Universities can secure large multi-year research-based agreements from companies in industries ranging from pharmaceuticals and biotechnology to automotive and computing, but compelling science and cultural blending are central to the success of such alliances. Since Cornell has minimal long-term company bioscience relationships, the quality of its science and the potential for commercial advantage will be decisive factors in developing relationships.

A university-company alliance must be based upon *what is needed by the company's businesses*; however, the company's needs *do not dictate* the university's research interests or directions. The challenge is to identify and match the company's strategic needs and Cornell's research strengths.

Acquiring, using, and improving a partner's advanced equipment should be a consideration in potential alliances with companies.

The biotech industry is gradually consolidating. Biotech - to - biotech alliances are increasing more rapidly than biotech - to - pharmaceutical alliances. With patent expirations and less than robust pipelines, pharmaceutical companies have acquired or formed alliances with biotech firms which are themselves advancing many products to later stages of development.

Pharmaceutical alliances with biotech companies generally involve a small up-front payment by the partner followed by milestone-based payments and royalties or profit-sharing. University agreements involve multi-year funding with potential for intellectual property licensing.

Genomics and drug discovery are popular areas for biotechnology alliances. Alliances in pharmacogenomics, proteomics, and informatics are rising steadily. Both U.S. and European pharmaceutical companies are active in establishing alliances with biotechnology companies. Most biotechnology companies do not have the resources to fund university alliances.

I. Organization

Form a Cornell Strategic Corporate Alliance Team to secure strategic alliances with companies, negotiate the agreement, manage post-agreement activities, negotiate intellectual property licensing, and maintain the relationship.

Research -- Robert C. Richardson, Vice Provost for Research
Strategy Development -- Inge T. Reichenbach, VP, AA&D
Alliance Negotiations -- Richardson/ Reichenbach/ Adler/ President, OTL
IP Negotiations -- President, Office of Technology Licensing and Economic Development
Management -- Kraig Adler, Vice Provost for Life Sciences
Legal Counsel -- James J. Mingle, University Counsel
Staff Support -- Nick Komanecky, Christopher Miller, Denise Clark

Staff work will be conducted by the Office of University Corporate Relations. When alliances are secured and project management is required, a Director of Corporate Strategic Alliances will be hired and staff added in proportion to need.

Engage Two Advisory Groups:

(1) **The Research Subcommittee of the Board of Trustees** provides advice on the overall strategic plan from company identification, contacts, and negotiation through licensing and legalities. Subsequent to the initial Plan draft, the Subcommittee issued *Considerations and Principles Regarding Strategic Alliances*. (See Appendix A)

(2) An ad hoc **Industry Advisory Group** comprised of Cornell alumni possessing industry-specific knowledge will counsel the Cornell team on such industry intelligence as prospective companies, research, contacts, management strategy, applicable Cornell research, and approach tactics.

Form a Faculty Review Committee to approve Memos of Understanding and contracts and help guide post-agreement alliance management. The Trustee Research Subcommittee recommended a Local Advisory Committee of the Faculty Senate (LAC) serve as the internal faculty monitoring board and review all Strategic Alliance agreements before they are completed. (See Appendix B) With Weill Medical College participation, a member of the College's faculty would also serve on the Faculty Review Committee. In addition, academic deans would review proposed strategic partnerships.

Form a Negotiations Team to develop a Memorandum of Understanding and plan and carry out negotiations with prospective companies. They will be supported by the Office of Technological Licensing and Office of Sponsored Programs.

Strategic Corporate Alliance structure formation, implementation, negotiations, and post-agreement management, will be guided by existing Cornell University principles. (See Appendix C) in addition to Trustee Subcommittee *Considerations and Principles*.

Explain the Strategic Alliance concept to faculty groups beginning with those involved in the New Life Sciences. Conduct a series of meetings with academic deans.

II. Preparation

Apply the Cornell Corporate Strategic Alliance Planning Model (See Appendix D) and use Partners HealthCare's six-step process of "moving technology":

- Define goals;
- Understand own intellectual capital and research direction;
- Identify which companies should use the relevant technology;
- Understand the companies' relative strengths/ needs;
- Create a marketing plan (approach strategy);
- Communicate at the highest meaningful strategic level with a potential player.
- Work the system at the top. Bypass the corporate licensing office until the outlines of mutual interests are defined and agreed.

Aggressively search for opportunities through previous sponsored research, faculty-company connections, industry advisors, alumni, and secondary-research scans. Determine applications of Cornell research strengths.

Identify prospective companies (See Appendix E) for strategic alliances in five key bioscience-related industries, and other industry sectors:

- Ag Biotech (plant and animal)
- Bioengineering (devices, nano, biomed, biochips)
- Food (human and animal) production, distribution, and safety
- Information (bioinformatics, database management)
- Pharmaceuticals

The list will remain dynamic as new information is sourced. Additionally, expand the alliance concept to other industries beyond the scope of the New Life Sciences where Cornell might apply its significant and growing strengths, e.g., computing and information, finance, training and education, etc.

Critically review Cornell bioscience/nanobiotechnology research to identify compelling work in each of the Focus Areas (See Appendix G) vis-à-vis prospective partner companies. Technologies, either as enabling or product, can be assessed on two attributes: breadth of technological application and degree of complexity. With regard to medicine, breadth is measured in terms of number of disease areas that it can be applied to; the greater number of applications the greater the commercial potential. Complexity is measured in terms of technical hurdles that must be overcome to generate a commercial product, and the cost of developing a particular technology.

Engage faculty representing NLS Focus Areas and Academic Deans in the Strategic Alliance initiative. Hold regular meetings with New Life Science Initiative faculty leadership. Seek faculty knowledge of company research interests, business strategies, and connections within prospective companies. Have Faculty Review Committee (i.e., LAC) guide formation of alliances and post-contract alliance management. Present proposed corporate strategic alliances to academic deans for discussion and review during Provost's Academic Deans Group meetings.

Develop communications materials including: a Power Point overview presentation of Cornell research capability, infrastructure, and culture; a flexible Power Point presentation that explains Focus Areas and faculty research within them, especially those relevant to a company's R&D and strategic business interests; a prospectus for each negotiation with assistance from the Office of Technology Licensing; and a brochure that explains the Cornell Strategic Corporate Alliances initiative.

III. Approach Strategy

Develop comprehensive profiles of prospective strategic alliance partners, including management and board of director personnel, business strategy, Cornell alumni, research and technology interests and needs, current academic /or business alliances, and research and development expenditures. Seek Cornell faculty knowledge of company's research interests and employees. Central to a company profile will be a "match-up" (See Appendix F) for side-by-side comparisons of a company's known or anticipated research/technology needs and related Cornell faculty research. The Offices of Sponsored Research and Technology Licensing will review "match-ups" to ascertain potential faculty research conflicts with current or pending commitments.

Develop an approach strategy (marketing plan) for each prospective partner that is based upon the company's business needs and culture; that considers Cornell connections (senior management, board memberships, key employees, alumni); that advances Cornell's most compelling research related to the company's need; and that assigns company contact at the highest meaningful level by senior Cornell administrators.

Identify the client. Determine who in the company, e.g., Senior Vice President – Research & Development, would be the recipient of Cornell's research.

Initiate exploratory meetings. Initiate meetings with company representatives through board members, senior management or appropriately placed staff, to learn the company's needs, technical and other interests, objectives and strategies. Provide an overview of Cornell's research capabilities, and discuss how an alliance would be in mutual best interest. Involve the Vice Provost for Research and/or faculty where applicable. If the parties conclude that discussions are warranted, a mutual non-disclosure agreement may be initiated.

Create for each company a Memorandum of Understanding (MOU) of key elements (see Appendix H) which will be approved by the Faculty Review Team (LAC) and relevant academic deans, and reviewed by Cornell Legal Counsel. The Cornell Team will develop a one-to-two page MOU conceptually -- *what we want to do* – and base its content on field of focus rather than personnel. The MOU identifies the expectations of the parties and source(s) of alliance funding. It is not legally binding, and it should have a "drop-dead" date. A legal review will be conducted. Following MOU approval by senior management, the company team will be expected to negotiate the contract to completion and establish the optimal structure and processes.

Assess market potential of Cornell research. Engage the Cornell Office of Technology Licensing and Economic Development to preliminarily assess the market potential of Cornell research for early discussions.

Assist company scientists in evaluating Cornell research as they initiate due diligence that, among other things, will help strategic, operational, and cultural fit. A company team may visit faculty, hear presentations, and assess the research.

IV. Negotiation

The initial goal of the Cornell team is to obtain agreement of senior company officers on a Memorandum of Understanding specifying major terms of the transaction. The related, primary goal is to negotiate terms with either the same officers or functional and/or staff managers resulting in a contract. The team will be guided by federal guidelines and regulations, and Trustee and Cornell principles (*Appendix A, C*) during negotiations. The team will negotiate the scope of the research, other services, e.g., training, financial commitment, payment schedule, duration, alliance management structure, responsibilities, measurements, deliverables, and exclusivity.

The contract will have a “kick-out” clause if the company or Cornell fails to meet its commitments. The contract will also allow for flexibility if focus of research interest changes.

Cornell seeks from a Corporate Strategic Alliance:

- Financial commitment over a defined period of time for research and other services, e.g., training;
- Full overhead for research conducted within corporate alliance;
- A philanthropic portion for educational funding, e.g., fellowships, term professorships, building, laboratories, etc.;
- Opportunity to acquire materials for research;
- State-of-the-art equipment;
- Company interest in potentially licensing research;
- Opportunities for faculty and/or students to work in industry;
- Access to corporate partner’s technology.

In addition, Cornell negotiators will consider applicable elements of PHS’s strategy which seeks:

- Shared research (technology and results)
- Educational programs
- Access to corporate partner’s technology
- Funding of graduate or post-doctoral fellows
- Funding of laboratories
- Supply of/funding for purchase of sophisticated equipment
- Management of each relationship by a joint steering committee

Among the benefits (*see Appendix H, I*) Cornell may offer companies are:

- A wide window into Cornell’s New Life Science research with access to groups of researchers in Focus Areas of interest to the company;

Opportunity to engage in multiple research projects beyond the scope of any one investigator;

First look at discoveries;

Opportunity to engage in internal faculty Requests - for- Proposals;

Research flexibility allowing for change in research direction as needs and interests change;

A time-limited first option to negotiate a royalty-bearing exclusive license to resultant inventions or discoveries;

Agreement that Cornell will not enter into research sponsored by competitors that involves the same investigator and similar work;

Shared management of the Alliance via Joint Steering Committee;

Facilitated access to facilities, faculty and students;

Cornell will arrange opportunities for company employees' training.

The negotiations team will be comprised of the Vice Provost for Research, Vice Provost for Life Sciences, the Vice President, Alumni Affairs and Development, the Director of the Office of Technology Licensing and Economic Development, and the Director of the Office of Sponsored Programs. Cornell Legal Counsel, the Director of Corporate Relations, cognizant academic deans, and faculty participating in corporate strategic alliances, supports the team. Guidance and counsel is anticipated from the Industry Advisory Group and the Research Subcommittee of the Board of Trustees.

The Office of Technology Licensing and Economic Development will help establish the market potential of Cornell research by preparing a comprehensive prospectus for use during the negotiation process. This document makes the business case and includes select Cornell research projects (IP status, commercial positioning, competition, prospects for technology to displace technology, supporting data.) The Office of Technology Licensing and Economic Development and other support staff will critically review Cornell's position to determine strengths and weaknesses, fall-back positions, uncover gaps in available data, and anticipate likely questions. It will also present the argument of a Cornell University alliance versus an alliance with other higher-education institutions.

If the alliance is mutually satisfactory, Cornell may wish to continue for an additional period(s). However, termination provisions will be spelled out including who is entitled to terminate and why, whether the whole alliance ends necessarily, and the rights and duties of the parties upon termination.

V. Alliance Management

Successful alliances require leadership, compatible objectives, attention to the needs of both institutions, cultural mesh, good integration, flexibility, information exchange, and effective governance, in addition to leading-edge research. Cornell will determine who supplies what to whom initially and how and under what circumstances the arrangements can be changed. (See *Appendix J*)

Clear determinations of decision-making will be made. A company-university Joint Steering Committee will be formed, led by a Cornell and company representative. The Vice Provost for Research will have overall responsibility for management of all alliances and will engage cognizant academic deans and center directors to help develop and maintain optimum relationships with Alliance company representatives. In Life Science alliances, the Vice Provost for Life Sciences will have working responsibility for managing alliances. Management responsibility may change, e.g., the Dean for Computing and Information Science may have overall responsibility for managing alliances in the computing and communications sectors.

The Joint Steering Committee will review and select faculty proposals for funding.

Faculty will have an opportunity to acquire materials for research.

A new position of Director of Corporate Strategic Alliances will be created to assist the Vice Provost for Life Sciences, in Life Science alliances, by coordinating the faculty RFP proposal process, budgeting, reporting, and keeping companies fully engaged, e.g., facilitating symposia, arranging visits, and placing company researchers in residence at Cornell. He or she will look for opportunities to keep the alliance company involved, will maintain close communication and coordination with Cornell faculty, and will help bridge any culture gap by exhibiting and encouraging mutual trust and synergy among scientists.

VI. How Alliances Will Work Within Cornell

Cornell will receive from alliance companies annual funds for the duration of the agreement for faculty research and related philanthropic needs. Full overhead will be charged to corporate alliance companies. Agreements will include a philanthropic portion for educational funding, e.g., fellowships, term professorships, building, etc.

Faculty will receive RFPs and will apply for these funds by submitting proposals on a competitive basis to the Joint Steering Committee through the Director of Corporate Strategic Alliances. The Committee will meet and select proposals for funding but will not control or direct research or control faculty publishing. Regular faculty research reports will be required and interactions with company representatives encouraged. The company will receive the right of first refusal on any patents that might result from the work funded. The Office of Technology Licensing and Economic Development will patent discoveries and negotiate licensing.

VII. Licensing Discoveries

Licensing of Cornell intellectual property rights resulting from an Alliance will be conducted by the Office of Technology Licensing and Economic Development. License agreements will specify the terms and conditions under which a company may take actions that would otherwise infringe on Cornell's intellectual property rights. Principal terms will include the rights being licensed, where and for what purpose the rights may be exercised, and the consideration that the licensor will receive.

CRF will evaluate the market potential of a discovery. It receives invention disclosure from the inventor and a CRF case manager will communicate information to the company sponsor or contact. The Company will be given 60-90 days to review the discovery for possible licensing.

If the company elects to license the invention or discovery, the CRF case manager will execute a limited confidentiality agreement (CDA) prior to exchanging proprietary information.

License negotiation or option agreement granted (date established for license negotiation).

- Exclusive license to inventions.
- Non-exclusive license.

License Agreement. Includes up-front fees, running royalties, diligence milestones, and minimum royalties.

Cornell should remain flexible and open to consideration of other forms of alliance arrangements and compensation including royalty-free alliances and assumption of equity positions in companies.

VIII. Institutional Memory

Capture and maintain a database of Alliance information to recycle into subsequent Alliance initiatives. The Director of Corporate Alliances will gather information, accessible by Cornell faculty and staff, on approach, negotiations, alliance management, relations management, and licensing processes, to build the university's institutional memory for improving subsequent strategic corporate alliance initiatives.

APPENDIX B

Trustee Document: Considerations & Principles Regarding Strategic Corporate Alliances (May 22, 2003)

Considerations and Principles Regarding Strategic Corporate Alliances

I. The plan for Strategic Corporate Alliances for the Life Sciences, as developed, represents an enormous creative leap in Cornell's thinking about its educational and research mission and the role of outside enterprises. The Plan should serve as a prototype for the overall Cornell effort.

II. The basis of any rationale behind the Plan for Strategic Alliances should be to create an effective and strong mechanism to further enable Cornell to execute and expand its research and educational missions.

1. The academic independence of the University and the integrity of the Cornell name will be paramount.
2. Research and academic considerations will be the primary factors in determining the goals, structures, operating procedures, and decision making related to corporate strategic alliances.
3. The plan and participants recognize that external relationships, in all probability, will ultimately be governed by relationships at the researcher to researcher, scientist to scientist level.
4. Faculty participation in any alliance, as outlined, will be voluntary.
5. Participation by the highest-ranking members of the University's and the Faculty's administration is critical. Their commitment to the process and to the maintenance of specific relationships must be assured.
6. The University should maintain a broad vision of what it seeks or may gain from any alliance. These elements may include, among others, research collaborations, laboratory or equipment access, provision of equipment, and/or funding of faculty, students, symposia, or facilities.
 - a. Maximizing licensing revenues and royalty income should not be the driving factor in structuring a general plan for strategic alliances.
7. The University's intellectual property rights policies and the freedom of information principles in place at the time of the creation of a strategic alliance will serve as the guide for the alliance.

- a. A review of the University's intellectual property rights policies, considering the comments of the various panels in the Land Grant Mission Review, the Engineering Advisory Council, the Technology Transfer Committee of the University Council, the Cornell Research Foundation, and other University resources should be undertaken, optimally before any major strategic alliances are concluded.

III. The active and ongoing participation and direction of President Rawlings, President Elect Lehman, and the Provost are requisite and crucial.

A. In addition to the colleges on the Ithaca campus, the Plan for Strategic Alliances should also include the Weill Cornell Medical College.

1. Vice Provost / Dean Gotto and the Medical College should be involved in and committed to the planning, implementation, management, and execution of any alliance that touches upon the life sciences or human health care.
2. Senior Weill Cornell personnel should be involved in reviewing all potential alliances that involve the life sciences or human health care. They will be a permanent part of the critical management and monitoring staff and management structure of all alliances involving the life sciences or human health care.
3. Cooperation and collaboration between the Medical College and Ithaca should be understood to be essential in order to maximize the intellectual and economic benefits of relevant alliances.

IV. The leadership of all other colleges, including Agriculture and Life Sciences, Architecture, Art, and Planning, Arts and Sciences, Engineering, Hotel, Human Ecology, Industrial and Labor Relations, Johnson Graduate School of Management, Law, and Veterinary Medicine, should be committed to the basic principles of the process embodied in the University's final plan, including the process of designing and implementing strategic alliances, as each may have something varied and valuable to contribute.

V. Faculty should be deeply involved in the planning, execution, and monitoring of any plan for a specific strategic alliance, as well as being involved in and committed to the creation of the plan.

VI. An independent External Monitoring and Advisory Board, with responsibility for monitoring whether the plan and alliances are operating in a manner consistent with the goal of furthering the University's research and educational missions, will be established. Such a panel will include faculty and administrators, as may be relevant, from peer institutions and will meet at least on an annual basis.

- VII. The *Local Advisory Committee of the Faculty Senate (LAC)* will serve as the internal faculty monitoring board and review all Strategic Alliance agreements before they are completed.
- VIII. A strong, effective, centralized management structure will be created at the appropriate time that is responsible for managing all components of any alliance.
1. All opportunities for outside alliances should flow through this organization, although it will not have the ability to require involuntary participation.
 2. The organization should be a resource that allows the University to catalog and understand all potential components of a strategic alliance that may flow from the faculty or other intellectual or physical resources of the University.
 3. The organization should be the central contact point for parties wishing to collaborate with the University and should operate in a manner that makes the University and the organization easily accessible and responsive to faculty and potential or existing corporate partners.
 4. Research and academic considerations should be the primary determinants of any management decisions.
 5. The organization should be flexible in structuring any strategic alliance, understanding that differing scientific fields, academic / research endeavors, and corporate enterprises have differing strengths and needs. These should be accommodated to provide benefits to all parties.
 6. The organization will report to a high-level executive of the University.
- IX. The plan, and any alliances, will include provisions that will require periodic review and would allow the University to implement modifications or terminate alliances that were not judged to be successfully furthering Cornell's research or educational missions.

May 22, 2003

APPENDIX C

Current Cornell Principles to Guide Development of Strategic Corporate Alliances (undated)

Current Cornell Principles to Guide Development of Strategic Corporate Alliances

1. The involvement of Cornell researchers in corporate alliances will be voluntary and will not disrupt existing relationships they have with other sponsors of their research, including corporate sponsors who do not enter into broad research alliances with Cornell.
2. Corporate research sponsorships will be reviewed with relevant federal funding agencies to ensure that the agreements avoid federal concerns regarding corporate sponsors inappropriately leveraging their support against federal grants, and circumventing the intent of the Bayh-Dole Act.
3. Cornell researchers will retain the ability to publish the results of research conducted under the relationship. Reasonable delays would be permitted for review for confidential company information, patentable subject matter, and, if appropriate, preparation of patent applications. In no case will the total delay exceed 90 days
4. Cornell will own all patents made by its faculty, post-docs, students and staff, and will license these inventions for commercial development for the public good in a manner consistent with Cornell University Patent Policy. This will include no paid up licenses, diligence requirements, and the ability to terminate the license for failure to perform.
5. Cornell will retain the right to practice any inventions for its own research and education purposes, and will retain the ability to distribute any biological materials created under a corporate research sponsorship to other academic researchers.

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Appendix 2

**RESOLUTION REGARDING FACULTY STATEMENT OF
PRINCIPLES AND BEST PRACTICES CONCERNING
STRATEGIC CORPORATE ALLIANCES**

WHEREAS the Board of Trustees and the Administration, after studying the issues raised by Strategic Corporate Alliances, have formulated the following statements specifically governing these funding arrangements:

- Considerations & Principles Regarding Strategic Corporate Alliances (May 22, 2003), issued by the Research Subcommittee of the Board of Trustees
- Current Cornell Principles to Guide Development of Strategic Corporate Alliances (undated)
- Cornell University Strategic Corporate Alliance Plan (July 30, 2003); and

WHEREAS the Trustees have appropriately recognized that the Faculty should be deeply involved in the planning, execution and monitoring of any Strategic Corporate Alliances entered into by Cornell; and

WHEREAS a lengthy process of study, consultation and comment among the Faculty has produced the attached Faculty Statement of Principles and Best Practices Concerning Strategic Corporate Alliances,

THEREFORE BE IT RESOLVED that the Faculty Senate calls upon the Trustees and the Administration to implement the recommendations made in this Statement to govern the negotiation, formation, management, monitoring and evaluation of Strategic Corporate Alliances.

University Faculty Committee
April 5, 2005

Appendix 3

Amendments to Resolution on Faculty Statement of Principles & Best Practices Concerning Strategic Corporate Alliances:

Amendment 1: Delete Section D from the document that the Senate recommends for implementation by the Trustees and Administration, and instruct the chair of the committee that drafted the document to make all necessary reconciling changes within it. The amended document will retain explicit statements that each alliance must have annual funding reports and RFP's (unless the distribution of funds is specified as part of a "narrow" SCA).

Rationale: Section D establishes procedures for internal funding decisions of "broad SCAs." These procedures are (1) too rigid and (2) express an underlying mistrust of SCAs with their emphasis on the need to protect academic integrity and fairness.

Throughout its deliberations, the Committee struggled with how we best protect the core principles of the university when corporate sponsors of an SCA make demands at conflict with those principles. The committee discussed the degree to which the management structure and operating procedures for SCAs should be prescribed in our Statement.

More specifically, Section D has three items: (1) that the Joint Steering Committee prepare requests for proposals, (2) review by "non-participating faculty" and (3) reporting requirements for funding decisions. Section C already discusses that there will be requests for proposals, and Sections E.2 states that funding decisions will be reported regularly. Section D repeats these requirements, but in language that suggests that those engaged in managing SCAs are likely to engage in inappropriate actions unless they are watched very carefully. This mistrust is reflected in the emphasis upon external accountability and the need to protect academic integrity and fairness in the initial head of the Section, in the use of the terms "clear and detailed notice" and "transparency ... to confirm that research funding ... has been evenhanded" in D.1, and in the emphasis on maximizing accountability in the grant process.

Item (2) prescribes evaluation of proposals by "non-participating faculty" based upon the principle that "peer review by disinterested scholars remains the premier method of assessing the merit of academic work." This is a distorted statement in that peer review is customarily sought from individuals with the greatest expertise, and these individuals are seldom disinterested in the matter at hand. The requirement that proposals be evaluated by panels of *only* non-participating faculty is too restrictive. It will burden us with staffing panels of faculty who are not allowed to benefit directly from their service, and it will lead to decisions that do not reflect the best technical expertise available. Furthermore, it will complicate the management of SCAs by limiting the ability of a Director to act without the consent of external panels. Removal of Section D eliminates the ill considered restrictions of D.2 without removing the requirements for RFPs and reporting delineated in D.1 and D.3.

Cornell Conference on Open Access Scholarship

Monday, May 9, 8:30 – 12:30
Lewis Auditorium, Goldwin Smith Hall

(We'll describe how Cornell faculty
can participate in the Open Access movement.)

Repository Communities

- A repository system is operational.
- Every academic Department, Center and College is invited to create and oversee its own digital collection.
- Digital documents (manuscripts and multimedia, including video) may be freely accessible via the Internet using a Google search (but can be password protected).
- The Internet-First University Press already has a large, freely accessible collection (teaching, research, outreach, and is open to all disciplines).
- Cornell theses and dissertations are being archived here too.

Minutes of a Meeting of the Faculty Senate
Wednesday, May 11, 2005

Speaker Mary Beth Norton: "Will the Senate come to order? We don't quite have a quorum yet but we do want to get started on the agenda and people are coming in. I hope we do get a quorum today otherwise; we are up a creek – not good. I would remind everyone that no photos or tape recorders are allowed during the meeting. Please turn off your cell phones. Please when you speak identify yourselves and your department. We have no Good and Welfare speakers today. So there are ten extra minutes at the end of the agenda should we need it.

"I now want to ask for unanimous consent to change the order on the agenda that you were sent. And that is to switch items five and seven. That makes the AFPS resolution first after the Nominations and Elections Committee report and the Library Board resolution last. This has to do with the schedule of Professor Arms who is presenting the Library Board Resolution. You may remember that we didn't get to it last time and he had already made a commitment for the beginning of the time at this meeting. So I ask unanimous consent for that change. Seeing no objection we will change the agenda in that way. I now call on Provost Biddy Martin for her remarks and to answer any questions."

1. REMARKS BY AND QUESTIONS FOR PROVOST MARTIN

"Thank you Mary Beth. Mary Beth has asked me please to be concise and to shut up exactly when she tells me to. And I am going to do that.

"I am going to give you a brief faculty salary update. It's been a long year. I gave you an update last time based on our projections. But now we have the actual data and we shared those with the Financial Policies Committee of the Senate and they reviewed the results and suggested that I show them to you now based on the actual data. I think you will be pleased with the results and I'll go through them quickly. As it unfolds you see before you - - as though you haven't seen it a million times - - our institutional goal on faculty salaries (Appendix 1), which was to reach the average of our peer groups. Those peers were different for the endowed and the contract college sides of the University as you recall. The peers were chosen by the Financial Policies Committee of the Senate. 2001/02 was the first year of our multi-year plan. This year was the fourth year. And here's the news that you will be interested in seeing (Appendix 2). According to the survey for 04/05, the average faculty salaries for all ranks grew 3.3 percent on the endowed side; 5.9 percent in the contract colleges. The five-year average was 5.6 percent in endowed and 6.7 percent in the contract colleges. Now this is the average as measured by this point-in-time-analysis that we have to do for the purposes of the survey we participate in. The actual continuing faculty salaries on the endowed side grew 5.2 percent. The 3.3 percent is a consequence of the way the survey is done. When people change ranks, when they go on leave, when some people retire, and we hire a lot of new assistant professors, sometimes in certain lower-paid disciplines, all of that can

throw off our overall average. But in any case, for the purposes of the survey, the increase on the endowed side was only 3.3 percent. Actual continuing faculty on the endowed side had their salaries grow on average of 5.2 percent and 5.9 in the contract colleges. So that's the five-year average on both sides.

"Here is a graph to show the progress we have made (Appendix 3). Just in absolute terms on the Ithaca campus. The red line is endowed and the blue line is the contract colleges, and then the peer group means. You can see that on the endowed side in relation to our peers, we took a little dip because of that 3.3 percent this year in our progress. We feel like we are still on track, we will still make our goal, but this year because of the artifact of this particular kind of survey, we didn't do quite as well as we had hoped.

"So these are the endowed peers (Appendix 4) that were named by the Financial Policies Committee that we adopted, and here you simply see the rate at which these averages are increasing. Now the averages, I think you know this, the average five-year change for the peer group on the endowed side was 3.9 percent. I think that's a key number. The average five-year change for the peer group was 3.9 percent. For us, it was 5.6 percent. When we started this program we were below 90 percent of the peer average. We are now at 98 percent of the peer average on the endowed side. Is that clear? Did I get there? Thank you.

"On the contract college side we have actually exceeded the goal on the contract college side (Appendix 5). The peer group average for a five-year change is 3.5 percent on this side. The Cornell average five-year change is 6.7 percent. Contract college average salaries were 88 percent of the peer average in 98/99. And they are now at 102 percent of the peer average. So we've met our goal within four years. We had a six-year goal. We've now met that goal. On the endowed side we still have a two percent difference to make up.

"As I said last time, going forward, we have agreed to college-specific goals for this next year (Appendix 6). They range from 3.5 percent to 5.5 percent for the most part. The targets are based on market data and they are discipline-specific. And as you know, the individual increases that you see are based on college and department-based definitions of merit and equity.

"And if you have any questions, I would be happy to answer them in a clear way."

Professor Rich Burkhauser, Policy Analysis and Management: "I am on the Senate Financial Policies Committee and have worked with Carolyn Ainslie and others to create these numbers. I want to say that Carolyn has been absolutely super in terms of providing us with the information and trying to make the process transparent. And I really congratulate you Bidy on your willingness to share your numbers. That's the good news.

"I would say that we have done a spectacular job in trying to achieve the goals as they were set. But we have a new President at Cornell who has said that he believes that the quality of education across all colleges should be equal. And in

my view, costs of providing quality education are the same across all campuses. So the bad news about those numbers, if you looked at that little diagram, is that the difference in absolute value between the contract colleges and the private colleges is as big as it has ever been in the history of Cornell. I think that you cannot have a consistent quality across the campuses, if in fact you have differences, significant differences, in salaries that you are paying people

Provost Martin: "So that was not actually a question?"

Professor Burkhauser: "That was a statement. But would you agree with it?"

Provost Martin: "Here's my response. You know in general why would I disagree with that. In principle you are absolutely right. What I said last time and have said before, I will say again. And that is, if you look at the differences, just take the endowed side on its own. If you look at the differences between some of the disciplines in arts and sciences, and let's say the law school salaries. Or if you were, for example, to compare some disciplines in engineering with the business school, you would see that the disparities on the endowed side from one segment to another are probably, I would wager to say, as great as the disparity that you are seeing between endowed and contract. All I am saying is that there is, there will always be, disparities - and actually we are studying these salary averages across disciplines and within them, to see how it seems when you do a more careful analysis. I think this is a little coarse, simply to lump together all the endowed faculty and then all the contract college faculty and then worry only about that disparity. It's not that I don't worry about that one, but what I am trying to say is that there's a lot of differentiation on both sides of that endowed and contract line. And I'm not sure that we know enough to say that that's even our primary problem. Or, even that some of the problems that we will see define the differences in averages across disciplines. If you define that as a problem, it's not clear to me that we'll ever be able to solve it completely because we operate in markets that simply require that we pay one thing for, as you know, economists, and another for German Studies professors. So I just want to be up front about that. We are going to continue to study this and my response is not meant to deny or disagree on what you are saying in principle, but the problem is more complicated than it is made to seem by this breakdown, which simply makes it seem as though on the endowed side there's one set of averages and on the contract side, everybody is making significantly less than that. If you compare your department to German Studies, you would get a different sense of what the problems of equity might be. I used those examples at random. But I hope you take it in the spirit in which I mean it, which is to say honestly it is really complicated. It's more complicated than that divide would make it seem. So, that's my response to that.

"But Rich, you and everybody on the Financial Policies Committee, have been incredibly helpful. And Carolyn Ainslie, our Vice President for Budget and Planning - and I think most of you know her title and who she is, but not all of you will - is a remarkable, remarkable person and very valuable to this University. And she actually loves working with the Financial Policies Committee, which is a great thing."

Dan Shawan, Graduate Professional Students Association, Ph.D. Student in Applied Economics and Management: "I understand through second-hand verbal account that there was a plan to increase the tuitions for Ph.D. and M.S. students in statutory colleges, which was circulated, or at least was proposed in some way, before the recent annual budget cycle and then withdrawn. I understand that that is likely to come up again for the next annual budget cycle and also that the proposal has changed significantly. Can you tell us what is the current content of that tentative plan? And, what are the intentions of the plan?"

Provost Martin: "Thanks Dan. Actually the easy answer to you in response to question 'can I tell you the current content?', the answer would be no and then I could sit down. Actually, we are not at a point where there is any real content to a new proposal. It's being worked on. But even at the moment not that actively given all the other things actually that we're working on. We did, as you said you heard through rumor or second hand, just put a huge delay on what had been proposed for consideration in this academic year. And the reason we did that was there such a lot of consternation about the implications of changing the graduate student tuition. I have said this here before and I'll say it again, because I'm sure you haven't been here, the reason we ever proposed anything was because we heard from faculty that there was an educational problem with having students choose Ph.D. mentors or Ph.D. committee chairs on the grounds that they were in one or the other colleges. So the tuition disparity was actually making a difference in how graduate students chose their Ph.D. committee chairs. And on the basis of that information and faculty concern that this was no way for graduate students to be making those kinds of choices, we started working with the Dean of the Graduate School to see whether he could do something that would be beneficial educationally, and not be a hardship, an undue hardship on the faculty and their grants and other sources of funding, and certainly not on grad students. What we heard back from a lot of faculty was that they really were worried despite the fact that at the center we were proposing to cover for some period of time the difference in what it would cost on grants for faculty on the contract side in order to make this possible. What needs to be decided now by the faculty - and that's why we don't yet have a proposal that has substantive content to give out again - is whether or not we were right to think this would have an educational benefit and we should address it, or whether you think it doesn't really matter, it doesn't bother you particularly that graduate students may, in fact, in some fields be choosing their Ph.D. committee chairs based on the cost of tuition. Or you may think that matters but you might not want to make the changes that we can come up with that will be revenue neutral for as many people as possible, in spite your concern about the educational problem. So I would say, and Charlie and I have talked about this, that really it's something that the Educational Policy Committee of the Senate ought to be discussing. I don't want to say we don't care. I care if there's an educational benefit to the change. I care that we at least consider seriously making that change. But if it's going to wreak havoc and if it's going to be perceived by people as some effort that Day Hall is making to increase tuition so we would benefit financially - which I assure you was not only not the case but the opposite was going to be the case, because we were going to put in the

money to make up the difference of what people would have had to pay, so for us it was not only not a financial benefit, it would have been financial loss, but we were willing to do because we thought it was an educational benefit, so I am now leaving it to the intellectual community of scholars and teachers to figure out whether this is a good idea. And in that sense I am not heavily invested in the outcome. I just want to do the right thing.”

Speaker Norton: “Okay. Thank you Madam Provost. And I pleased to announce a quorum is present. However, I want to tell everyone that it’s only a bare quorum that is present. So I don’t want to lock the doors but you know what happened last time. We had a quorum and we lost it. So please no one leave.”

3. APPROVAL OF MINUTES OF THE APRIL 13, 2005 SENATE MEETING

“The Speaker now calls for approval of the minutes of the last Faculty Meeting, which did not get a quorum. Were there any changes, corrections or additions to the minutes? Seeing none, I declare them approved.”

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

“I now call on Cynthia Farina, Chair of the Nominations and Elections Committee for a Committee report. She’s also going to present the slate of candidates for Speaker and Speaker Pro Tem for the next two years.”

Cynthia Farina, Secretary of the Faculty Senate and Chair of the Nominations and Elections Committee: “You have before you the next set of committee assignments for next year from the Nominations and Elections Committee.”

Report from Nominations & Elections Committee

Academic Freedom and Professional Status of the Faculty Committee

Philippe Baveye, CALS

Faculty Advisory Board on Information Technologies

Gun Sirer, Engr.

Faculty Committee on Program Review

Brian Chabot, CALS

Thomas Fox, CALS

Robert Hillman, Law

Marilyn Migiel, A&S

Financial Policies Committee

Elizabeth Peters, CHE

Jan Nyrop, CALS

Music Committee

Jerrold Meinwald, A&S

University Assembly

Ellis Loew, Vet.

University Benefits Committee

John Abowd, ILR

Speaker Norton: "All right. I call for a vote. I ask for unanimous consent for approval of that slate. Seeing no objections – slate approved."

Secretary Farina: "And then later in the summer, after the new senators are seated, you will be asked to vote on your new Speaker and your new Speaker Pro Tem. This is the slate of candidates that Nominations and Elections is bringing you. And you will, I believe, be asked if you want to add to this slate from the floor by the speaker."

SPEAKER OF THE FACULTY SENATE (2-year term)

William Arms, Professor, Computer Science
 Barbara Knuth, Professor, Natural Resources
 Vicki Meyers-Wallen, Associate Professor,
 Biomedical Sciences
 Jeremy Rabkin, Professor, Government

SPEAKER PRO TEM OF THE FACULTY SENATE

(2-year term)

Barbara Knuth, Professor, Natural Resources
 Vicki Meyers-Wallen, Associate Professor,
 Biomedical Sciences
 Jeremy Rabkin, Professor, Government

Speaker Norton: "Yes. Are there any additions to the slate of candidates being proposed for Speaker and Speaker and Pro Tem for the next two years? Are there any additions to the slate?"

"Okay. Seeing none the slate is approved. And that will be the ballot that everyone will receive later in the summer."

Unidentified: "Exactly what do you mean by later in the summer? Some of us travel on business."

Secretary Farina: "We will attempt to have the election in late August, close to the beginning of the school year. The goal will be to make sure the Speaker is in place for the September meeting. But after people get back so that we have enough time to make sure everyone can vote.

"Now I have the happy job of announcing the winners - - who have been notified of this - - of the elections that we did this spring: for Senator-at-large for the Tenured Faculty - Ann Blackburn and Charles Greene; for Non-tenured Faculty - Sergio Servetto. And for the two Faculty Committees that are elected by the faculty-at-large - Jonathan Culler and Tove Hammer for Nominations and Elections; and for the UFC - Rosemary Avery, Peter Loucks and David Pelletier were selected. So, congratulations to all of them."

Speaker Norton: "Congratulations to all of you. And, I will now move on to the next item on the agenda. This is great. We are five minutes ahead of schedule. Remember we changed the agenda so the next item is Professor Peter Stein, Chair of the Committee on Academic Freedom and Professional Status, who will present a resolution to adopt a policy on the sanctions for job-related faculty misconduct."

5. RESOLUTION FROM THE FACULTY COMMITTEE ON ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY (AFPS)

Professor Peter Stein, Physics and Chair of Faculty Committee on Academic Freedom and Professional Status of the Faculty: "Thank you. This resolution was distributed with the call to the meeting (Appendix 7). There was a new policy on suspensions that was also distributed with the call to the meeting and this is enabling legislation asking this body to endorse it and pass it on to the Provost. So, that's what we're here to discuss.

"And before we discuss it, I would like to ask for unanimous consent to make a modest change in one section of the policy that was distributed. And believe me there's no intentional change. Professor John Guckenheimer suggested that the way we had written 3A, 3F could be misinterpreted. And so there were some clauses shifted around that cause it to be now written in the way that we originally wanted it to be written. And essentially, what the issue here is that when the hearing committee takes testimony then there will be a tape recorder there and the person who is appealing will get a copy of that testimony. Professor Guckenheimer feared that the way this was written, the grievant would also have the right to hear a tape recording of the actual internal deliberations of that committee. So we just changed that to make it clear that that's not what's involved."

Speaker Norton: "What wording do you propose?"

Professor Stein: "Well, here's what we propose (Appendix 8). The top one is what's there now; the bottom one is what we propose. And believe me that's all it is, is a rearrangement of clauses to make sure what modifies what."

Speaker Norton: "Is there any objection to accepting the document in front of us with this amendment? Okay. We're not voting on the document, we're just saying that this amendment is in it. Okay. Seeing none."

Professor Stein: "Thank you. So, anyway also, there was a sheet (Appendix 9) that was distributed to you showing exactly what the changes were between the last time this was presented to you, which was a year and three months ago, and now. And I can go through these. They are modest."

"This policy has been sitting around in the Academic Freedom Committee for two years and three months. We are just trying to bring it to conclusion. The first half was the committee deliberations. The second half of that was waiting for the academic deans to have their take on what this policy meant to them."

"Okay, well let me go through this very quickly. After the last meeting there was extensive discussion at the meeting of the Senate, the March meeting of the Senate, of last year, there were a couple of suggestions made. Those suggestions were adopted and the language was changed. Modest changes were made in the language. Then after that the committee waited for some time until we had the response of the academic deans. We, in fact, got the response from the deans and they made, I think, three or four suggestions, or complaints, or whatever – suggestions. And what we did was to consider each one of them and made changes to correspond to each of their suggestions. Not always the change they asked for. But changes that went in the direction that they asked for. We then gave it back to them. They are still considering our responses."

"The one outstanding issue is how exactly these grievances will be heard. A faculty member who is suspended can take the case to someone and have that someone listen to the case and then make a recommendation to the Provost. The question is, who is that someone? The way the policy was written, the one you saw fifteen months ago, that someone was the procedure that is authorized by the Trustees for dealing with dismissals, when a tenured faculty member is fired. Okay. There's a Trustee procedure for adjudicating that or giving advice to the President and the Trustees about what to do about that. That is the usual arbitration way of my side chooses two, your side chooses two, those four choose a fifth and then that group hears the dispute."

"The problem is that it has been interpreted by University Counsel that that procedure requires the active participation of lawyers. That lawyers come in and examine witnesses and cross examine witnesses and there was strong feeling by the Deans that it was not appropriate for a suspension to be adjudicated by a procedure that had a trial-like atmosphere with active participation of lawyers in questioning the witnesses. Now you can agree with that, or you cannot agree with that, but I think what is probably clear is that the participation of lawyers makes it a much more complex procedure."

“The Deans on the other hand asked to have it done using the ordinary grievance procedure. Now AFPS thought about this and decided that they did not like using the ordinary grievance procedure because, and I’ll just go to the bottom line on this without explaining why, they felt that the grievance procedure is stacked against the appellant for various reasons. And, so what they decided to do was to have a procedure that would be adjudicated by a group they felt was not stacked against the appellant. That was a modification of the procedure by which appeals to the not granting of tenure are heard at the moment. There is something called the University Appeals Panel. That’s a procedure that has been tested time and time again. I imagine it must have been done fifty times by now and the Dean of the Faculty office is now a slick expert in making that kind of procedure work. It’s a procedure which I have never heard a complaint about. People pretty much accept this as a fair and reasonable way to do that. So what we have done is piggyback on that procedure and said that if there are to be suspensions adjudicated, that will be the procedure by which a dispassionate group will give the Provost and the President advice on whether or not that suspension should be overturned. So that’s what we have presented to you. There is some dispute about that procedure that we have invented. Professor Guckenheimer said that he would prefer to have us put together a brand new procedure. It seemed to the Academic Freedom Committee that it was not worth the effort to build an entirely new procedure for hearing something that happens very rarely. As far as we know there are only a handful of suspensions that have been – and by a handful I mean less than five – or took place within the past five years. So we thought that to simply piggyback on a working procedure was a better way of doing it than either using the Trustee procedure or putting together a brand new procedure on our own. So, that’s the argument.”

Speaker Norton: “Thank you very much Professor Stein. Are there questions or comments for Professor Stein before we begin general debate? This is just a question for Professor Stein.”

Associate Professor Sherene Baugher, Landscape Architecture: “I don’t remember, I read through the procedure, but does the faculty member who is being suspended or dismissed still have the right to have a lawyer?”

Professor Stein: “Yes. That part mimics what happens in academic integrity disputes with students. Okay. The person may have a lawyer to advise him or her on how either he or she may proceed but that lawyer is mute.”

Professor Baugher: “Right. But the reason I just raised that is two meetings ago, Phil Lewis raised the whole issue that was seen played out with Ward Churchill and what happened in Colorado about actions taken by Ward Churchill where it’s being considered having his tenure taken away from and be dismissed. We are in a different political climate in the United States where your political opinions may be impacted. So I think if we move anything forward, we need to bear in mind that we may in a different political climate. While we hope what’s happening in Colorado never happens to us, I think we want to make sure that that the faculty member is protected with a lawyer.”

Professor Stein: "Yeah. That raises another issue that some people have complained about. Mainly there is nothing in this document that indicates what are the crimes for which a person can be suspended. The committee debated that back and forth. You know it's really complicated once you start putting down the list of things that seem unreasonable, but what about something else, what about something else, because any list can be considered exclusive rather than inclusive. That's really a problem. Without any experience on what sorts of crimes there are that require suspension, the committee preferred to leave that mute and to rely on a procedure which is adjudicated by a group of faculty members who are respected enough to have been put on this University Appeals Panel, which are jointly chosen by the Dean and the faculty member to uphold the standards which we all hold close to our heart. That was what's taken. You could argue the other side of that. I, myself, think that's a wiser thing to do."

Speaker Norton: "Other specific questions for Professor Stein before we have a general debate?"

Professor Carol Rosen, Linguistics: "Referring to page 1 under definitions, it gives a list of titles of who will be non-voting members of the college and school. There exists legislation within the Arts College, which says that lecturers and senior lecturers shall be voting members of the College on matters pertaining to their academic activity. So what would be the resolution on the outcome of the conflict?"

Professor Stein: "We take no responsibility for that wording. That wording is a word-for-word quote of the Trustee Policy that defines faculty. And it's defined in such a way, I don't have it in front of me, but it's defined in such a way that it allows the Colleges to decide which ones of those people are in fact admitted into the faculties of the College."

Professor Rosen: "Well it says that each College or school faculty may in its discretion grant membership to etc., etc.. Then there's an open list."

Professor Stein: "Well, okay, if it's not there far be it from me to try to rewrite the Trustee Policy."

Professor Rosen: "Okay. I just wondered whether that needs to be quoted and repeated in the resolution itself, in this document."

Professor Stein: "Well again I say that this is the definition of what is a faculty member. I mean what we could have done was just left it out and said the faculty member as defined by University legislation. But we thought it was wiser to quote that legislation."

Professor Rosen: "Okay, so there still is a contradiction but this document is not responsible for that contradiction."

Professor Stein: "It's not responsible for that contradiction."

Speaker Norton: "Are there other questions for Professor Stein?"

Professor Bud Tennant, Clinical Sciences: "Can you give me some idea about the use of the emergency suspension policy of the phrase 'property'? As far as I know this may be unique among university suspension policies because it includes the phrase, 'danger to property'."

Professor Stein: "It probably is. The way this started out was the emergency was defined only as emergency to an individual. That's the way it was when it was heard by this body 15 months ago. Then there's a reference in there to various other university policies, which make a suspension possible. And in particular there's a substantial irregularities policy where essentially someone's been cheating the University and then the auditor comes in and seals the office and says the faculty member can't get at the office because it's necessary to preserve the records of his financial regularities or irregularities as the case may be. Then someone pointed out that we call a suspension anything that keeps a person from doing his job. And if you keep a person from his office, then in fact that keeps a person from doing his job. So, we felt it was necessary to broaden that to the point of where an emergency could be defined as including a destruction of his records. Then other people said, well suppose that faculty member goes into another office and tries to destroy his colleague's beakers full of some wonderful new enzyme that he's discovered. What about that? And the more we thought about it, the more we thought that there were a number of examples of where the destruction or the potential destruction of property could be considered an emergency."

Professor Tennant: "Well did you consider stipulating the University property?"

Professor Stein: "No, because it might be the property of some individual."

Professor Tennant: "So the property of some individual 'where ever'?"

Professor Stein: "Well if the faculty member was destroying it in the Nines, then it's a little hard to see how he could be suspended for doing that because later in the document it says that in an emergency, the places and times, the scope and period of the suspension must be narrowly tailored to the danger of what the person is doing. So, if somebody was destroying property outside of the University, there's no logic to suspending that person from his or her office. It's not a punishment. It's a protection of something."

Speaker Norton: "The chair will assume we are ready to debate this. Basically because there were no amendments offered, you either vote yes or no on this policy. The floor is open for debate."

Professor Burkhauser: "I was nervous about this proposal last time and asked for a clarification of language in section 1E regards to suspension. And I was concerned that you were taking what normally would be, I think, a fairly esoteric and rarely used issue, mainly suspension of people, and walking on to an area

that is much more important and I would say is not related to suspension policy. And that is the question of reductive wage policy and how wages are set. I see no problem with thinking of suspension when you are talking about suspending a person's wages, but when you define it as you now do in Section 1A/1E. If you look at the first amendment to say that the clauses of the sentence were rearranged to make it clear that salary reduction by itself will be considered a suspension. So that means that me as chair of the department, if I recommend to the Dean that I have reduced a person's salary, that will by itself, according to this language, bring in the mechanism that you've set up for suspensions. That's what I read."

Professor Stein: "No. That's what you read in the sheet that explains it to you because I was really cramped for words. But if you look at the document you will see..."

Professor Burkhauser: "But this is the document that you handed out to us. I'm not talking about the one sheet, I'm talking about the thing you sent to us in the mail."

Professor Stein: "No. The thing that we sent to you in the mail say it's a temporary abrogation."

Professor Burkhauser: "Or full reduction of a faculty member's salary."

Professor Stein: "A temporary partial or full temporary is in there in both cases."

Professor Burkhauser: "Temporary partial or temporary full reduction."

Speaker Norton: "Yes."

Professor Burkhauser: "As long as you mean temporary as opposed to a permanent reduction."

Speaker Norton: "Yes."

Professor Stein: "Yes. That's what we mean. Okay."

Professor Burkhauser: "I believe that's not the correct English if that's what you mean."

Professor Stein: "Well I'd be happy to add that as a clarification if you think that's important."

Speaker Norton: "Is there a unanimous consent to add a second temporary? Seeing no objections, so ordered. Additional debate on the resolution, please."

Nick Calderone, Entomology: "I think this issue that was raised about not having the actual list of offenses is not a trivial issue. It's like having an entire judicial system without any laws. It's like saying when someone brings a

complaint, then we'll decide if it's really a complaint. And how do we deal with that?"

Professor Stein: "I agree with you. It's a matter of judgment. For instance I'll give you another example. When we sent to the Deans a copy of the emergency suspension and said that it was only for harm to a person, they sent back a recommendation which said harm to a person or harm to Cornell. And we would not buy that because harm to Cornell seemed to us, much too broad. And it opened the kind of interpretation that Prof. Baugher just described having to do with Ward Churchill. Okay, so we wanted it much narrower than that and that's why you see harm to a person or property rather than harm to Cornell. We are subject to the same complaint. But it was our decision that given the situation we are in now - the fact in the past suspensions that were given were for, I think, things we are would agree even the most progressive of us would agree are misdeeds of a faculty member - it just didn't seem wise to start out by defining these things. But, you know, if it happens that in their wisdom the Deans start to suspend people for all kinds of things, then I am sure that this body will quickly look this up and rewrite it to respond to that attack."

Speaker Norton: "Do I see further debate? Seeing none I assume you are ready to come to a vote. Any objection. All those in favor of the resolution from the Committee on Academic Freedom and Professional Status of the Faculty as presented by Professor Stein and amended here on the floor, please say aye." It passes." (Appendix 10, Policy as approved).

Speaker Norton: "Okay the next item on the agenda is a resolution from the Law School. As you can see on your agenda, this was supposed to be presented by Professor Steve Shiffrin. Unfortunately Professor Shiffrin has been called out of town because of a family emergency. So Professor Brad Anton will introduce the resolution on behalf of the University Faculty Committee."

Professor Brad Anton, School of Chemical and Biomolecular Engineering: "I just want to move that we adopt this resolution (Appendix 11). Representatives of the Law School will present it and discuss it in detail."

Speaker Norton: "Professor Farina, who will speak as a member of the Law Faculty, she's taking off her hat as Associate Dean, and putting on her hat as a member of the Law Faculty, will give the background of the legislation and the Law School proposal (Appendix 12)."

Professor Farina, Law School: "I'm multi-tasking this afternoon. The University Faculty Committee felt that it would be very useful for a representative of the Law School to do two things this afternoon. Because the Clinical Professor enabling legislation was enacted in September 2002 and has never been used, the UFC felt that it was important that the Law School's representative quickly review the procedural requirements, because they are unlike those connected with any other title. So very quickly those requirements are these. A school or unit seeking to use the title must take a vote on the proposal by both the tenured and non-tenured faculty separately and by secret ballot. The proposal must be

approved by two thirds of those voting, and those voting yes must be half of those with voting rights in each of those respective groups. The proposal must then be put out for comment by the University for sixty days. That was done here by putting a proposal on the University Faculty website. It then goes to the Committee on Academic Policies and Procedures who is to look at it for conformity with the University legislation. It then comes to you for determination of whether you agree with CAPP's conclusion on that. And there is a 25 percent limit on the number of persons who may hold this title – 25 percent of the number of tenured/tenure-track faculty. If Professor Shiffrin were here, he could tell you from personal experience that the legislative history of this legislation is that the two colleges that were specifically in mind for using this proposal were the Vet School and the Law School. As I understand it, the Vet School did attempt to go forward on this and was not able to obtain the required supermajority votes. So the Law School is the first to use it. For that reason, there were no models for the proposal that the Law School submitted. It contains lots of information but apparently still didn't address all questions. So the UFC also suggested the Law School's representative speak to several of those questions.

"Here I am going to depart a little bit from that recommendation. Professor Jenny Gerner, the Chair of CAPP, is going to speak to what her committee looked at specifically and that's some of those questions. And I expect that you may have other questions. I will attempt to answer them. Also the Dean of the Law School, Stewart Schwab, is here and he can answer them. But following UFC's recommendation, I will speak to two areas now.

"The first of those is the role of the two groups of lecturers (who are not, by the way, all of the lecturers in the Law School) that the Law School proposes to move into this title or to make this title available for – the legal-aid faculty and the lawyering faculty - in the teaching mission of the Law School.

"Apparently in the proposal's desire to emphasize the importance of the courses that these faculty offer to our curriculum, it created the impression that the tenured faculty were off-loading teaching responsibilities in the Law School. And I wanted to give you some data to correct that impression. The JD Program is a three-year program. The first year is regarded as fundamental in both senses of that word. In other words, it is considered both basic and foundational. It has a prescribed curriculum. There's no student choice. Students take 32 credits in the first year. Of these, four are taught by the lawyering faculty. The other 28 credits are taught by the tenured and tenure-track faculty. First year teaching is considered so essential, and for that matter so satisfying, by the Law School faculty that of the 33 current tenured/tenure-track faculty, 26 of us teach either regularly or occasionally in the first year curriculum. And in the 20 years that I have been on the faculty, I see no indication that this trend is changing."

"In the upper level, we do not have a prescribed curriculum beyond the fact that there is a required professional responsibility (i.e., professional ethics) course and four designated core courses (i.e., strongly recommended) courses. They are offered both semesters. I looked at this coming year's curriculum, and in that

curriculum, 68 courses are taught by tenured/tenure-track faculty. That does not count courses in which we do individual supervised writing one-on-one, or small group directed readings. In these 68 are all of the professional responsibility courses except one and all of the core courses in both semesters. Twenty courses are taught by the lawyering and legal aid faculty. Those include one of the professional responsibility courses. So these data may help to allay concerns that the teaching is being substantially off loaded.

“The second thing I wanted to address is the use of the adjective ‘clinical’ for these faculty, and in particular for the lawyering faculty. I think the questions that have been raised here may be an example of the real challenge that we face as a diverse University in recognizing and accepting how different academic practices and cultures are in different units. And that’s probably why the legislation warns CAPP ‘that the committee is not to substitute its judgment for that of the originating college or school as to the need for, or the wisdom of the college’s or the school’s adoption of the clinical professor title.’ Nevertheless, it seems to me that the questions that have been raised about this really have been asked in a spirit of genuine curiosity. And so, I did want to address the issue.

“I think the first answer to why use the ‘clinical’ title for some of these faculty, particularly the lawyering faculty, is that some of them teach courses that are just like the legal aid faculty. Each of them teaches at least one additional course beyond the course in the first year. For example one of the most talented of those faculty teaches an immigration clinic. That is, she is currently representing refugees who claim that they have a well-founded fear of persecution if they are deported to their home country. That course is identical to the kind of course that legal aid would be teaching.”

“But more broadly - and this is a place where I do not know whether this is the case with medical and vet faculty as well - in legal education the term ‘clinical education’ has become broader than, has come to encompass more than, the use of live clients. Certainly live client-focused instruction remains the ideal. But in legal education the term ‘clinical education’ now does include simulations, role-playing, mock trials, and similar instructor-contrived or hypothesized situations, so long as the focus is on students actually performing, and analyzing the performance of, lawyering skills. If you think about it for a minute from our perspective, you will see that the reason is simple. No matter how careful the selection of cases by the instructor is, no matter how well organized or well planned, clients, adversaries and tribunals often stubbornly refuse to conform to the academic schedule. So if you want to introduce a student to a full range of skills, if you have a selection of skills that you need to get into a semester, frequently you have to stack the deck. And I think that that’s why, and I will start with the law school of our revered President, you’ll see clinical assistant professors being used for teaching these kinds of skills, as well as what medical school or vet school might recognize as core ‘clinical’ teaching. The Legal Practice Program is what Michigan would call our Lawyering Program. What unites the lawyering and the legal aid faculty, and what distinguishes them from the tenured/tenure-track faculty is that they come from a background of active practice of law. That gives them an active engagement with the on-the-ground

skills of lawyering. That makes them not only competent, but actually superior to the tenured faculty in teaching those kinds of skills to our students. That is why schools like Michigan and Northwestern use the clinical professor title for both groups of people.

“The only thing I wanted to say additionally was that originally the proposal included both a request for permission to use the title and a waiver of the 25 percent limit. That was because, given the existing number of lawyering and legal aid faculty, the Law School felt it needed somewhat more leeway than the 25 percent limit gave us. When UFC first looked at this proposal, we were advised that the appropriate way to proceed was not the way we had done. Rather, it was first to seek permission to use the title under the legislation as it currently exists, and then separately later to seek to amend the legislation – because, of course, an amendment requires Trustee, as well as Senate, approval. And so as you saw from the second item in the packet, the Law School has withdrawn its request for a waiver at this time. So the only thing before you is to review CAPP’s conclusion that the proposal, the basic proposal, complies with the statute.

“And with that I will leave it to Professor Gerner to tell you what CAPP thought about that.”

Professor Jenny Gerner, Policy Analysis & Management and Chair of Committee of Academic Programs and Policies: “We were asked, according to the enabling legislation, to examine this proposal for conformance to the requirements of the enabling legislation, which is what we did. We did not see our role as making a recommendation to you to either approve or not approve this, but rather simply as making sure the elements of the proposal were present so that you could look at it and decide yourselves what you wanted to do. And that’s what we did.

“We had three concerns with this proposal as we got it. One was we didn’t know the vote. So we asked for the vote and you see the vote on the overhead (Appendix 13). The second was that there was the request for the waiver and we talked to the Law School about this. They have withdrawn their request for that waiver. And so we did not consider that in our further deliberations. The third was a discussion in the enabling legislation that says that this title should not wholesale be substituted for all lecturers and senior lecturers in the College.

“We talked with the Law School about this. The Law School has a very clear idea about whom they wish to offer this title to. All of the people that they think they would in the end want to offer this title to are currently lecturers or senior lecturers. However, they do see a role for lecturers and senior lecturers in providing other kinds of instruction. So that their argument was that while they will wholesale replace these lawyering and clinical faculty titles, they nevertheless will continue to have lecturers and senior lecturers doing other things. Hearing that, we came to the conclusion that the requirements of the legislation are met and we offered our report to UFC and to you suggesting that you should debate and discuss this.

"We are not making a recommendation. We did not offer the resolution; it was offered by UFC. So here it is. And we leave it to you to discuss this. And I am happy to answer any questions if you have any about CAPP's deliberations."

Speaker Norton: "Thank you Professor Gerner. The floor is open for debate and discussion on the resolution (Appendix 11)."

Professor Steve Vavasis, Computer Science. "I am just curious on what is the career track on some of these individuals. Is it six years like for an assistant professor and some get a promotion? How does that work?"

Speaker Norton: "Dean Schwab, do you want to answer that question?"

Stewart Schwab, Dean of Law School: "Typically they have had a number of years of practice before they come to the Law School. They are initially appointed for a three-year appointment as a lecturer. Then there is a reappointment process in which it's another three-year term as a lecturer. After that it's succession of appointments to a five-year term as a senior lecturer. The evaluation reappointment is every five years."

Speaker Norton: "So would your intention be, I guess the question is, the intention to operate with the terms of assistant clinical professor and so forth?"

Dean Schwab: "Yes, assistant, associate, and full clinical professor. We think we would have all three grades, which will probably match those or be similar to the two grades now of lecturer and senior lecturer."

Speaker Norton: "Any other comments or questions?"

Assistant Professor Marianella Casasola, Human Development: "I am curious. There were ten 'nos' of the tenured faculty. Do you know any of the reasons as to why they voted against it?"

Dean Schwab: "Secret ballot."

Professor Farina: "There was a secret ballot. There was very little discussion. However, from the kind of informal discussion that there is among faculty, I think it is fair to say that the reservations that were expressed are very similar to the kinds of reservations we heard here during the discussion we had about the Non-tenure-track Faculty Report. As the prerogatives of non-tenured faculty grow, there are a certain amount of reservations among some tenured faculty. While this was a divided vote of the faculty, this is actually a two-thirds vote: what it would take, or be sufficient, to appoint a lateral tenured candidate. So we would consider this an extremely strong vote. It is also an indication to us that there is a natural limit on how large this group can grow in the Law School, because all of these appointments will be done with full faculty approval. And so I think there was very little discussion."

Professor Robert Bland, Operations Research and Industrial Engineering: “Two things – Could you clarify what the distinction would be in responsibilities in the future between people with the clinical professor titles and people who will be titled lecturer or senior lecturer?”

And second, are there people now in the clinic and the lawyering program full time?”

Professor Farina: “Yes. These people absolutely are full time. Some of them have been on the faculty preceding me. Indeed one of the reasons that we need this title so desperately, or felt this was needed so desperately, is exemplified by the immigration clinic I talked about a minute ago. The co-teacher in that clinic is one of our adjunct professors. He’s actually a nationally known figure on the immigration law scene. But he comes one afternoon a week to the school. On the other hand, the lawyering faculty member who is there is full time and has recently been given by our students one of the most prestigious awards in the school, for service to women students. Students call him Professor X. They call her Ms. Y or, worse, by her first name. And so, there is a real felt disparity there. These are full time people. There is also a good example right now of the difference between lecturers and what this new title would be. We have our JD Librarians who teach legal research in the first year. We do not contemplate them being eligible for this title because they teach a very important, but very narrow, skill set. And they would not be appropriate for this title. Similarly were we ever, for example, to hire lecturers to teach something like our Nature, Functions, and Limits course, which is an undergraduate offering that our tenured faculty have always wanted to teach, they also would not be appropriate for this title. We believe that this is the right title for what these people are doing given the way that legal education defines clinical teaching, whereas it is simply not the right title for that other kind of teaching.”

Speaker Norton: “Are there other comments, questions?”

Professor Fran Kallfelz, Clinical Sciences: “Just a point of information on the report from CAPP which indicates that the Law School has withdrawn Section D – percentage limitation.”

Speaker Norton: “Yes.”

Professor Kallfelz: “Is that in its entirety? It is being withdrawn because it says the school will abide by the limit of 25 percent of the Law School’s tenured track faculty but also under D, percentage limitation, the proposal speaks to the designation of the nine current lecturers and senior lecturers to these new positions, which does seem to be a bit at variance with the enabling legislation. But if they are withdrawing all of Section D then it’s not an issue.”

Speaker Norton: “It’s my understanding that Section D has been withdrawn.”

Professor Kallfelz: “All of Section D, so they are not planning right now for the designation of the nine current members of these new titles?”

Speaker Norton: "Well the report we had before us from CAPP, suggests that the Law School will review the current faculty individually for appointment to the new titles. So there won't be any sort of mass movement."

Professor Kallfelz: "So that means, that doesn't mean that all of Section D is being removed because it does say under there that it envisions the initial designation of nine current members to these new titles?"

Professor Farina: "I just want to make sure that nothing happens that would seem to be disingenuous. There are actually forty tenure/tenure-track lines in the Law School. We are currently at 35 people because we had departures last year that have not been filled yet. We have new chairs that we have not completed searches for, and we have the President and Vice Provost currently engaged elsewhere."

Professor Kallfelz: "These are tenure-track?"

Professor Farina: "Absolutely. But also, there is not a plan at this point to implement the title. I am not exactly sure what your are asking."

Professor Kallfelz: "No, no, my question was not about the 25 percent limitation."

Professor Gerner: "I will say that we, CAPP, if you ask us, we would say that we would expect that the Law School will look at those current lecturers and senior lecturers who are lawyering and clinical faculty and individually evaluate whether they should be this clinical professor in anticipation of probably most of them being offered that title. That was how the Law School said what they said."

Professor Kallfelz: "Yes. That is why I asked the question because your report says that Section D – Percentage limitation has been taken out. Section D speaks to the 25 percent issue, which I understand. Section D also refers to the envisioning of initial designation of nine of the current members to these new titles, which suggests that they are envisioning moving nine people."

Professor Gerner: "Well they assured us they would not do this with a wave of a wand. They did say they would do serious reviews."

Professor Kallfelz: "Are there other lecturers and senior lecturers in the Law School, other than these people that you are talking about?"

Professor Farina: "Yes. That's what I said earlier."

Professor Kallfelz: "There are others?"

Professor Farina: "Right. There are definitely others."

Professor Kallfelz: "Okay. So this is not meant as a whole plan of replacement to these titles?"

Professor Farina: "No. The titles will remain in use."

Professor Kallfelz: "So it is not correct to assume that this report from CAPP says Section D percentage limitations is being withdrawn *in toto*. It's just being withdrawn with respect to the 25 percent."

Professor Farina: "It's certainly being withdrawn with respect to the 25 percent limit. Right."

Professor Kallfelz: "Only? Not all of Section D is being withdrawn."

Professor Farina: "Right."

Speaker Norton: "I think basically what's happening by the withdrawal of this is that the Law School is not saying that it envisions a movement of any particular number of people and will evaluate on an individual basis who will be moved."

Dean Schwab: "Except the total will be less than 25 percent."

Speaker Norton: "Except the total will be less than 25 percent or no more than 25 percent. It could be exactly 25 percent but it won't be any more than 25 percent."

"Are there further comments or discussions? Seeing none I see you are ready to come to a vote. All those in favor of the resolution (Appendix 11) presented by the UFC to recommend that the Law School be permitted to use the title of Clinical Professor, please say aye. Opposed?"

Motion carries: Unanimous

Speaker Norton: "The Speaker now calls on Professor Bill Arms (who I saw walk in the door), a member of the Library Board to present a resolution from the Library Board concerning faculty self help to protect access to scholarly research. Thank you very much Professor Arms for waiting from last month to present this Resolution."

6. RESOLUTION FROM THE UNIVERSITY FACULTY LIBRARY BOARD:

Professor William Arms, Computer Science and member of the Faculty Library Board: "So what I want to do is just briefly outline why the Library Board has brought this resolution (Appendix 14). Fundamentally there are two major topics, interrelated topics that the Library Board has been talking about intermittently for several years. What we want to do is to get the faculty to understand and hopefully support the Library Board's viewpoint on this."

"These two topics are interrelated, but separate. One is that there are problems caused by a certain number of scientific and scholarly publishers whose pricing is, well, in the resolution we use the word 'exorbitant' and I think that is a fair term."

The second is in the changing world of information, particularly on line information. There are many opportunities for open access and on-line publication of scholarly papers and we would like the faculty to express opinions on those.

“Let me give you just a little bit of background. The background is, as faculty members and researchers at Cornell, when we write a paper we own the copyright of that paper. And we are free to choose whether we publish it and where we publish it. And typically in the past you fairly automatically sent it to the journal closest to the subject matter involved. Hopefully, to one with a high readership because high readership has all sorts of good things like people read it and you also have the associated prestige. This point is actually a very important one. We publish for two reasons. One is we publish to communicate, and the second is we publish for what is called professional reasons so we get our materials reviewed, we get prestige for ourselves and our departments and so forth. These are really two very separate reasons.

“Anyway, the first two parts of our resolution talk about the pricing issues. Basically, we are asking faculty to become more involved in thinking about the pricing issues when they submit papers to journals or when they join editorial boards or otherwise get involved. In particular, we ask the tenured, senior faculty to set an example. We know that there are times when junior faculty are very much constrained by the need to establish their reputations.

“The situation is quite simple. There is clearly a cost in publishing. And for many of the best publishers, including many society publishers, their pricing is quite simple. They work out the cost and they add a small amount or somewhat more to cover other things. And that is their price. But there are some publishers who take advantage of their semi-monopoly or monopoly position in certain areas to set prices which are based very much on what the market will bear. In colloquial terms, what they do is they rip-off the academic community. And the difference between the pricing that they come up with, and the cost that the good society publishers come up with, can be on the order of 10-1.

“Now why is this bad? It’s bad for two reasons. One is that high prices for journals mean that there are fewer subscribers and fewer people read them. And in many of the fields, we have a downward spiral where every year the price goes up and the number of subscriptions goes down. And the number of people outside well-financed universities and research organizations who can read the papers goes down and down.

“The other is that higher prices mean that the university has less money to spend on other things. So the library is torn every year between the questions of do they pay these higher prices, which means cutting down on something else, or do they purchase fewer journals. From the University point of view, the Provost and the academic administration have always the question of given the scarce money they have, where should it go?

“So the first two parts of our resolution urge people to be aware of where they publish, the price of where they publish, and to not automatically become editors of journals and reviewers of journals if those journals behave in ways which are antagonistic to our mission.

“The third part of our resolution repeats the support that we carried over from 18 months ago to support the libraries and the very difficult decisions they have to make in these areas. And by the way I have great admiration for way the libraries have tackled this.”

“Moving on, let’s talk a little bit about ‘open access.’ By open access I mean putting our papers in places, typically on the web, where anybody in the world can read them at no cost. I hasten to add that this does not mean that there’s no money involved. It costs money to create, edit and put papers up. These things are not free. Somebody’s got to pay them. But what it means is that there’s no restriction on readership.

“Now the motion is quite simple. It’s to urge faculty members to consider publication options that result in papers being available on line with open access. Personally, I have for more than a decade followed that since I started putting papers up on a gopher server. Some of you present may remember that precursor to the worldwide web. It has an interesting effect. It’s that people who I wouldn’t expect to, occasionally read something that I have written. And this is really very important, particularly if you are in one of the disciplines where the potential readers are broad. An example of this is something like public health. When you write an article for public health you are not just writing for other researchers. It’s possible that the general public, patients, people like that, might read this material if it’s available for open access. In fact the National Institutes of Health has a policy of strongly urging that all articles based on research that it supports be placed on line, open access, within one year after publication. I believe also that there’s a bit of a motivation that if the taxpayer pays for the research, the taxpayer should get to read about this research. I personally find that to be quite important.

“There’s another interesting and important one, that there’s no restriction on teaching. If your article is on line, anybody in the world can use it in teaching without having the high costs. So that’s the fourth part of our resolution.

“The next thing part of the resolution is about copyright. When we write a paper we own the copyright. But typically publishers will come to us with a form asking us to transfer the copyright. When we do that we are making a decision. This resolution urges people to consider the implications before making that decision. Notice we are not saying that it’s inappropriate. Personally I took the pledge more than twelve years ago that I never transfer a copyright unless I was paid. And this is something I have been able to stick to. But I am in a field that has a lot of industrial authors and many companies just refuse to transfer copyright so the publishers are used to this.

“There are two things to understand here. One is, and this is very discipline-specific, many publishers in fact have more than one copyright agreement. I have a formula. Whenever I submit a paper I write, ‘it’s not my policy to transfer copyright in my academic work; I will give you my copyright license or I’ll be interested in what you have.’ And almost every publisher comes back – ‘oh, we have this other license as well as the former.’ So the Library Board then is recommending that the author should ask that. Remember, if you transfer copyright you lose control of your work. You may find yourself in the position, at the extreme, of having to pay a copyright fee to copy your own paper to distribute to your colleagues or your students. So the thing that we have asked in the resolution is to consider the implications before doing so.

“And finally, the last part of our resolution is to urge people to put some version of our papers on line with open access, not necessarily the paper itself, maybe a preprint or a post print. There are many options. You can put it on a web site, or use an institutional repository such as the one run by the library. When your paper is in such a place, there is no chance of the strange world of business hounding you out. And if the publisher goes out of business, or the price goes up so high that the library can no longer subscribe to the copy, your work is still there for others to see. So this is a multi-part resolution and I think we should hand it over for discussion.

Speaker Norton: “Thank you very much Professor Arms. Are there comments, questions, debate on this resolution?”

Professor Rich Burkhauser: “We have seven minutes and I am going to do you the honor of saying that this is an extremely serious issue that you are bringing up here. That’s why I am going have to oppose this amendment. And I’m going to give you two basic reasons why I am concerned.

“First of all I think you should choose your enemies and choose your friends carefully. In your language you cause people who could be your friends to be your enemies by using what I think is overheated language. ‘Since that date the underlying problems of certain publishers charging excess prices for subscriptions has continued, driven by the stock market forces that demand ever-higher profits’. That may be good on the resolution, but I don’t think that’s a very sensible way to frame a very serious question.”

Speaker Norton: “The chair would point out that that’s not a part of the resolution.”

Professor Burkhauser: “I understand that but it is part of the discussion that gives us the context in which we can answer this problem.”

Professor Arms: “But those are true statements.”

Professor Burkhauser: “For that statement alone I would disagree with you because I think it’s monopoly problems that your are talking about here not competition. There are many firms out there in the world that compete. And in

fact competition lowers prices. It doesn't raise prices. So I think that your understanding of the way the markets work is different from mine. But I have a more serious and important point because it is one that is asking me to do something, which I absolutely would never do to a junior faculty member. I would urge a junior faculty member to publish in the journal that is most prestigious. And that's the thing that he or she should worry most about in terms of progression in succeeding in our discipline. It's fine if you are a full professor to worry about these sorts of things. So I think I wouldn't encourage all faculty to talk about encouraging junior people to worry about the kinds of questions that you have.

"Finally I would say that I think you misunderstand the purpose of journals to some degree. The problem is not that we have too little information in the world. It's that we have too much information. And when all the information goes on the web we don't have that group of people who are telling me and signaling me what I should spend my scarce time looking at. So there is a role for private property. There is a role for journals. There's also a role for open access. But I think there should be a balance here, which is not in this resolution."

Speaker Norton: "Thank you. Another comment?"

Associate Professor Sheila Hemami, Electrical & Computer Engineering: "I completely want to back you up on what you have said. I think, this as written is great for the New York Times. I would be proud that Cornell University has done this and we can tell our friend in the Netherlands that we don't want him any more. But, at the same time I appreciate that you have strategically put tenured in this. I don't think the language is strong enough to send a message to junior faculty that, politics aside, they need to be concerned about what's helping them the most. And I feel that a junior faculty member may see this as undue pressure. And then that will lead them to make some poor decisions. So that's my concern."

Professor Philip Nicholson, Astronomy: "I am an editor of a journal published by our infamous friends in the Netherlands at the moment. It has been edited here at Cornell since its inception, more or less, in the 1960s. And it's a small field, planetary science, but almost everybody would accept that it's the prime journal in the world, not just in the US, in that subject. So from that point of view I would certainly not vote for this resolution in a sense that I could not feel in good conscience that I could advise my fellow faculty members that they should stop sending papers to their journal, which is the main one in their field any more. Although I sympathize with the underlying reasons for this, I think it's very good to encourage the library to go ahead and do whatever they can to put the screws to Elsevier and other companies to reduce the prices. I don't think we should go to the point of encouraging people to boycott either serving on the editorial boards or submitting their papers when that should again be determined logically by the suitability of the journal that you are sending it to and the reputation of the journal in this case."

Speaker Norton: "Is there further debate?"

Professor Steve Vavasis, Computer Science. "Do you keep track of the price of the journal? How is your price going?"

Professor Nicholson: "No, we have no control. Obviously not, it's a commercial journal. It's an unusual one in that it's a commercial publisher, which is sort of officially endorsed by the Society. So it's not a society-owned journal but it's a society-endorsed journal."

Professor Vavasis: "You don't think there's anything wrong with that?"

Speaker Norton: "This is not the place for that conversation."

Professor Kathleen Rasmussen, Nutritional Sciences: "The last part of your 'be it resolved' suggests putting things on D-space as preprints and post prints. As president of a scientific society that publishes its own journal, I am very, very concerned with this issue as NIH has gone to open access. What you are suggesting here is making multiple versions of a single scientific work available. Certainly from the point of view of a working scientist, I need one version. From the point of view of the journals that actually wind up or may wind up holding the copyright, having multiple versions on this kind of a repository, I don't see this as a constructive suggestion. Now maybe I don't understand what you are trying to do, but that does not seem to me to be helpful."

Professor Arms: "My simple answer to the question is that for the best models we see, pardon me, the best model is Physics. It is the most established model. And Physics has managed to establish a very stable situation in which there are simultaneously preprints of most of the articles and the established journals, America Physical Society, which is an admirable journal publisher and this is an existing proof that you can get a very nice stable relationship. Discussion of the preprints, correction of mistakes and things, review, formal publication later is a very nice balanced framework. It definitely can happen."

Professor Rasmussen: "Is the preprint then withdrawn?"

Professor Arms: "No. The preprint sits forever."

Speaker Norton: "Are there further comments?"

Professor David Grubb, Materials Science & Engineering: "One of the suggestions up there is that one should refrain from refereeing for these varied commercial journals. I should just remark that in the past years when I have been asked to referee for some company that's highly commercial, I say 'you are a commercial enterprise, I am willing to referee at my usual commercial rate. Unfortunately I haven't had many takers'."

Speaker Norton: "Are there further comments?"

Professor Stuart Blumin, History: "It's good to see there are a few humanists in the room. There was concern about the rising prices in science journals on the library budget and for acquisition in humanities. I should point out the American Historical Reviews is going to cost something like a \$170.00 a year. That being the case, the whole purpose I gather is to relieve library acquisition budgets and I'm wondering, I keep trying to guess what the actual effect, the realistic effect on pricing in this market place will be. There are other proposals that I know have gone out such as consulting with other universities to create perhaps a consortium for purchasing journals on a regional basis rather than individual university library basis. I wonder if proposals such as that have been considered or whether you might consider some way of exerting pressure on the publishers by reducing their market in that way."

Professor Arms: "I could give you a very long answer to that. But perhaps I could simply answer the question that came up right at the beginning about pricing. I have been a consultant to Elsevier, Wiley, and Springer. I have been on the board of a major Thompson subsidiary, American Physical Society. I've had a lot to do with the ACF. I know all about pricing. The Thompson example is quite simple. Every year they are told this is what we expect your profits to be next year. Okay? And if you don't make it - I've seen it happen - the president of that subsidiary got fired. Okay? That's the basic pricing policy. So all these consortiums you are talking about are different ways for the same group of universities to pony up the same amount of money. So it sounds great if you are doing it on a cost basis, but it's not if it's on a pricing basis. There are experts in this room from the Library who can speak at length, but we probably don't have time."

Speaker Norton: "We don't have time. In fact we are past our adjournment time at the moment. So in fact it is time to adjourn. Orders of the day were basically, quietly called to the chair, order of the day called for a coming to an immediate vote on all pending legislation. Unless there is a move to extend time..."

Professor Anton: "Do we still have a quorum?"

Speaker Norton: "Do we still have a quorum? I saw one person leave and the presenter came in. We should be all right. I think we have a quorum. Yes. We were about two over a quorum. My suspicious is we have a quorum. If you would like let's vote. Yes. The point is we must come to a vote under orders of the day unless there is a move to extend time. I don't see any."

"All those in favor of this resolution, please say aye. Opposed, say nay. The ayes have it. Motion passed."

Meeting adjourned at 6:05 p.m.

Respectfully submitted,

Cynthia R. Farina
Associate Dean and Secretary of the University Faculty

Institutional Goal

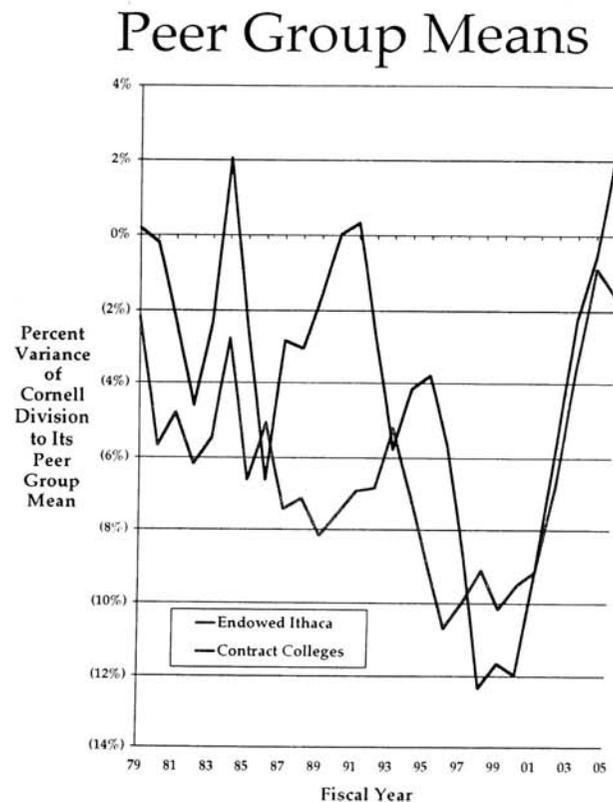
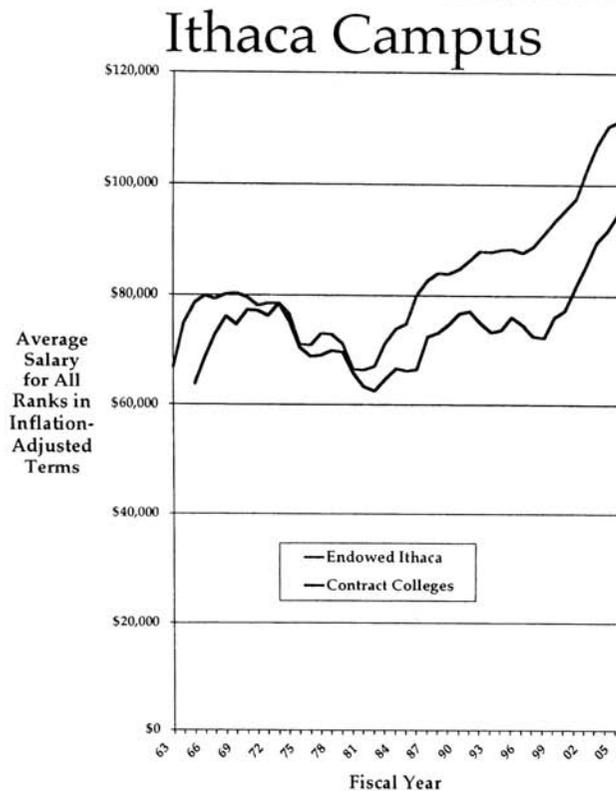
- To reach the average of the peer groups (selected by the Financial Policies Committee of the Faculty Senate) by the end of a five-year period for the endowed colleges and by the end of a six-year period for the contract colleges.
- 2001-02 was the first year of the multi-year plan.

2004-05 Faculty Salary Increases

- **Average** faculty salaries for all ranks grew 3.3% in endowed and 5.9% in the contract colleges in 2004-05 . *The five year average was 5.6% in endowed and 6.7% in the contract colleges.*
- **Continuing** faculty salaries grew 5.2% in endowed and 5.9% in the contract colleges in 2004-05. *The five year average for continuing faculty was 6.8% in endowed and 7.3% in the contract colleges.*

(The survey excludes less than full time faculty, faculty on leave without pay, and faculty administrators at assistant dean level or above.)

Average Faculty Salaries *



* Contract college salaries converted to a 9-month basis.

Endowed Ithaca Faculty Salaries

	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>	<u>2003-04</u>	<u>2004-05</u>	One Year Change	Five Year Change
1. Cal Tech	\$ 100,068	\$ 104,305	\$ 109,214	\$ 112,583	\$ 112,599	\$ 124,617	10.7%	4.5%
2. Stanford University	100,841	106,547	111,077	115,418	118,777	123,658	4.1%	4.2%
3. Princeton University	96,103	102,889	108,248	112,416	117,271	121,513	3.6%	4.8%
4. University of Pennsylvania	97,332	102,606	109,473	112,547	115,941	119,889	3.4%	4.3%
5. University of Chicago	98,607	103,098	106,711	110,517	114,481	119,280	4.2%	3.9%
6. Columbia University	92,619	98,257	103,598	106,529	110,274	115,660	4.9%	4.5%
7. Yale University	94,201	98,598	104,058	108,624	109,373	114,516	4.7%	4.0%
8. Cornell (Endowed)	84,700	89,584	95,833	102,287	107,794	111,395	3.3%	5.6%
9. UCLA	87,602	93,714	95,801	96,668	99,319	100,406	1.1%	2.8%
10. University of Michigan	85,558	88,959	92,220	96,194	98,305	99,841	1.6%	3.1%
11. UC-San Diego	82,869	86,708	88,194	89,101	91,539	92,727	1.3%	2.3%
Average Excluding Cornell	93,580	98,568	102,859	106,060	108,788	113,211	4.1%	3.9%
<i>Cornell as a Percent of Average</i>	90.5%	90.9%	93.2%	96.4%	99.1%	98.4%		
<i>Cornell Endowed Relative Rank</i>	10th	10th	9th	8th	8th	8th		

As reported to AAUP adjusted for the relative mix of Cornell endowed academic ranks

Contract College Faculty Salaries

	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>	<u>2003-04</u>	<u>2004-05</u>	One Year Change	Five Year Change
1. University of Pennsylvania	\$96,746	\$101,896	\$107,413	\$111,528	\$115,283	\$119,632	3.8%	4.3%
2. UC-Berkeley	89,013	93,509	94,157	96,022	100,242	100,391	0.1%	2.4%
3. Cornell (Contract)	68,657	74,804	79,636	85,429	89,519	94,786	5.9%	6.7%
4. University of North Carolina	79,630	85,426	86,120	88,129	88,981	94,303	6.0%	3.4%
5. Penn State University	74,586	78,264	80,892	85,588	89,536	93,424	4.3%	4.6%
6. Ohio State University	74,342	77,780	77,584	81,983	86,170	90,399	4.9%	4.0%
7. University of Minnesota	75,991	79,384	81,839	85,453	85,283	87,965	3.1%	3.0%
8. Michigan State University	69,940	73,492	76,460	80,910	83,703	86,312	3.1%	4.3%
9. UC-Davis	77,091	80,612	81,424	82,894	86,742	85,976	-0.9%	2.2%
10. University of Wisconsin	73,881	78,902	79,997	83,651	83,707	84,790	1.3%	2.8%
11. Texas A&M University	68,755	73,419	78,568	77,621	80,781	84,687	4.8%	4.3%
Average Excluding Cornell	77,997	82,268	84,445	87,378	90,043	92,788	3.0%	3.5%
<i>Cornell as a Percent of Average</i>	88.0%	90.9%	94.3%	97.8%	99.4%	102.2%		
<i>Cornell Contract Relative Rank</i>	11th	9th	8th	6th	4th	3rd		

As reported to AAUP and adjusted for Cornell contract college rank distribution.

Faculty Salary Planning 2005-06

- The Deans and the Provost have agreed on college specific goals for continuing faculty for 2005-06.
- College targets range from 3.5% to 5.5%.
- Targets are based on discipline market data of the selected peers and other relevant comparators.
- Individuals' increases are based on college /department defined measures of merit.

APPENDIX 7

**Resolution to Adopt
Policy on Sanctions for Job-Related Faculty Misconduct**

WHEREAS the Committee on Academic Freedom and Professional Status of the Faculty was asked by the Dean of Faculty in 2002 to review existing relevant policies on suspension and to make a recommendation for a Cornell policy that regulates suspensions and similar sanctions for job-related faculty misconduct; and

WHEREAS the Committee has engaged in an extensive process of study that included consultation with the deans, and now recommends the attached “Policy on Sanctions for Job-Related Faculty Misconduct,”

THEREFORE BE IT RESOLVED that the University Faculty Senate recommends to the Provost and Board of Trustees that the “Policy on Sanctions for Job-Related Faculty Misconduct” be adopted and implemented as University policy.

4/29/05 Submitted by:

Committee on Academic Freedom and Professional Status of the Faculty

5/3/05

UFC approval

APPENDIX 8

Section III.A.3(f) as distributed in the call to the meeting

(f) If the faculty member requests before or at the opening of the hearing, he or she shall after its conclusion be furnished, without cost to him or her, a full report of the proceedings before the panel, including an audio recording of the testimony taken, copies of documents received, and the panel's findings and recommendations.

Proposed amended Section III.A.3(f)

(f) After the conclusion of the hearing, the faculty member will receive a copy of the panel's findings and recommendations. If the faculty member so requests before or at the opening of the hearing, he or she shall after its conclusion be furnished, without cost to him or her, a full report of all the evidence received by the panel, including an audio recording of the testimony taken and copies of all documents received.

Proposed Suspension Policy
May 11, 2005

APPENDIX 9

At the March 10, 2004 Senate meeting, Prof. Ochshorn, then chair of the AFPS, presented the committee's proposed suspension policy to the Senate for discussion. The proposed policy was modestly revised in the light of that discussion, and the revised policy was posted on the web and sent to the academic deans for their comments.

The academic deans responded to AFPS request for comments in March, 2005. The AFPS discussed the objections of the deans and revised the draft to meet each of their objections either fully or to the extent that the APFS felt was consistent with protecting the rights of an accused faculty member. The revised document was then sent back to the academic deans, and the AFPS has not yet received a full response from the deans.

The changes that were made in the March 10, 2004 draft are each listed below. For each change, a brief explanation is presented.

1. Section I.E: The clauses in the sentence were rearranged to make it clear that a salary reduction by itself will be considered a suspension.
2. Section III.A.1: Emergency suspensions were exempted from the time limit restrictions to accommodate unforeseen emergency situations.
3. Section III.A.1: The minimum allowed suspension was reduced from 30 days to two weeks. The aim of this provision was to ensure that a suspension was in fact a severe sanction, and the deans suggested that 4% of a person's annual salary was a more appropriate lower limit than 8%.
4. Sections III.A.3(c) through III.A.3(h) are all new. The March 10 2004 draft designated the Trustee adopted dismissal procedure as the procedure to be used for appealing suspensions. The deans argued that this procedure, with its reliance on lawyers examining and cross-examining witnesses was too burdensome and unsuited for panels with little or no judicial experience. In response, the AFPS devised a procedures which mimicked the dismissal procedure while reducing the level of participation of attorneys to giving advice to their client.
5. Section III.C.1 The definition of an emergency was broadened to "imminent serious harm to the [faculty] member or others or property". The deans argued that the previous definition of harm to persons was too restrictive. AFPS agreed, and opted for this wording rather than the broader definition of " ... or harm to Cornell" suggested by the deans.

6. Section III.C.2 The first sentence was added to make sure that the scope and duration of the emergency suspension corresponded to the scope and duration of the emergency.

APPENDIX 10**Policy on Sanctions for
Job-Related Faculty Misconduct**

Prepared by: Committee of Academic Freedom and
Professional Status of the Faculty, 04-04-05

Policy Statement: (To be standardized by University Policy Office)

Reason for Policy: (To be standardized by University Policy Office)

Entities Affected by this Policy: University professors and college or school
faculty members.

Who Should Read this Policy: (must include faculty and deans, to be
standardized by University Policy Office)

I. Definitions

A. College or school faculty member: as defined by Art. XIII of the Bylaws
of Cornell University:

Each college or school faculty, except the Graduate Faculty, shall be composed of the President; the Dean or director of the college or school; and all professors, associate professors, and assistant professors in the department or departments under the charge of that faculty. Instructors, senior research associates, senior extension associates, lecturers, senior lecturers, clinical professors, associate clinical professors, and assistant clinical professors, and those bearing the adjunct title shall be non-voting members. Each college or school faculty may, in its discretion, grant membership to senior scholars, senior scientists, and other professional personnel for whom such membership is deemed appropriate by such faculty. Any college or school faculty may elect to its membership persons who are already members of other faculties of the University for so long a period as they continue to be members of such other faculties.

B. Emergency suspension: A suspension with full salary pending the ultimate determination of the faculty member's case where the member is charged with misconduct and the member's continuance threatens imminent serious harm to the member or others or to property.

C. Minor sanction: any sanction other than a "severe sanction."

D. Severe sanction: dismissal or suspension.

E. Suspension: a temporary abrogation of the faculty member's rights or responsibilities that effectively prevents the faculty member from carrying out the responsibilities of his or her position or a temporary partial or temporary full reduction of a faculty member's salary will be considered a suspension for the purposes of this policy, whether or not it is named as such.

II. Purpose and Scope of this Policy

To ensure fair and adequate processes for faculty charged with job-related misconduct or failure to perform the duties required of the position held, the following procedures govern the imposition of severe sanctions, minor sanctions, and emergency suspensions.

III. Procedures

A. Severe Sanctions

1. Duration of suspensions: No suspension, other than emergency suspension, shall be imposed for a period of less than two weeks, nor more than 12 months.
2. Reporting requirements for dismissals or suspensions: All dismissals or suspensions, including those resulting from informal settlements, shall be reported to the Dean of Faculty by the appropriate administrator. Such reports shall include a summary of both the complaint and its resolution, and shall be maintained in a permanent archive.
3. Suspension procedures for university professors, professors, associate professors, and assistant professors¹:
 - (a) The term "faculty member" in subsection III A. 3. shall refer exclusively to university professors, professors, associate professors, or assistant professors.
 - (b) If the administration believes that the conduct of a faculty member is sufficiently grave to justify imposition of a suspension, the procedures in III.A.3. (d) below shall apply.

¹ The procedure used for dismissals is the procedure adopted for that purpose by the Board of Trustees.

- (c) Where the recommendation for a suspension is a result of action taken under any other university policy (including those policies governing "academic misconduct," "sexual harassment," "financial irregularities," and "conflict of commitment/interest"), the faculty member may appeal the recommendations issued under that policy by requesting a hearing according to III.A.3.(d) below. In this case, the administrator shall not implement the sanctions recommended under the initial policy procedures but shall instead report to the Provost the results of any investigations undertaken, together with his or her recommendations. The Provost shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her if, after receiving the administrator's report and making such independent investigation as may seem appropriate to the Provost, it is the opinion of the Provost that further proceedings are warranted.
- (d) The charges against the faculty member shall be heard by a hearing panel appointed as follows. The faculty member and the Provost shall each choose four members of the University Appeals Panel. The faculty member's nominees shall choose two of the Provost's nominees, and the Provost's nominees shall choose two of the faculty member's nominees. The four so chosen shall then choose a fifth tenured University member, who shall chair the hearing panel. Any person nominated who has participated in the matter being heard or feels unable to render an unbiased judgment or perceives a conflict of interest shall disqualify him or herself.
- (e) At the hearing, the faculty member shall be entitled to be accompanied by an advisor or counsel of his or her own choice, to present witnesses in his or her own behalf and to confront and question the witnesses against him or her. The faculty member's advisor or counsel may not address the panel or question the witnesses unless requested to do so by the chair of the panel.
- (f) After the conclusion of the hearing, the faculty member will receive a copy of the panel's findings and recommendations. If the faculty member so requests before or at the opening of the hearing, he or she shall after its conclusion be furnished, without cost to him or her, a full report of all the evidence received by the

panel, including an audio recording of the testimony taken and copies of all documents received.

- (g) The panel shall report its findings to the President in writing within eight weeks of being formed. The decision of the President will not be subject to further appeal or reconsideration.
 - (h) The office of the Dean of the Faculty will provide staff support for the panel.
4. Procedures for suspension and dismissal of college or school faculty members other than professors, associate professors, and assistant professors:
- (a) When complaint from any source is made against such member which might lead to the imposition of a dismissal or suspension, and unless the alleged misconduct falls under the jurisdiction of a specific Cornell policy containing alternate procedures, the Dean of his or her college shall inform the member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it.
 - (b) If the matter is adjusted informally to the satisfaction of the Dean and the faculty member, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the Dean shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her.
 - (c) No dismissal or suspension shall be imposed without first giving such member an opportunity to invoke grievance procedures and seek review by the Committee on Academic Freedom and Professional Status of the Faculty [AFPS], to the extent permitted by the specific policy guidelines governing such reviews, and within the following stated time periods: The member shall have 4 weeks after being informed in writing of the charges and recommended sanctions to invoke grievance procedures or review by the AFPS. Where a review by the AFPS is requested following a grievance action, the faculty member shall have 4 weeks after the completion of the grievance procedure to request review by the AFPS.

- (d) The opportunity to invoke grievance procedures and seek review by the AFPS before the imposition of a dismissal or suspension, as described above, applies also to cases where the recommendation for a dismissal or suspension is a result of action taken under any other college or university policy (including those policies governing "academic misconduct," "sexual harassment," "financial irregularities," and "conflict of commitment/interest").

B. Minor Sanctions

If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, the following procedures will be followed:

1. If a minor sanction is imposed under a specific university policy (such as "academic misconduct," "sexual harassment," "financial regularities," and "conflict of commitment/interest"), the faculty member may obtain consideration and, possibly, redress by invoking a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.
2. If the conduct justifying a minor sanction is not regulated under any other specific university policy, the appropriate administrator will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a minor sanction has been unjustly imposed may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.
3. A faculty member who believes that a sanction proposed under the procedures for "minor sanctions" is, in fact, a "dismissal or suspension" may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

C. Emergency Suspension

1. If a university professor, or college or school faculty member, is charged with misconduct and if the member's continuance threatens imminent serious harm to the member or others or to property, the faculty member may be suspended by the

President (or his or her designee) or assigned to other duties in lieu of suspension pending final resolution of the charge.

2. The scope and duration of the emergency suspension shall be tailored as narrowly as possible to the nature of the harm posed, so that the faculty member's rights and privileges are not summarily abrogated more broadly than is reasonably necessary to protect persons or property pending completion of the suspension procedures. Whatever other rights and privileges may be withdrawn by an emergency suspension, the faculty member's full salary shall continue during the period of the emergency suspension.
3. The President (or his or her designee) shall promptly report to the Dean of Faculty concerning the propriety, the length, and any other conditions of the emergency suspension.

University Faculty Senate Approval
May 11, 2005

APPENDIX 11

**Resolution to Recommend that the Law School
be Permitted to Use the Title of Clinical Professor**

WHEREAS the Law School wishes to use the title of Clinical Professor and has taken the steps specified in the Enabling Legislation, approved by the University Faculty Senate on September 4, 2002, in making a proposal for that use; and

WHEREAS the Committee on Academic Policies and Procedures has determined that Law School proposal meets the requirements of the Enabling Legislation; and

WHEREAS the University Faculty Senate concurs with the conclusion of the Committee on Academic Policies and Procedures,

THEREFORE BE IT RESOLVED that the University Faculty Senate recommends to the Provost that the Law School be permitted to use the title of Clinical Professor as specified in the Enabling Legislation.

UFC
May 3, 2005

Memo

APPENDIX 12

To: CAPP & Senate

From: Law Faculty

Date: March 9, 2005

Subject: Proposal on Clinical Professorships

.....

Having obtained the requisite internal approval by two-thirds votes, the Law School proposes to use the title of Clinical Professor of Law in reference to a limited and defined group of long-term, non-tenure-track appointees whose primary responsibility will be skills and practice teaching in a clinic-like setting. This title will be available for use at the Assistant, Associate, and Full Clinical Professor rank, with the expectation being that the appointee would normally move up a rank at each reappointment stage.

Our purposes are nicely captured by the preamble to the University's enabling legislation:

- Whereas an inadequacy in the current range of available academic titles makes it desirable to create a new non-tenure-track Clinical Professorial Title, and
- Whereas it is clearly important to recognize and reward the status, qualifications, and activities of those faculty members for whom such a title would be appropriate, and
- Whereas units need to improve recruitment and retention of such faculty-members, and
- Whereas, where appropriate and possible, units should be able to reclassify competitive candidates who are currently doing such work de facto, while employed as Lecturers or Senior Lecturers.

BE IT RESOLVED THAT THIS ENABLING LEGISLATION BE ADOPTED.

In particular, our consideration of this issue has produced the following findings and conclusions:

A. Justification. As a combined graduate and professional school, Cornell Law School must instruct its students in both the theory and the practice of law. Indeed, according to the Preamble to the Standards for Approval of Law Schools, generated by

the American Bar Association as the law-school accrediting body, all accredited law schools must provide "a curriculum that develops understanding of the theory, philosophy, role, and ramifications of the law and its institutions; skills of legal analysis, reasoning, and problem solving; oral and written communication; legal research; and other fundamental skills necessary to participate effectively in the legal profession." To meet this mandate, the Law School has a rich lawyering-skills curriculum. It starts in the first year with the required year-long "lawyering" course that focuses on mock cases simulating those the students will face as practicing attorneys, and continues with upper-level offerings that include ones in which the students represent actual clients in real cases under the supervision of the clinical faculty. These courses are taught primarily, but not exclusively, by the Lecturers and Senior Lecturers who constitute the Lawyering Program and Legal Aid Clinic faculty.

The limited range of titles currently available at the Law School compromises its ability to retain and recruit the best Lawyering Program, Legal Aid Clinic, and similar clinical faculty, to maintain its standard of excellence in teaching professional skills, and to ensure its national reputation in its law-in-practice curriculum.

A review of existing title policies at other law schools reveals that almost all law schools, including virtually all peer schools, use the professor title for their clinic's faculty. In addition, a clear majority of law schools, and virtually all peer schools with long-term legal-writing or lawyering faculty, use the professor title for such faculty. Thus, Cornell is now in a small--and steadily shrinking--minority of law schools that have not yet adopted a professor title for clinic and lawyering faculty.

For example, the Association of Legal Writing Directors' 2004 Survey Report for Legal Writing Programs, which included responses from 176 U.S. law schools, indicates that, of those schools that responded to the question whether their title for legal-writing faculty included the term "professor" rather than the term "lecturer" or "instructor," approximately 62% used a professor title. Notably, responses from recent years demonstrate that the percentage of responding schools that use a professor title has increased every year. (In 2001, 53%; in 2002, 55%; and in 2003, 58%.) More specifically, numerous peer law schools have adopted a professor title for such teachers. Law schools that currently use such a title include the University of Michigan, the University of Virginia, Georgetown University, Northwestern University, and New York University. (Some top law schools--e.g., Harvard, Columbia, and Chicago--use graduate students, fellows, practicing attorneys, or other temporary instructors to teach legal writing and lawyering, and so are not relevant on this issue.)

Given this widespread practice, the unavailability of the Clinical Professor title undermines the morale of the Law School's existing Lawyering Program and Legal Aid Clinic faculty, and it hinders the recruiting of top clinical candidates with offers from competing law schools. As recognized by the majority of law schools and by the Ad Hoc Committee of the Faculty Senate on Non-Tenure Track Faculty at Cornell, this is a situation in which the old array of titles is "no longer commensurate with the qualifications and responsibilities" of the faculty who hold them. (Report of the Ad Hoc

Committee of the Faculty Senate on Non-Tenure Track Faculty at Cornell, where it discusses the need for Research Scientist titles at page 9.) Having the Clinical Professor of Law title will add value to the Law School and allow it to accord deserved respect to its highly credentialed faculty who teach skills and practice.

B. Description of Position. We envisage non-tenure-track positions similar to those of the Law School's current law-in-practice faculty--the Legal Aid Clinic and Lawyering Program faculty--who focus on teaching professional skills. Therefore, we provide a description of these two positions. Unlike tenure-track faculty, Legal Aid Clinic and Lawyering Program faculty are not expected to produce scholarship.

Legal Aid Clinic Faculty: Their classroom teaching occurs in a clinical setting. The faculty create varied instructional materials such as lecture presentations; discussion questions; and simulation exercises, which the students perform and the faculty critique. Most of the clinic's teaching, however, is performed in the context of individual supervision of student representation of real clients. In the course of that representation, the students learn, inter alia, to interview and counsel clients, investigate facts, plan case strategy, engage in discovery, resolve ethical dilemmas, and appear before administrative hearing officers and judges in both motion and trial practice. The faculty must challenge the students to utilize their fullest abilities, while providing sufficient support as the students assume the lawyer role for the first time. The faculty are to model excellence in practice skills and instill a commitment to high ethical standards of practice.

Moreover, the faculty are expected to contribute to the Law School, the University, and the larger legal community through membership in faculty committees; service as student advisors; and participation in local, state, and national legal-education organizations, bar associations, and organizations serving the interests of the clinics' clients.

Lawyering Program Faculty: As to classroom teaching, they prepare interactive classroom sessions, lectures, and in-class skills-related simulations for their year-long lawyering course. Through a series of simulated problems, which the faculty research and design for that course, they instruct students how to identify and analyze legal issues, investigate and develop facts, master several forms of legal writing, and engage in written and oral advocacy. The faculty also extensively train, and closely supervise the work of, upper-class students who serve as teaching assistants. Some of the faculty additionally teach upper-level courses, either skills-based seminars or clinical courses. As to one-on-one teaching, the faculty provide students with in-depth written critiques of their work and regularly meet with them to discuss progress on writing and other assignments.

Moreover, the faculty are expected to engage in collegial contributions similar to the Legal Aid Clinic faculty. In addition, Lawyering Program faculty commit substantial time to their program's development.

C. Terms of Appointment.

Nature of Search for Candidates: The current Lawyering Program and Legal Aid Clinic faculty members, all of whom will be designated Associate or Full Clinical Professors, were hired following a serious search. In future hiring for Clinical Professor positions, the Law School will conduct a serious search, utilizing the conventional means for such law professor searches.

Required Credentials of Candidates: Applicants for the position of Assistant Clinical Professor shall have a J.D. or the equivalent, excellent academic credentials, a strong writing background, and excellent practice credentials. Substantial practice experience is preferred. Applicants for the position of Associate or Full Clinical Professor must display the qualities sought in Assistant Clinical Professors, but will be held to a higher standard of performance; such candidates also must have prior relevant teaching experience. Appointment will be governed by Section 14 of the Cornell Law School Policies and Procedures Governing Faculty Appointments, as amended through November 10, 1999, which currently applies to appointment to Senior Lecturer and which is appended as Attachment A.

Appointment Approval Process: The approval process will follow the provisions set forth in Section 3 of the Cornell Law School Policies and Procedures Governing Faculty Appointments, which currently applies to Lecturer and Senior Lecturer positions.

Length of Appointments: Assistant and Associate Clinical Professors normally shall be appointed for a term of three years. Full Clinical Professors normally shall be appointed for a term of five years. Shorter terms may be appropriate for initial probationary appointments or to meet short-term needs. Appointments shall be renewable indefinitely.

Possibility of Movement Between Non-Tenure-Track and Tenure-Track Paths: Movement between the non-tenure-track and tenure-track paths shall be governed by Section 3 of the Cornell Law School Policies and Procedures Governing Faculty Appointments.

Procedures for Renewal and Promotion: The procedures for renewal and promotion shall be governed by Section 3 of the Cornell Law School Policies and Procedures Governing Faculty Appointments. The appointment of a holder of any Clinical Professor title whose appointment is not renewed shall extend for two academic terms after receiving notice of nonrenewal.

D. Percentage Limitation. The Law School envisages an initial designation of the nine current members of the Legal Aid Clinic and the Lawyering Program to these new titles. This constitutes 25% of the Law School's tenure-track faculty of thirty-six members. But because the Law School plans to use the new title as a recruitment device, as well as a retention device, the Law School expects that the percentage of Clinical Professors will, from time to time, somewhat exceed 25%. Accordingly, the Law School

requests a waiver of the 25%-cap. Granting a waiver in the unique circumstances presented here fulfills the goals of the University's enabling legislation and is consistent with broader University faculty policies for the following reasons:

(1) New appointees would do substantially identical work as that done by the existing skills and practice faculty, and should therefore have the same title; moreover, inability to offer the Clinical Professor title to new appointees would place the Law School at a competitive disadvantage relative to peer schools. To ration the titles by giving them to only some of the current skills and practice faculty would similarly be unjustified in light of the work they all perform; moreover, it would be destructive of their collegiality and morale. Indeed, the net costs of drawing distinctions among the current and future skills and practice faculty as to title would so outweigh the net benefits of adopting the new titles that the Law School would choose not to go forward without a waiver of the 25%-cap.

(2) The important academic freedom concerns about undermining tenure that originally motivated the 25%-cap are not implicated in these circumstances. None of these positions replicates functions of tenure-track faculty or impedes adding to the tenure-track faculty. Additions to the Legal Aid Clinic and similar clinical faculty, if made, would be driven primarily by a desire to broaden the range of student opportunities to represent actual clients in a law-office setting. Additions to the Lawyering Program faculty, if made, would be driven primarily by increased student body size or by the desire to reduce student-teacher ratios. Neither of these positions involves an area in which tenure-track faculty have historically sought to work.

Underscoring the fact that granting this waiver will not in any way jeopardize the health and growth of the tenure-track faculty of the Law School, the Dean of the Law School--who is currently working hard to obtain funding for several additional tenure-track faculty lines--strongly supports this proposal to use the Clinical Professor title and waive the 25%-cap.

E. Voting and Other Rights. The Law School plans no changes in rights by going from a lecturer title system for the Lawyering Program and the Legal Aid Clinic to a Clinical Professor title system. Currently, those lecturers have limited voting rights in conformity with University legislation, and they have full access to the grievance and appeals processes available to tenure-track faculty (Policies and Procedures Governing Faculty Appointments; Academic Grievance Procedures, adopted by the Law Faculty on March 3, 1976, which is appended as Attachment B). No change is proposed thereto.

F. Impact Statement. Use of the Clinical Professor of Law title will be limited to non-tenure-track faculty engaged in skills and practice teaching, as currently exemplified by faculty in the Legal Aid Clinic and the Lawyering Program, who are now titled as Lecturers or Senior Lecturers. Current holders of positions in these programs will be retained and will have their designations changed from Lecturer or Senior Lecturer to one of the Clinical Professor titles. This proposal will have no effect on other non-tenure-track titles and their holders, now or in the future. Accordingly, non-tenure-track

positions under titles such as Adjunct Professor, Research Associate, and Distinguished Practitioner in Residence will continue. No tenure-track or non-tenure-track faculty positions will be eliminated as a result of this proposal.



Cornell University
Law School

Stewart J. Schwab

*The Allan R. Tessler Dean
and Professor of Law*

265 Myron Taylor Hall
Ithaca, New York 14853-4901
t. (607) 255-3527
dean@lawschool.cornell.edu

April 29, 2005

Professor Jennifer L. Gerner
Chair, Committee on Academic
Programs & Policies
Department of Policy Analysis
and Management

Dear Jenny:

Earlier you received from the Law School a proposal to use the title of clinical professor for some of our lecturer positions and to waive the current 25% limit. Since then, we have been advised that the appropriate way for the Law School to proceed is first to obtain authorization to use the title as provided under current University legislation. A request to amend the legislation – which would require Trustee as well as Senate approval – ought to be done separately.

We appreciate this advice on the appropriate procedure, and will follow it. So we would like to withdraw, for the moment, the portion of the proposal that requests a waiver. At this time, we ask only for authorization to use the title subject to the terms of the existing legislation. Thank you for your patience and your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Stewart J. Schwab".

Stewart J. Schwab

cc Charles Walcott, Dean of the University Faculty

APPENDIX 13May 2005Report to the Senate Concerning the Law School Proposal
for the Clinical Professor TitleForwarded to the Senate from the Committee on
Academic Programs and Policies

As specified in the Enabling Legislation for the Clinical Professor Title, CAPP has considered the Proposal on Clinical Professorships received March 9, 2005 from the Law Faculty.

CAPP asked the Law School to provide us with the vote for this proposal. It was:
Tenured/Tenure Track Faculty: 20 Yes; 10 No

Total Current Tenured/Tenure Track Faculty: 33

Non-Tenure Track Faculty: 8 Yes; 0 No

Total Current Tenured/Tenure Track Faculty: 9 + 1 new appointment to begin next year.

CAPP questioned the Law School about their intention to offer this title to all current lawyering and clinical faculty who now hold the title of lecturer or senior lecturer. The Law School responded that they intend to use the clinical titles for all faculty with similar duties, retaining lecturer and senior lecturer titles for faculty with other responsibilities. They intend to review current lawyering and clinical faculty individually for appointment to the new titles. In view of this, CAPP agreed that the Law School Proposal as a whole meets the requirements of the Enabling Legislation.

The Law School has withdrawn **Section D. Percentage Limitation**, noting that at this time they will abide by the limit of 25% of the Law School's tenure track faculty.

With these two issues resolved, CAPP forwards the Law School proposal to the Senate for discussion.

APPENDIX 14**Resolution from the
University Faculty Library Board
Concerning Scholarly Publishing**

WHEREAS Cornell's longstanding commitment to the free and open publication, presentation and discussion of research advances the interests of the scholarly community, the faculty individually, and the public, and

WHEREAS certain publishers of scholarly journals continually raise their prices far above the level that could be reasonably justified by their costs, and

WHEREAS the activities of these publishers directly depend upon the continued participation of faculty at Cornell and similar institutions acting as editors, reviewers, and authors, and

WHEREAS a lasting solution to this problem requires not only interim measures but also a long-range plan, and

WHEREAS publication in open access journals and repositories is an increasingly effective option for scholarly communication,

THEREFORE BE IT RESOLVED THAT

The Senate calls upon all faculty to become familiar with the pricing policies of journals in their specialty.²

The Senate strongly urges tenured faculty to cease supporting publishers who engage in exorbitant pricing, by not submitting papers to, or refereeing for, the journals sold by those publishers, and by resigning from their editorial boards if more reasonable pricing policies are not forthcoming.³

Reaffirming and broadening the proposals discussed during its meeting of December 17, 2003, the Senate strongly urges the University Library to negotiate vigorously with publishers who engage in exorbitant pricing and to reduce serial acquisitions from these publishers based on a reasonable measure of those subscriptions' relative importance to the collection, taking into account any particular needs of scholars in certain disciplinary areas.

² See, e.g., <http://oap.comm.nsd.org/10most.html> (listing 2005 prices of journals in various disciplines); <http://www.ala.org/ala/acrl/acrlissues/scholarlycomm/scholarlycommunicationtoolkit/faculty/facultyeconomics.htm> (providing general journal price info).

³ See, e.g., <http://www.arl.org/sparc/author/addendum.html> (discussing what faculty referees and editors can do to change journal policies).

The Senate strongly encourages all faculty, and especially tenured faculty, to consider publishing in open access, rather than restricted access, journals or in reasonably priced journals that make their contents openly accessible shortly after publication.⁴

The Senate strongly urges all faculty to negotiate with the journals in which they publish either to retain copyright rights and transfer only the right of first print and electronic publication, or to retain at a minimum the right of postprint archiving.⁵

The Senate strongly urges all faculty to deposit preprint or postprint copies of articles in an open access repository such as the Cornell University DSpace Repository or discipline-specific repositories such as arXiv.org.⁶

DISCUSSION

This matter has been before the Senate previously. On December 17, 2003, the Senators present unanimously supported the Cornell University Library's efforts to control spiraling acquisition costs by tough negotiations with certain journal publishers who were exploiting their market power.

Since that date the underlying problem of certain publishers charging excessive prices for subscriptions has continued, driven by stock market forces that demand ever-higher profits. At the same time, these journals could not even exist without the faculty who submit papers and act as editors and reviewers.

The resolution has been helpful to the Library in resisting the price increases and in protecting its acquisition budgets, so that funds are not transferred from other disciplines to pay the excessive prices from certain publishers. However, this is still a severe problem.

As regards copyright, faculty should realize that documents sent to authors by publishers to transfer copyright are often negotiable. Many publishers have alternative copyright arrangements for those who do not want to transfer copyright. See also Footnote 4.

⁴ See, e.g., <http://www.doaj.org/> (listing peer-reviewed open access journals); <http://www.earlham.edu/~peters/fos/do.htm#faculty> (providing advice and sources for open access publishing); <http://www.library.cornell.edu/scholarlycomm/> (same); <http://www.ala.org/ala/acrl/acrlissues/scholarlycomm/scholarlycommunicationtoolkit/toolkit.htm> (same);

⁵ See, e.g., <http://www.arl.org/sparc/author/addendum.html> (providing a form to use to retain necessary rights); <http://www.ala.org/ala/acrl/acrlissues/scholarlycomm/scholarlycommunicationtoolkit/faculty/facultyauthorcontrol.htm> (providing model agreements and negotiation advice). See also <http://www.sherpa.ac.uk/romeo.php?stats=yes> by Project SHERPA (<http://www.sherpa.ac.uk/>) (listing journals that permit such archiving without special arrangement).

⁶ See, e.g., <http://www.earlham.edu/~peters/fos/do.htm#faculty> (describing methods and results of open-access archiving);

Also over the past few years, open access journals and repositories have emerged as an important extension of or alternative to conventional journal publication in many disciplines, though far from all.

Definition of open access from Peter Suber's web page - "Open-access (OA) literature is digital, online, free of charge, and free of most copyright and licensing restrictions."

4/11/05

MINUTES OF A MEETING OF THE FACULTY SENATE

Wednesday, September 14, 2005

Speaker Pro Tem Jeremy Rabkin: "While we are determining a quorum, some standard announcements first. I want to remind all the journalists and amateur journalists that you are not allowed to take photographs or to tape any part of this meeting. If you have a cell phone you should turn it off. When people speak we want to recognize who is speaking, they should give their name and their affiliation. At the beginning of each section I will say how many minutes we have for that section so you can keep that in mind. I am going to call on President Rawlings in a minute but while people are getting settled, I'll give my own brief, very, very brief speech.

"I'm Jeremy Rabkin for those of you who don't know. I am the new speaker pro tem. I want to thank those of you who voted for me whoever you were. When I discovered that I was elected to this post I did a little bit of research into why is there a speaker associated with a Senate. The US Constitution specifies that the House of Representatives will have a speaker but not the Senate. This seems to follow the practice in Britain. The House of Commons has a speaker but not the House of Lords and that seems to be the practice in various European parliaments. And I believe the reason is this. The lower house which had the control of funding would often be in confrontation with the monarch. And it was thought that the monarch might retaliate on members of the lower house so they wanted a speaker who they could push forward and say, 'you face him.' By contrast it was thought that in the upper house were people who were basically, since they were nobles, more or less colleagues of the monarch and they would not ever be in a situation of confrontation so they didn't need a speaker. After I figured this out I was a little perplexed whether it was odd for us to have a speaker or odd for us to call this body the Senate. And that's what I have to say today. I call on our President. We have twenty minutes for this section."

1. REMARKS BY AND QUESTIONS FOR THE PRESIDENT

President Rawlings: "Thank you very much. I did not think I would be addressing the Faculty Senate this year. I thought I would be teaching Greek and Latin courses and Greek History but that will have to wait. It is a pleasure to see all of you at the beginning of this academic year and I look forward to the meeting.

"I would like to begin by thanking the faculty members who have welcomed Elizabeth and me back to this position. This was a surprise for us but I have received a large number of e-mails and letters and I am very appreciative that faculty colleagues have written to express their thanks. We are delighted to

serve in this position. I think that it is one of the wonderful positions in American higher education. And the Presidency of Cornell, I think, is a highly visible, influential and rewarding position. I am quite confident that we will be able to attract and appoint an excellent new president, certainly during the course of this academic year. That is my fervent hope.

"I'd like to begin my report to the Senators by expressing my deep appreciation for all Cornellians' response to the tragedy caused by Hurricane Katrina. From the first recognition of the magnitude of the crisis, Cornell has offered and delivered help to those left homeless and school-less by this disaster. Our College of Veterinary Medicine has sent a team of experts and vital medicine and supplies to Louisiana State University. Our Agricultural Extension Service has tried to help find 15 missing members of LSU's Agricultural Extension Service and has offered a long and very specific list of resources it could provide to both individuals and institutions in the Gulf region. Cornell has become the new academic home to 200 students from affected universities, including Tulane, Xavier, and the University of New Orleans.

"I would like to thank in particular, Glenn Altschuler and the School of Continuing Education and Summer Sessions for performing magnificently under intense time pressure in the last ten days. Glenn and his colleagues interviewed hundreds of potential students one by one, advised them all, registered them, produced Cornell IDs and web IDs on short notice, and helped them to find classes at Cornell, which were already full or close to full - and, furthermore, were already one week into the semester.

"I would like to thank the Residence Life staff for finding places for these students to live, both on and off campus. The campus has been remarkably generous and so has the Ithaca community in opening up spaces for students who have come here very suddenly. And faculty members have been highly receptive to these late arriving students, understanding of the difficulties they confront, and generous with offers of personal assistance outside the classroom.

"I would particularly note that a large number of faculty members at Cornell have availed themselves of the opportunity to write e-mails to the Dean of Faculty, Charlie Walcott, and offered space in their homes, their laboratories, their offices to colleagues at these affected institutions. Architecture and Landscape Architecture have laid on special studio sections for these students from Louisiana. In addition faculty members have contributed personally to the relief organizations that are organizing relief for the victims of this disaster.

"In short, I think Cornell's response has been magnificent. I would not be surprised if we had the largest number of students from the Gulf region of any institution. I don't know that for a fact. But I think we are certainly among those

institutions that have taken the most such students. I have received already a large number of letters from the parents of these students, as well as from the students themselves, thanking the Cornell community for its outpouring of support. I would like to thank faculty members in particular for being patient with students who have come late during the semester and who are offering them special assistance outside of class in order to help them make up ground.

“Let me say a word about what I think my primary tasks are this year as the interim President at Cornell. It seems to me I have two major tasks this year to which I should devote most of my attention. The first of those tasks is to ensure that the academic priorities the faculty and the deans have set for Cornell, not only remain in place but also have a opportunity to move along briskly. I say that because any time there’s an abrupt change it’s obviously a question on people’s minds, are we going to be going down the same academic route? I want to assure you that we are. I do not see it as my job to be embarking on new programs or projects. It seems to me that it is my job, along with Provost Biddy Martin, to try to assure that we have significant momentum for the academic initiatives that we have already in place. It helps that I am familiar with most of those initiatives. Many of them date back three or four years. Those that I am not familiar with I am talking with faculty and deans about, in order to bring myself up to date so that I can speak on behalf of those initiatives during the course of the year. I would say that we have an ambitious set of academic initiatives. They have been carefully outlined and delineated. They are in written form. I think we are very clear about where we are going and it seems to me we can indeed achieve significant momentum academically during the year.

“I think the second task I have is to assure that the capital campaign, which is currently in its quiet phase, can also achieve significant momentum during the course of this year. I would like to give you just a little news on that front so that you will have a flavor of how that is going. We don’t know yet the overall goal for this campaign. It’s going to be very significant. But I can tell you that we already have a nucleus fund that has been developed over the past year. And that nucleus fund is now ahead of schedule. Not way ahead of schedule, but it’s ahead of schedule. I am really pleased about that and I would tell you that soon after coming back into this office, I had several alumni call specifically to say that they wanted to make major pledges to this campaign, especially at this particular time. I am very grateful to those alumni for doing exactly that. One of those pledges was for 2 1/2 million dollars. One of those pledges was for 10 million dollars and I think it is owing to generous alumni like those that we feel a great deal of confidence in the campaign. I have been working quite closely with Vice President Laura Toy, in order to assure that our campaign does have significant momentum during the course of this year. Having just met with a large number of our alumni in New York City last week, I can assure you that they are loyal and that they are highly supportive. I do not anticipate difficulties in maintaining

momentum with the campaign during the course of this academic year. I think it is essential we do so, that we not see this as a delay or a postponement but that we move full speed ahead.

“Finally, let me say a few words about parking and parking lots. Soon after returning to this position, I was confronted with the need to make a decision regarding a parking lot for our West Campus Residential Initiative. President Lehman had carried the parking plan forward during his presidency and had won final legal approval for Cornell’s plan in March of this year. After consulting the history of the project when I returned to this office, which was five years old at this time, and after consulting the four studies that had been done over the course of those five years of the alternatives to a parking lot, and after meeting with students and faculty members opposed to the project, I decided on July the 13th to proceed with construction. I sent an e-mail to the entire Cornell community giving my reasons for this decision, reviewing the history, of the project and describing Cornell’s current parking shortage and the reasons why this problem is going to become much more acute in the next few years.

“The severity of this parking shortage, particularly for West Campus, is what led me to make this decision in spite of substantial opposition from students, faculty members, and members of the Ithaca community. Protest groups made their views known in many effective ways, as indeed is their right, and I met with each group that asked for an appointment, some on quite short notice. On July the 18th, through the hard work of student protestors in particular, with some faculty colleagues, and Vice President Susan Murphy we reached an agreement ceasing the occupation of the site of the parking lot. The agreement called for protestors to clear the site and allow construction of the parking lot and called on the University to carry out eight steps consequent to this agreement. The agreement was signed initially by 19 individuals and subsequently by three more.

“Let me go through quickly just several of the points in the agreement, which the University needs to conclude. First, Cornell will provide all new students - that means freshman, transfers, professional and graduate students - who do not request or receive parking permits a free transit pass beginning in the fall of this year. I am happy to say that program has been implemented and as of Monday of this week we have issued 4792 free bus passes. I think that’s a good step, and I think that the students and faculty members who worked hard on this issue should take that in fact as very good validation of points they were making.

“Secondly, the Cornell administration will ask the Student Assembly and the Graduate and Professional Student Assembly to conduct a non-binding referendum during the academic year 05/06 to assess student attitudes towards issues of parking and transportation including but not limited to a potential ban on cars for freshmen, use of an incentive-driven parking plan to limit demand, and

appropriate amounts to charge students to park. We are following through with that element as well. We will work with the students this year to ensure that that referendum takes place. One of the things that makes it of course difficult to ban cars at Cornell, is that it's hard to get here otherwise. We are in a little different position from universities in major metropolitan areas, but I think this is a worthy effort. I think it's a wise thing in fact to poll students and see what their views are on this matter.

"Thirdly, the Executive Vice President will hire an environmental sustainability intern to continue to provide focus and attention to this area while a more comprehensive plan is being developed. I am happy to say that we have done more than that now. We announced the appointment of the person who will oversee sustainability efforts on campus and serve as liaison to students. We announced that appointment yesterday. I think that individual is already up and running because he's been on campus for some time.

"In addition, the President and the Dean of the Faculty will form a faculty committee to serve in an advisory role to the University as it studies the balance between environmental sustainability and parking needs. It lists a set of items for the committee to consider including reviewing the issues that led to the opposition to the University Avenue parking lot. That committee has been formed under the leadership of Kathryn Gleason who chairs the Department of Landscape Architecture. The committee has already had at least one meeting, maybe two, and will continue to work with all members of the community as it does its work.

"There are several other items and then the last item is this, 'With the signing of this agreement on July 18th the administration will speak with appropriate authorities about the charges pending incidence to the sit-in in 300 Day Hall in April 2005 and their disposition.' We have done that. We have gone down to the city officials to ask them to diminish those charges. So far that has been an unsuccessful effort on our part, though we have been trying and we will continue to try.

"Secondly we will speak with Judicial Administrator and recommend that if students accept in writing responsibility for their violation of the campus code, an investigation and hearing may not be necessary. And we have done that.

"Thirdly, the violation cited on July 15th '05 through July 18th 05 will be forgiven. That last item we were too naïve on. We said we would forgive. We have attempted to forgive. That is we withheld the tickets. We did not submit them. A judge then ordered us to submit those tickets. We followed the judge's order. Since then we have been trying to argue with the judge and later with the district attorney that we should be allowed to forgive those tickets. That was our intent.

We have been able to do that in the past, but in this case the judge said, no you may not. I think we were too naïve on that issue. We should have said, 'we will put our best effort forward,' rather than we will forgive. Because we have been unable to forgive in spite of the desire to do exactly that.

"Vice President Susan Murphy, who has worked with many, many individuals on this issue, is conversant with all of the details of this issue. She is here if you want to ask her any questions at any point.

"That concludes my report."

Speaker Pro Tem Jeremy Rabkin: "I am going to assert the privilege of timing this by my watch rather than by that clock, which I think is about two minutes fast. So we have two minutes for questions."

Professor Abby Cohn, Linguistics: "I would actually like to follow up on that last point if I could. As you are probably aware there are at least fifty or more faculty who do have pending trespassing citations and with one exception we were not signatories of that agreement because we were not occupying the woods. I'm wondering whether it might not be in the best interest of the institution to take the same steps that have now been taken relative to the signatories of the agreement to encourage the DA to ask for adjournment in contemplation of dismissal for those faculty members, including myself, who were there trespassing in what we felt really were parts of our duties and responsibilities as faculty. I think many of us would see that that as a very conciliatory, positive gesture if the institution were to take that step and it is our understanding that until this point the institution has not chosen to do that."

President Rawlings: "Thank you for those comments. I think you make a very good point and I know that you and others have met with Vice President Murphy in order to try to work these things through. We did feel from the beginning that we should differentiate between those who signed the agreement and those who chose not to because we tried to give everyone an opportunity to sign the agreement, yourself included, I think. So we attempted to see how many we could get to sign the agreement. Not everyone did. Our view was that we should therefore act differently between the two cases. On the other hand, you make a good point that at this stage, it seems to me it may be worthwhile for us to make further efforts for those who chose not to sign the agreement. Though, one should say that the group that protested has broken itself down into many other different groups. Some actually paying a fine and wanting to get all through this. Others deciding to plead innocent, etc., etc.. So I think we've got many other different types of individuals with different decisions, which makes it a little harder for us to make a single decision with respect to everyone, but I take your point. I think it's very much worthy of consideration. On the other hand I would say if we

could only be as successful in your case as we are in the students' case, we will do you no good. Because we have just not been able to effect downtown what we hoped to effect. But we can certainly try."

Professor Cohn: "My understanding is that the ACDs have been accepted for the charges between the 15th and 18th as requested."

President Rawlings: "Well I think there has been some action on that front. Susan can you help me out on the details of that? Did you hear what Professor Cohn said?"

Vice President Susan Murphy: "We had requested a reduction in the terms for the adjournment in contemplation of dismissal for the signatories of the agreement from six months down to three months. But, that has not been granted. The DA believes there is no reason to do anything other than be consistent as he always has been by staying at the six months. So that is where that remains."

Professor Cohn: "Many of us would be happy to have an ACD with six months and be able to go on with our lives. Having spent much of the summer engaged in what we felt were very, very worthy academic community-based and institutional causes."

President Rawlings: "Fair enough."

Speaker Rabkin: "We only have five minutes for the Provost."

Provost Martin: "I'm happy to defer if you want to answer more questions."

Speaker Rabkin: "Okay. Other questions for the President?"

President Rawlings: "I would defer to you, Provost Martin."

2. REMARKS BY AND QUESTIONS FOR PROVOST MARTIN

"I have five minutes for comments and questions. I have three issues of which to report. I'll be extremely brief.

"The first is an announcement about the task forces on which many of you are serving. These are task forces which I established after Jeff gave his State of the University speech last year and asked us to think in a broadly interdisciplinary fashion about three things: Life in the Age of the Genome, Wisdom in the Age of Digital Information, and Sustainability in the Age of Development. The three task forces have been meeting. They were asked to submit preliminary reports in the

summer. They did. I have read those preliminary reports. Thank all of you.

“Thanks to you they gave quite interesting inventories of ongoing activity on campus in research and teaching in these three areas. Of our 1500 faculty, over 800 of you actually responded to the survey. And I really appreciate that. So the inventories are extremely interesting. The preliminary reports are interesting. I’ve met with the task force chairs about the work they’ll do between now and the end of this semester. And I want everyone to understand that this work is proceeding and will proceed and is taken very seriously. It will not come to a halt. That’s number one.

“Your input will be sought by these three task forces throughout the semester. One task force has said they will probably hold open forums for the faculty. Others will have focus groups. But your input is still invited by all three task forces and they’ll be consulting you.

“The second item concerns the survey on faculty work life. I talked about this in the Senate now for two or three meetings. The survey is about to be sent out. As you know this is our effort to do a study of the quality of faculty work life with a particular emphasis on gender. But it’s not strictly speaking a gender equity study. I explained last year, twice in the Senate, that we have tried to frame our study in a way that’s different from the way some of our peers have approached gender equity studies. We had a faculty methodology committee and what we tried to do is make very few assumptions about how you as faculty actually spend your time and what actually influences the way you spend your time. But gender is a significant emphasis. Many of you will already have received the letter from me asking you please to respond to this survey. It’s very important that you all respond to it. I also was told by my staff today some one hundred of you received this letter from me on Law School Annual Fund stationery. Apparently, the Eagle Press had some left over paper and perhaps in the interest of sustainability... No it was a mistake, I assure you. If you got a letter from me on the annual fund stationery about the work life survey, please know it was from me and really do hope you’ll all respond. So that’s number two. It’s a very interesting survey and a lot of thanks to the faculty methodology committee.

“Third. Last spring Charlie Walcott announced to you all that I had given a talk to the Trustees about academic priorities in relation to campaign goals. And he suggested that if you all were interested I should give that report to you. By you, he meant the faculty in general, not just the Senate. And I said I would do so. And so I will. And I will ask Charlie if he could post the date perhaps so that those of you who are actually interested in this report and would like to hear me give it could come. I realize that there may be a small showing and that’s fine. I explained to you that it would be at a level that was really intended for quite a

different audience but I think it would be interesting to some of you. It would be interesting to me to hear your responses. So I will go forward with that.

“Those are my three announcements. I perhaps will be back later.”

Speaker Rabkin: “Fortunately there are no questions because we have no time. All right extremely fast.”

Joanna Luks, Sr. Lecturer, Romance Studies: “Does the work life survey include non-tenure-track faculty?”

Provost Martin: “No, no. The question was does the work life survey include non tenure track faculty? No. The faculty committee that we assembled decided to begin with a survey that covers tenure track faculty only. And we will potentially build on that. I should also say that, unlike some of the studies of our peers of which you are probably familiar, we are not confining ourselves to questions about gender at all, but especially not gender in science and engineering. The questions are cast or framed and they were developed by the faculty to address faculty work life in every discipline and domain at Cornell. So it’s a Cornell-specific survey and it is not restricted to questions about people’s work lives in only certain domains. And I hope you’ll find it interesting.”

Speaker Rabkin: “Thank you. Dean Walcott.”

3. REMARKS BY DEAN OF FACULTY

Charles Walcott, Dean of Faculty: “I’ll try to be very brief. First I would like to echo what President Rawlings said about the efforts on behalf of those unfortunate students from New Orleans. Not only that but the outpouring of generosity from all of you and your colleagues from the faculty in general. Providing space for faculty coming up here has been heartwarming. We have about half a dozen or so who have already taken us up on this offer and there may very well be more.

“On the 14th of October we are going to hold a faculty farewell to Jeff Lehman and Kathy Okun over in Duffield Hall at 4:00 in the afternoon of Friday the 14th of October. You will get a formal invitation in due course. I just wanted to provide the heads up.

“As a result of our meeting some time ago with the search committee for the new president there was some interest in having an additional meeting with the faculty and the trustees. I’m working on that possibility. It’s looks as if it might conceivably happen in the week that they are up here, which is the 20th of

October, the 22nd or something like that. Again, we'll let you know in further detail.

"The other item related to that is that the University Faculty Committee, which you have elected, has asked if it could meet on a periodic basis, once maybe twice a year, with the leadership of the Board of Trustees. And they have agreed to that, enthusiastically I may say. So that is something which is likely to be ongoing.

"And then finally I have this year's report of the Faculty Advisory Committee on Tenured Appointments. There were 39 files that were reviewed, four were reviewed by the full committee. There were 37 positive recommendations and two negative recommendations. And I am pleased to say the Provost concurred with them all. And that's my report. Thank you."

4. APPROVAL OF MINUTES OF THE MAY 11, 2005 SENATE MEETING

Speaker Rabkin: "We wanted to make sure we had a quorum before we did something that actually did require a vote. We have a quorum now. So I'm going to ask for unanimous consent to suspend the vote, but unanimous consent in the presence of a possible voting quorum on the minutes. You got the minutes before the meeting and assuming everybody's happy with the minutes, unless you raise your hand I will say the minutes are approved as submitted to you. Approved.

"And now for four minutes the Associate Dean and Secretary of the Faculty and Chair of the Nominations and Elections Committee Cynthia Farina."

5. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Cynthia Farina, Associate Dean and Secretary of the University Faculty: "I won't need my four minutes. Good afternoon. I bring you a miscellany of appointments to various faculty committees. All of these you have seen and so I think we are ready for a vote."

Report from Nominations & Elections Committee

September 14, 2005

CONGRATULATIONS TO NEWLY-ELECTED SPEAKER BARBARA KNUTH and SPEAKER PRO TEM JEREMY RABKIN

Faculty Advisory Board on Information Technologies (FABIT)

Timothy Murray, A&S

Faculty Committee on Program Review

Ronald Ostman, CALS

Financial Policies Committee

Kevin Hallock, ILR (spring replacement)

Local Advisory Council

Drew Harvell, CALS

Noa Noy, CALS

Alice Pell, CALS

Jeffrey Roberts, CALS

Professor-at-Large Selection Committee

Linda Williams, CALS

University Assembly

Kenneth Hover, Engr

Randy Wayne, CALS

University Faculty Library Board

Mariana Wolfner, A&S

University-ROTC Relationships Committee

Rosemary Loria, CALS

Speaker Rabkin: "I'm asking for approval of this report. All those in favor of endorsing this report, say aye. All those opposed, say no."

Report approved.

Associate Dean Farina: "And you should feel quite free to send money to the Law School."

Speaker Rabkin: "Okay we are now proceeding to a Resolution for Establishing a New Graduate Minor Field in Computational Science. We are to spend five minutes on this and we'll start with a presentation by Professor Dietert."

6. RESOLUTION ESTABLISHING A GRADUATE MINOR FIELD IN COMPUTATIONAL SCIENCE AND ENGINEERING FROM THE COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES

Professor Rodney Dietert, Microbiology and Immunology and Chair of CAPP: "Thank you. I'm chair of the Committee on Academic Programs and Policies and we received the proposal for establishing a new graduate minor field that I

believe was distributed to you. Diane, is there an overhead? Sorry, I'm not seeing it.

"The committee received a proposal subsequent to it being considered approved by the general committee of the graduate school. We reviewed it and with our quorum it was unanimously adopted to send on to you as a resolution (Appendix 1). And I believe we may have Steve Vavasis here as a Senator. And Steve is the contact person for the proposal so I may defer to him if you have discussion and questions to consider. We're happy to bring this before you."

Speaker Rabkin: "Questions. No questions? It's really demoralizing not to have any questions. I've been rushing people along so that we could have a discussion."

Professor Philip Nicholson, Astronomy: "I thought it was a very well prepared proposal and it's really quite straightforward. My only question, why isn't this being done in Power Point?"

Professor Dietert: "I'll get my little computer out. It's a very good suggestion and perhaps after the minor field has been in existence for a few years, we'll move to that."

Professor David Delchamps, Electrical and Computer Engineering: "On the cover page it names the program title Computer Science and Engineering minor rather than Computational Science and I point that out to you."

Speaker Rabkin: "Steve, will you comment on the official title that we are discussing."

Professor Vavasis: "Computational Science."

Professor Delchamps: "You should never judge a resolution by its cover."

Professor Vavasis: "We're sorry if we contributed to that question."

Speaker Rabkin: "I think we are ready to vote. All those in favor of this resolution to establish a new graduate minor field of Computational Science and Engineering, say aye. Those opposed? Okay the resolution passed."

Speaker Rabkin: "And now Professor Howland wants to introduce a resolution. Do you have overheads?"

7. RESOLUTION URGING THE ADMINISTRATION AND THE BOARD OF TRUSTEES TO ENGAGE IN A FRANK AND OPEN DIALOGUE WITH THE FACULTY REGARDING THE RESIGNATION OF PRESIDENT JEFFREY LEHMAN

Speaker Rabkin: "Do you have overheads? Before we start you have five minutes to present this and then hopefully we can debate this in fifteen minutes."

Professor Howard Howland, Neurobiology & Behavior, Senator-at-Large. "No. The president took them. Everyone has the resolution (Appendix 2) so I think I'll just summarize it if I can. There are a number of whereases. The first one cites the faculty obligation to advise to the administration. The second one says we cannot advise in secrecy. The third one applauds President Lehman's openness with faculty. The fourth one notes that his resignation had absolutely no precedent and it stands in contrast to his attempt to involve the faculty in substantive discussion. The fifth one says the faculty was very distressed to have to learn about his resignation from the Sun and other sources, and the 6th one, and perhaps the most important one, says that the non-specific generalities of the board are enough to mask a major shift in the traditional locus of decision making. Therefore, we need a dialog about President Lehman's differences with the Board for strategy and we would like to know how those differences arose in such a short period. We instruct the Dean of the Faculty and the Faculty-Elected Trustees to present this motion to the Board of Trustees and report back to the Senate at the next meeting. And now I think that Professor Stein will speak to the motion.

Professor Peter Stein, Physics: "I'm not a member of this august body but this resolution was initially drafted by Howard Howland and myself and Professor Durst at Geneva and then was co-sponsored by a number of Senators. With five minutes it's hard to explain the whole thing but I think the whereases are self-evident and don't need any explanation.

"Several people have spoken to me since then and raised various objections and asked various questions. Some of them are about the whereases and some about the action items. And I think I simply won't address those questions about the whereases because I think they are not important. But the issue that has been raised with by with several people is what exactly is the point of this. Since the Trustees have already said that there's a confidentiality agreement and therefore they are not in a position to explain this so why in the world are we troubling to the Faculty Trustees and the Dean to go down to New York and hear that and come back and tell us that. That's a troubling question, okay. Now a lot of us are troubled about this and we talked a lot about what is it that we could ask for. What we really want to know, frankly, is what happened. The Chairman of the Board stood here in this room some week and a half ago or something like

that and stated that he would like to say something but he can't because he's bound by the confidentiality agreement. So what will we do? Is there nothing that can be done? I was disturbed by this and frankly, right after that meeting I called up President Lehman and I spoke to him on the telephone for half an hour. The question I had was a simple, straightforward one - namely who is that wants the confidentiality? Is it you, or is it the Trustees? This was a beautiful little legal conundrum I was in, because he said he couldn't answer that question because of the confidentiality agreement. So there we are. But then we talked some more. Fortunately this was more than a five-minute conversation. And I feel that there was nothing private about the conversation and so I asked him in various ways was there any comment he could make about this agreement that he could speak about, that he could talk to me on the telephone about? He made a statement that I have repeated to many people and people have shown me the little flaws in this statement. But I think that the statement speaks for itself. He told me that if he had had a tape recorder attached to his belt the minute he became President and that tape recorder ran on 24/7 and stopped the day that he left the Presidency, he would not be publicly embarrassed by having any item that was said there played on the tape recorder.

"Now I, simple minded, I'm not in the Law School so I'm sort of simple minded, and that sounded to me that was pretty straightforward. You know people have talked to me they say, well you could interpret it this way, you could interpret that way. But, I think that that was a good faith attempt to tell me that he does not feel that there is anything that is necessary to conceal for his good or for the benefit of his career. It seems to me that if in fact that's the case, for the Trustees to say that we would like to tell you more but we can't because of confidentiality, and confidentiality comes from an agreement that we asked for or that we negotiated, then there is something disingenuous about that. We are, after all faculty. There's been a lot of discussion about this. There's a long explanation in the last issue of the Alumni Magazine. There has been no explanation to us, other than in generalities and platitudes. I find that unacceptable. And so what I believe this resolution is trying to do is to have the Faculty-elected Trustees and the Dean of Faculty go the Board of Trustees and say in plain and simple English, this is what the faculty wants. The faculty feels that we cannot move on until we understand more about this because these events may mean that there is a shift in the way things are being done from the way that we understand.

"And I have great faith in the Faculty Trustees and the Dean of the Faculty. I was once one of those and then the other of those. And therefore I am confident that they will be able to convince the Trustees to open a dialogue with Professor Lehman, or ex-President Lehman and see if there is not some way that we could be told what the fundamental disagreements are in terms other than, or more meaningful than, we agree on the goals but we disagree on the paths. So that's

what I believe this is about and I hope it gets a strong vote from you to enable our representatives to go and ask for this. So, that's all I have to say."

Associate Professor Rebecca Schneider, Department of Natural Resources: "I'd like to comment on what this resolution meant to me. What happened doesn't usually affect the nature of the functioning of the faculty of the University. President Lehman, in his two years developed a lot of people's loyalty and trust. He was doing what we had hoped he would. The fact that, apparently the Board of Trustees disagrees with that, has created this big confusion about what were the goals that had been set, and what we were thinking would be accomplished, and why is there such a disparity between those two perspectives. And that's really critical when we begin the search for another President. The ones that we look for in a President and what we expect to accomplish and what the Board of Trustees expected and why that was not accomplished when actually most of the faculty really felt good. I mean we felt positive. All the people I surveyed felt good about the President and that was an overall feeling. And that's important, what we feel, it is a sense of confidence and success and progress. Therefore, I think this issue of having some factual information about this difference in agreement is really critical. Not what he said, she said, not the personal differences but where are the differences in the way we perceived this functioning of the President?"

Professor David Delchamps, Electrical and Computing Engineering: "I was in this room two weeks ago at the forum with the search committee and I was feeling rather tongue tied because I was thinking, 'if you're asking me what kind of President do I want for this University, what should I look for in a new President?' and I was saying to myself, well I kind of like the one we just had. And, if you find another him, that would be great.

"Now clearly that's the wrong answer. Why is it the wrong answer? That's what I want to know. I want to know why it's the wrong answer because I care what the institution wants in this new President. Where do you want to go with this? It's similar to what you were just saying a minute ago. I don't really understand the disjuncture between the two sets of goals and two ways to accomplish the goals or whatever. I really feel I need to understand that in order to be positive about contributing to this search."

Speaker Rabkin: "Just to say that officially this debate is supposed to be people speaking for or against the actual resolution, which you are going to be voting upon. "

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "I'm one of the people who had a conversation with Peter before this was submitted and raised the question, well, what's the real objective of this. I was

trying to think about it in the context of, “there is a legal agreement, now presumably the parties can undo that agreement if they want to. Is that what we’re asking them to do? But in the light of that agreement it doesn’t seem that either party can unilaterally move forward. And so, I really had difficulty of what is going to be the import of this other than to say, hey it wasn’t very smart to sign that agreement in the first place. I could agree with that wholeheartedly and don’t do it again. Okay, I could agree with that, too. But I’m not quite sure that I see the lever that’s in this resolution and what it can possibly accomplish.”

Professor Stein: “I guess I wasn’t clear enough. Far be it from me to suggest that the Board of Trustees or Jeff Lehman violate the law and violate an agreement that they signed. But, it is my impression, having talked to Jeff Lehman, that he would be amenable to renegotiating that. Now of course if the Trustees are not amenable to it and they say no we are happy with the gag order, let’s let it stand. Then nothing can happen. But in fact, we are asking both parties in good faith to sit down and tell us more. Tell us what is going on. And I must say, I will consider it highly unacceptable if the Trustees come back and say no we have a gag order. We’re happy with it. We’re not going to go attempt to have that gag order released.”

Professor Steve Shiffrin, Law School: “I’m in favor of the resolution, but not necessarily because I think anything is going to happen as a result of this. It has much more to do with what the implications would be of not voting for this resolution. This resolution is an expression of concern about what the Trustees have done. Of course, legally the two parties could agree to have a polar statement. For all I know it was a good thing for the Trustees to have a confidentiality agreement, that it was a good thing for Jeff Lehman, that it was a good thing for the University not to have a fight about why the Trustees didn’t think well of Jeff Lehman. I don’t think it had anything to do, or very little to do, with the disagreement over long-term purposes and so forth. But, I do think when the Trustees take the position that they aren’t going to tell the faculty why they asked for the resignation of Jeff Lehman after saying we have hired a wonderful person, and then change their minds within two years and then are going out to hire somebody else in the face of charges by Jeff Lehman, that there was micromanagement from the Trustees. The faculty cannot say, oh, we’re not going to object, we’re not going to have a resolution because we’re not sure what will become of it. It seems to me, just as a matter of faculty concern and Trustee knowledge of what the damage would be that we have to support this resolution.”

Professor Cynthia Farina, Law School: “I actually speak with some trepidation because having spoken at the meeting of the search committee and said multiple times that I had no knowledge of what went on in the negotiations, I was surprised to get a call from Jeff Lehman the other night telling me he was assured by several people that I stood up and said in the faculty meeting that he

had himself asked for the confidentiality agreement because he had something to hide. But trying again at this, I support this resolution. I think it is important to let the Trustees know, as my colleague just said, that it is important for them to have a statement to the faculty when something like this happens that adequately explains to us what went on. That said, I would caution us at drawing any inference from the existence of a confidentiality agreement about who was to blame for it. These are standard agreements when a corporate CEO leaves. Now, maybe the problem is that the Trustees thought about this in corporate CEO terms. And I think that's why one of the reasons why it's important to let them know that this is a problem. But I don't think the problem is confidentiality agreement per se, so much as the fact that they failed to sufficiently work through a sound and sensible and comprehensive statement to us. There are a number of ways they could get around that, including sitting down with Jeff and negotiating a good joint statement to us. I don't think it's useless for us to do this, either for this time or for the future. Again, though, I would really caution us about drawing conclusions about who needed this or who wanted this. I don't think we can draw any conclusions about that just from the fact that it exists."

Professor Richard Burkhauser, Policy Analysis and Management: "If this were a resolution about our sorrow at losing Jeff Lehman I would certainly support it. Jeff Lehman is a wonderful person who is closely connected to the policy analysis world and I delighted in his coming. But my view is that Jeff Lehman and the Board of Trustees made a decision about making this a confidential agreement because of personnel reasons. I don't think it's appropriate to second guess them and bring this back into the limelight. I don't believe for a minute that this resolution, if it's enacted, will help in the securing of a new president. If I thought that, I might agree with it. I think it will distract us, move us to the past. I don't understand why we are second guessing Jeff or the Board of Trustees regarding this issue."

Professor Joseph Walther, Communication: "I've been thinking about this and agree in spirit with much of what has been said. I'm not sure it's realistic. At the same time I'd like to take this issue at face value, at least for a moment. At face value you have been told that there was a fundamental disagreement over the strategic objectives of the long-range goals of the University."

Professor Elizabeth Earle: "No it was not presented as a disagreement over the strategic goals and objectives, but rather the methods for achieving those."

Professor Walther: "Very well, I appreciate the clarification. Rather than ask for a clarification from the Board or from Jeff or any of those parties that are contractually obligated to what those points of disagreement were, to which we may not be able to gain access, it seems to me that for there to be that clear a disagreement there must also be clarity of desire. And it certainly would be

possible for the Board to articulate its preferences in regard to those directions, whatever those directions were, without capitalizing on where the fundamental disagreements have been. I think it is not inappropriate or unfair for us to ask what does the Board determine as its vision and its desire for a focus so clearly that it could lead to this kind of controversy. And I believe we are entitled to know that. We are entitled to know what the philosophy and the ideology of the institution is where we work so we can make our decisions about our allegiances to that or our differences.”

Professor Jane Marie Law, Asian Studies: “I would like to speak for the resolution, echoing on what Professor Shiffrin said. I think what this resolution does is, it really drives a wedge into a style of government that is becoming accepted and normative, which is a style of secrecy. There’s a wonderful essay that’s just been put up on the faculty senate web page by our former Dean, Phil Lewis. It is called “On Trusting in Secrecy.” He has a sentence in here that I think really articulated for me what’s at stake in this resolution and why so many of us feel so very alienated. He said, ‘the Cornell Trustees acknowledged, in sum, that a practice of secrecy lies at the heart of their authority to select and appoint, as well as to fire the President.’ I find it very disturbing to think that we have the notion of authority to select and appoint and fire a President being conducted in secrecy. Now whatever the legal ramifications are of teasing that open I think that this resolution is a step in the first place of saying, that we don’t accept that unchallenged.”

Professor Brad Anton, Chemical and Biomolecular Engineering: “When all this happened I was as bleeping angry as just about anyone and I support the spirit of this resolution, but I fear it is a little bit misguided, at least from my personal perspective. This is like an expression of anger and we want to know your secrets. Like was said before, I don’t really feel entitled to know the secrets of why this decision was made but I’m sure upset about the process by which Jeff was eliminated, how it happened with no, as is my understanding is, no consultation with anybody here, the Deans or any of the people who run this place. Nobody had any idea it was coming and so the decision was made with nobody having any opportunity to influence or turn it back. So I’m upset about the process of replacing a President. The fact that it could happen as a snap move with no consultation with anyone. I could imagine that there could be reasons sometime in the future we could have a President who was really a stinker. And there might be a good reason for the Board of Trustees to remove that person secretly. But I would like to somehow know it was coming. I don’t know if I can explain this properly. I share the emotion, but I don’t think this says what I feel.”

Speaker Rabkin: “We’re going to have to vote on this in about two minutes.”

Professor Dominick La Capra, History and Comparative Literature: "I very much agree with the sentiments just expressed. I think what people have to estimate in their own minds is whether this resolution carries enough of those sentiments. I think that there was a problem with how this was done. Whether or not we like Jeff Lehman, whether you think he was a good President, I think those are secondary considerations. I think the primary question is procedural, whether a President of Cornell can be treated as if he were the head of a Burger King franchise. I think the way he was treated is an insult to the institution. In that sense, I think the primary question is a procedural question. The message should be sent the Trustees or a subset of the Trustees, that Cornell cannot be run in this way."

Professor Kathy Rasmussen, Nutritional Science: "I am one of your two faculty-elected Trustees. We do have voting representation on the Board and I thought it was important to say a little something about this. When I found out that Jeff had resigned I felt it was very important that I personally find out what had happened and to that end I spent several hours talking to Jeff. I spoke with several members of the Executive Committee and Lisa Earle (our other faculty elected Trustee) and I both attended a meeting in New York City at which the position of the Board was provided to us fully and in confidence. I feel that I have heard a frank description of the situation from all the parties. What I deduce from that - it's triangulation for those who do that kind of research - is that while that Jeff and the Board find the same issues to have been salient, they don't agree on how to resolve those issues and that leads to the situation that we have seen. Having that information at my disposal has permitted me, I think, to feel that I understand the situation and to accept it. I wanted you to know and to reassure you that your faculty-elected trustees did take this responsibility seriously. We are sad, as many of you are. We wish it had not ended up this way. But that's where we are. I do want to reassure you that we are working for you and are thinking with you about this issue. I also want to say that the Board is most anxious to have additional input from the faculty. Lisa and I are setting up some time to hear from you. I did want to reassure you that faculty-elected Trustees are doing the work that you should be expecting us to do in this matter."

Speaker Pro Tem Rabkin: "Okay, just one more brief comment."

Professor Daniel Brown, Animal Science: "I appreciate the work that Trustee Rasmussen has done, but I am disturbed, that in spite of the fact that she's our faculty representative, she didn't hear about this until after the damage was done. The entire Board of Trustees was not consulted before the action was taken, which means, I think, there are some fundamental legal flaws in the way the University has been governed - that a small junta of the Trustees has taken to the action and then informed the rest of the Trustees of the actions later. They are

not benefiting from all 64 fine minds on the Board of Trustees. I think that actually, some legal action ought to be taken.”

Speaker Pro Tem Rabkin: “Okay, we are going to run out of time. This will go to a vote. Let’s see if we can do this orally.”

Unidentified: “I would like to request a tally.”

Speaker Pro Tem Rabkin: Vote: Yea: 59, Nay: 11, Abstain: 4.
The motion (Appendix 2) passes.”

“We now move on to the next resolution. We have twenty minutes for this.”

8. RESOLUTION ON THE GOVERNANCE OF THE UNIVERSITY

Professor William Trochim, Department of Policy and Analysis: “Good afternoon colleagues. Actually, the previous discussion was a very fortuitous segue into what we are going to be talking about today, which does touch on many of the same issues. My colleagues and I, (Jane Mare Law, Carol Rosen, and Marty Hatch who is in the back) are honored today to present a resolution that would establish a commission to study the role of faculty governance of the University and to report back in May 2006 to this Faculty Senate with specific proposals for change.

“We present this resolution (Appendix 3) on behalf of the Redbud Woods Faculty Working Group, an ad hoc group of approximately 70 of your colleagues. The controversy around the building of a parking lot by Cornell at the sight known as Redbud Woods was the catalyst for our coming together. And as you heard earlier today, President Rawlings took a considerable amount of his time for remarks to address that. I just want to point out very quickly that I think we would certainly dispute some of the way in which he characterized both the issue involved and how the University is trying to resolve that. But in the process of working on that issue we have come to believe that the Redbud Wood issue shows deep flaws in how the faculty are involved in decision making and points to the need to reassess our role in governance at this University. And we wanted to share quickly just a couple of assumptions we made in drafting this resolution.

“First we think Redbud Woods was one of many issues - you just heard another one in the previous resolution - that could lead to a similar kind of governance proposal. We think it’s time for us to do a review of faculty governance. I think that’s the basic issue here. We focused in our preamble on Redbud Woods. We are going to see initially a lot about Redbud Woods because that’s the issue that started this for us. We don’t want you to confuse that with the resolution, with the proposal in the resolution, this is the issue that drew us together and one we are

familiar with and that's why we are using that in the preamble. But we believe this resolution should be supportable by any faculty member whether you agree with us on Redbud Woods or not. And we deliberately worded this so that any faculty member could support us, regardless of your views on Redbud Woods.

Now to begin with, Jane Marie Law is going to present the preamble to our resolution and I'm going to come back and describe very briefly the actual proposal itself and while she's presenting it we are going to show you some photos so that you can get a little bit of a feel for what we're talking about when we name Redbud Woods."

Professor Jane Marie Law: "I want to repeat again that the people who came together in the woods, on the sidewalk, we had a wide range of people. We ran the gamut from people who had served jail time and seen the death of Nathan Chain in Humboldt County in the Redwood Forest to soccer moms who voted for George W. Bush in 2004. There's a lot of people in between those two extremes and we came together and we had issues about the decision to pave the woods. Our resolution today is not fundamentally about asking you to agree with our protest. It's about looking at the way that the events in Redbud Woods reflected our problem.

And our first whereas, which I will let you read (Appendix 4). I would like to make just some simple points about that. One of the things that was really apparent to the faculty who were involved in this is that there had been an utter intransigence from the very beginning. And it was interesting that Hunter Rawlings said this was a five year old project because it really doesn't even come into public view until just a little under four years ago. But there was an intransigence and a refusal to look at any alternatives from the very beginning, to use all means legal, and in the end police force and even the threat of violence to get only one outcome, only one outcome. And as faculty we are used to having the sense that things can be discussed, we can look at alternatives. We presented a number of requests. We presented two requests for moratoriums. And, the second request for a moratorium said that if at the end of six months if you find that the parking lot is best situated there, we will abide by that. We will even go and kiss the pavement. We found that at all points there was a refusal to engage in that.

Our second whereas (Appendix 5), the main point here is that reasoned, academically sound, well argued requests for discussions, appeals, proposals, and counter proposals presented by senior faculty in the areas of ecology and environmental sustainability, but also social scientists, and humanists worried about the impact of the decision on Cornell's reputation were all patently ignored by the administration as it set about the plan to create a parking lot on the Treman estate. Trust, openness, faculty goodwill, and morale and fair and

honest presentation of the facts were early causalities and seemingly acceptable to the administration in its assessment of cost of the parking lot.

We found that really alarming that a letter presented by someone as eminent as Tom Eisner and Professor Leopold went unanswered for six months. And the list of complaints we could make there go on and on.

The next whereas (Appendix 6) is that we feel that one of the issues that comes up in the previous resolution presented here was faculty, student, staff and the community of Ithaca were very excited by the discussion of the words sustainability and it's more than green washing. It's something that really hits to the heart of what it means to live in Ithaca. The people in Ithaca and in the Cornell community really came to regard the Redbud Woods issue as a test case for how Cornell was committed to that. We felt that a number of cases that the presentation of the facts by the administration to the city and to the state in its appeals really did not adequately address the real issues of sustainability. In fact, in spite of the fact that the city separated the approval for the West Campus Initiatives from the parking lot very early on, that the University's argument continued to be in public documents that are readily available on a website created by Redbud Woods faculty working group that they continue to conflate those. They say if we don't have this parking lot we can't build this West Campus Initiative. This inability to engage the issue of sustainability and to address it appropriately when you had faculty volunteering to ask to enter into that dialog alarmed us greatly.

The last whereas (Appendix 7) that we have is we feel that this really comes to the heart of what was just discussed in the previous resolution that there is a improper balance of power and we found out really how very voiceless we are. And so one of the things that we would like to ask for is your support for a commission to look at this issue of faculty governance because the voice that you save could be your own. And so I'm going to turn this back over to my colleague Bill Trochim who will deal with the second part of our resolution."

Professor Bill Trochim: "So the resolution (Appendix 3) is that we establish a commission to look at governance and report back. That is essentially the kernel of what we are asking for here. We are asking for this to be a seven-person commission elected by the faculty at-large. We think that this has to be a faculty commission. This is essentially an issue of faculty governance and we would like to suggest that it be elected by the faculty at-large.

"The first purpose of this commission, the first part of the charge, would be that this commission study the governance structures of US colleges and universities and to identify and review the variety of approaches that currently exist for faculty governance. One of the things I point out is that a good example of the material

the commission might use is the statement on government of colleges and universities that comes jointly from the American Association of University Professors, the American Council on Education and the Association of Governing Boards of Universities and Colleges. That statement makes it very clear that from time to time institutions should review governance and should think about the issues that are about. We think that now is a pretty good for us to think about doing that. And that's essentially what we are trying to recommend.

"The second operational clause really addresses the issues of development and environmental issues on campus and really comes from the Redbud Woods issue particular. Again, the American Association of University Professors in their suggestions about how you review these kinds of issues raises questions like: Are negotiations and communications among university constituents open and carried out in good faith and in an atmosphere of trust? Does the faculty as a whole have timely access to information necessary for faculty members to give input to governance processes? Does the institution recognize joint responsibility for decision-making in areas of long range planning, and so on?"

And finally, why don't we go to the last page (Appendix 8). Finally I just want to point out that obviously this commission would bring back to this body what it decides and this body would then be able to discuss and vote and debate on that. And depending on whether or not anything should go forward to the Board of Trustees, it can or it may not need to. And so we have certainly envisioned this as not in any way infringing on the decision-making capabilities or responsibilities of the Senate. We ask you all to stand with us on this issue, to recognize both the symbolic value and the concrete value of doing this kind of a review. We ask you that you help us to take this important step in thinking about how the faculty should be engaged in governance of the University in the 21st century, and we ask you to support this resolution."

Professor Peter Stein: "This is a subject that is close to my heart. For those of you who don't know me, I was referred to for many years as the Father of the Senate. In fact, when I was the Dean of the Faculty I set up such a committee, including Cynthia Farina and probably other people in this room, to redesign effectively the governing structure that lead to the Senate and I believe it was a pretty good exercise. I think that this is a vast improvement over what we had before.

"On the other hand, and so this is a very important thing to me, I agree that there's no reason not to restudy and rethink faculty governance at reasonable intervals. That was done ten years so this seems to me to be appropriate to think about it at this time. But, I have several concerns with the resolution. One is the linking of it to the Redbud Woods controversy, which I think is an error. I think it should be broader. I don't think it should come from that background. It

ought to come from the general desire to look at how well faculty governance is working. That's number one.

"Number two. I don't think it makes sense to have this to be an elected body. I think that elections don't work very well in an environment like this, particularly when there's controversy. Because people don't campaign, they don't say what it is they're interested in. They tend to be popularity contests, which is okay for certain things, but I think it's the wrong way to select a group to draft a governance structure. If I were a Senator, which I am not, I would move that this be referred back to the UFC to ask them to consider it in a favorable light and try to draw up what they think is a sensible way for carrying out a reexamination at this particular decade-mark of faculty governance and how it's working, what it's weaknesses are in the way that you described."

Professor Howard Howland, Neurobiology and Behavior: "I wish to speak against the motion so I think I better postpone until somebody speaks for it."

Professor Richard Talman, Physics: "I would move what Peter suggested."

Speaker Rabkin: "First let's get a second. Does anyone wish to second?"

Professor Gregory Lawler, Mathematics: "Seconded."

Professor Richard Talman: "I had fully intend to vote for the original motion, but I am somewhat embarrassed by the whereases, especially in the context of the discussion about the President. There are certain areas in which as university professors we are professionally competent, such as what are proper requirements for a President? There are certain other political issues for which we are not particularly competent, such as should you cut down the trees in the Redbud forest? So I support this motion, but I am embarrassed by the whereases."

Speaker Rabkin: "We now have a motion on the floor, which is to refer this to the UFC, right?"

Unknown: "And this would shut off all debate?"

Speaker Rabkin: "No. But we should now debate this motion, which is do you want to refer this to the UFC?"

Unknown: "But that would effectively shut down debate on the original resolution?"

Speaker Rabkin: "It would shut down debate at this meeting."

Unknown: "Could I respond to our previous speaker?"

Speaker Rabkin: "Yes but on this question to referring it to the UFC."

Professor Trochim: "I would like to argue against referring this to the UFC. I appreciate your comments, Peter, to the Redbud whereases, which I will grant you have both symbolic value for us and that we were very careful to word in the form of many faculty beliefs about what was going on, rather than arguing about whether that is in fact what was going on. I'll grant you that people may disagree on that. But, I'd rather have this to come to an up or down vote on whether you disagree on that or not, then to refer it to the UFC on that basis. As for elections, which is the other point that I heard you make, I readily understand that the idea of elections can be difficult at certain times, but I also do believe that elections serve a democratic function. And that at this particular juncture it would be particularly helpful to have them."

Speaker Rabkin: "To this point of whether we should refer to the UFC and I hope we can put it on the table soon."

Professor Richard Schuler: "Actually after hearing from Professor Stein, I hadn't thought about the voting versus appointing but I was going to suggest that it be referred back to the UFC because I thought in a way, and I'm not talking about the whereases, but in the context of the previous resolution that it will provide a different and a broader context for restudying governance and it seems to me that item two in a way is far too limiting. We are talking about only involving themselves in issues of long-range campus plans and parking. There seems to be a whole range of other administrative issues that might be of a long-range implication for the faculty that might bear more reasonable faculty association. So it seems to me that this resolution itself could benefit from some additional thought in order gain a broader consensus."

Professor Alan McAdams, Johnson School of Management: "I agree with Dick Schuler, very deeply because I think our prior discussion was of absolutely vital importance to the faculty's governance and fits nicely with what we are discussing now. I think that if we can have a general motion that encompasses the two motions that we've been discussing, we are in a much stronger position. I think it is not sensible to tie it back to Redbud because that is so controversial. And I would probably vote for the motion that preceded the current motion. But I think that the motion to take it back to the University Faculty Committee and combine the two main issues and focus them on faculty participation and university governance should be the focus. I thought, as I listened to my colleagues, several other people were saying something quite similar."

Speaker Rabkin: "Okay we are almost out of time and we have to vote."

Professor Abby Cohn, Linguistics: "We must have a point of information. If it is referred to the UFC, does the UFC have the obligation to actually bring back some motion along these lines or could it get killed by the UFC?"

Speaker Rabkin: "Does some one UFC want to speak to this? My understanding of it, I don't know what weight my understanding has, I took it to mean that the UFC was instructed to come back with a edited version. Do you want to clarify what your motion means?"

Professor Stein: "That's what I meant to say."

Speaker Rabkin: "They are saying, please come back with an edited version."

Unknown: "Can we call the question?"

Professor Martin Hatch, Music: "I have a point of information. Does the UFC have to consult with the drafters of the resolution in the process of their deliberations?"

Speaker Rabkin: "I think that would be expected."

Professor Hatch: "Can we put that in the motion?"

Unknown: "It will with the consent of the moving party."

Professor Hatch: "In consultation with those who originally drafted the motion."

Speaker Rabkin: "Is that a friendly amendment? Let's vote on this just to see where we are. The motion is to not vote on the original resolution now, but rather instruct the University Faculty Committee to come back with a slightly revised version of this and they will do this revision after consulting with the committee that has proposed this."

"Those in favor of..."

Professor McAdams: "I would like to disagree with your interpretation of what was said and what I heard. What I intended in my comments was that the Faculty Committee should embrace the broader issues of governance and not make it just a slight revision of this particular motion."

Peter Stein: "Point of Order. People can't keep changing the resolution. And it certainly didn't say slightly revised. It was a referral to committee."

Speaker Rabkin: "I did not use the word slightly. The motion is what the motion was."

Unknown: "I would concur that you used of the word slightly."

Unknown: "All I'm trying to do is just removing the whereases."

Call a Question

Point of Order

Speaker Rabkin: "I realize this is a little bit confusing and we are about out of time."

Professor Shiffrin: "It strikes me that the motion is to refer this to the UFC and that there has been a conversation in which some people would like the UFC to do one thing and some people would like it to do another. And it strikes me that it's being referred and if I were a member of the UFC, I would take it as no instructions from this body at all but rather to develop a resolution in terms of what it thinks is best, and in consultation with the people who brought the original motion. I will vote for it on that understanding. I will not vote for it, and that's why this is a Point of Order, I would like to know if by voting for this I am taking a position on the whereas clauses or I'm taking a position that by having one example in part two I'm precluding other things, then I'll vote against it."

Speaker Rabin: "I'll take you at your word that this is a Point of Order. As Speaker I am going to rule that this is not taking a position. It's referring it to the UFC, I just remind the body that the UFC, if we do vote positive, they have to come back to us, it will be entirely in order for people to propose amendments to whatever they propose."

"So now, could we vote on this?"

Unknown: "I want to know what I'm voting on."

Speaker Rabkin: "Yes, I'm going to try to be clear."

Professor Anton: "May I make a statement to the UFC?"

Unknown: "No."

Speaker Rabkin: "I understand the resolution to be the following - Rather than voting now on this original resolution, we ask the University Faculty Committee to give us revised text to vote on at a subsequent meeting."

Unknown: "Not just a revised text, but a revised text on faculty governance period."

Professor Shiffrin: " Point of Order Mr. Chairman. There's a standard motion in Roberts Rules to refer something back to a committee and ask the committee to report back and it doesn't have any instructions. It's a procedural motion."

Speaker Rabkin: "Okay. Let us vote on it.

"Those in favor of this motion to refer, please stand up.

"Those of you who oppose to the referral motion, stand up now.

"Okay, it's clear. We adopted the motion that this be referred to the UFC.

We have by my watch three minutes for Good and Welfare."

9. GOOD AND WELFARE

Professor Kathleen Rasmussen: "I will be fast. Lisa Earle and I would like to meet with all of you and we have arranged a time to do that next Monday from 4:00 to 5:00 PM in the Racker Room at the Biotechnology Building. I am told by Diane that it will seat 100 people. We really would like to hear from you. We do understand there is a fair amount of stress going around now. And we would like to be helpful so please come Monday to tell us what's on your mind."

UNKNOWN: "Will this be circulated to the faculty?"

Professor Rasmussen: "I will do that by e-mail."

Speaker Rabkin: "Okay. It is by my watch 6:00. We have promised to finish by 6:00 and I declare that we are finished."

Respectfully submitted,

Cynthia Farina
Associate Dean and Secretary of the University Faculty

Appendix 1

**Resolution to Establish a Graduate Minor Field
Computational Science and Engineering**

WHEREAS, the Committee on Academic Programs and Policies has reviewed a proposal for the establishment of a Graduate Minor Field in Computational Science and Engineering, and

WHEREAS, the Committee recommends creation of this new graduate field,

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the establishment of a Graduate Minor Field in Computational Science and Engineering and urges the administration to place this on the agenda of the Board of Trustees for approval.

September 1, 2005

Appendix 2

**Resolution Urging the Administration and the Board of Trustees
to Engage in a Frank and Open Dialogue with the Faculty
Regarding the Resignation of President Jeffrey Lehman**

WHEREAS, The Faculty of the University has a deep and abiding interest in the welfare of Cornell, and takes very seriously its obligation to advise the Administration of the University on the conduct of the University's business, and

WHEREAS, The Faculty cannot perform this function in a climate of secrecy, and

WHEREAS, The Faculty Senate has been deeply unsettled by the unanticipated and unexplained resignation of Professor Jeffrey Lehman from the Presidency of Cornell, and

WHEREAS, the Senate applauds Professor Lehman's attempts to bridge the gulf between the administration and the faculty by engaging the faculty in substantive discourse through individual email exchanges, numerous meetings with college and departmental faculty and his call to engagement, and

WHEREAS, the abruptness of the resignation of Professor Lehman and the lack of any meaningful explanation for it have, to our knowledge, no precedent at Cornell or at other prestigious American universities and stand in sharp contrast to Professor Lehman's attempt to engage the faculty in substantive discourse, and

WHEREAS, the Senate is distressed that faculty members were required to turn to the Cornell Sun, the Ithaca Journal or the Chronicle for Higher Education to learn any of the circumstances surrounding the resignation rather than to an official University source, and

WHEREAS, the Senate is deeply concerned that the non-specific generalities of the official explanation for the resignation are broad enough to mask a major shift in the traditional locus of decision making at Cornell from the President to the Board of Trustees,

THEREFORE, BE IT RESOLVED THAT the Senate strongly urges the Board of Trustees to find a way to engage in a frank and open dialogue with the faculty regarding (a) the nature of the "differences with the Board of Trustees regarding the strategy for realizing Cornell's long-term vision", and b) how such differences could have arisen between the Board and the candidate of their choice in so short a period of time, and

BE IT FURTHER RESOLVED THAT the Senate requests the Dean of the Faculty and the Faculty Trustees to present this resolution personally to the leadership of the Board of Trustees and report back to the Senate at its next meeting.

Respectfully Submitted,

Steven Beer, Senator, Plant Pathology
David Delchamps, Senator, Electrical & Computer Engineering
Richard Durst, Senator, Food Science & Technology
Locksley Edmondson, Senator, Africana Studies & Research Center
Nelly Farnum, Senator, At-Large
Shelley Feldman, Senator, Development Sociology
Howard Howland, Senator, At-Large
Jane-Marie Law, Senator, Asian Studies
Vicki Meyers-Wallen, Senator, Biomedical Sciences
Anna Marie Smith, Senator, Government
Peter Stein, Faculty Member, Physics
Richard Talman, Senator, Physics

9/1/05

Appendix 3

A Resolution on Faculty in the Governance of the University

WHEREAS Cornell's administration this summer proceeded to destroy Redbud Woods and build a parking lot on the site against opposition from the Student Assembly, hundreds of faculty members, the City of Ithaca government, the Ithaca community, members of the Treman family, and environmental scientists; and

WHEREAS many faculty believe that the administration dealt poorly with faculty opposition to the project from 2003 to July of 2005, while substantial contingents of opposed faculty sought to make their views known and present alternatives through petitions, meetings, and letters; and

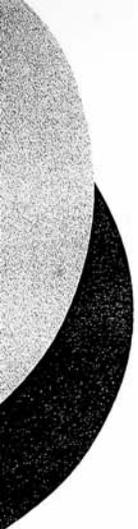
WHEREAS many faculty believe that issues of environmental sustainability and good community relations raised by the parking lot project were inadequately addressed by planners and decision-makers; and

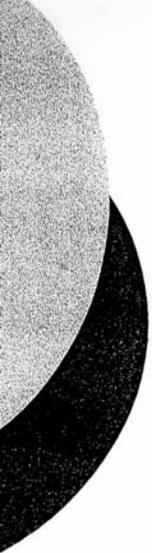
WHEREAS many faculty believe that the decision to pave Redbud Woods is symptomatic of deep flaws in the planning and decision-making process at Cornell and of a failure to maintain a proper balance among administration, faculty, student, and community roles in the process;

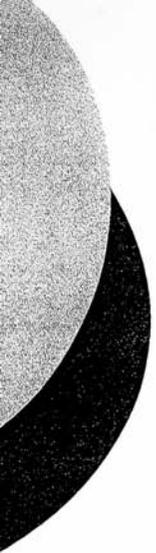
THEREFORE, BE IT RESOLVED THAT the Faculty Senate instruct its Nominations and Elections Committee to organize the election (by the faculty at large) of a seven member Commission on Faculty in University Governance, whose charge for the 2005-06 academic year would be:

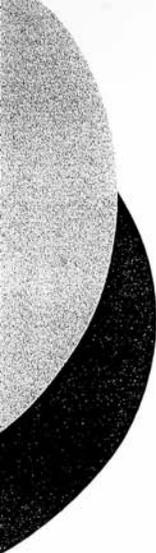
- (1) to study the governance structures of U.S. colleges and universities to identify the major alternative models of faculty involvement in university decision making that might inform changes in governance at Cornell;
- (2) to insure that proposed changes in governance will call for a faculty role in monitoring the development of large-scale plans regarding physical development of the campus environment;
- (3) to present to the Faculty Senate by May 2006 for revision and subsequent submission to the Board of Trustees:
 - (a) an Administrative Code of Conduct that recommends appropriate behavior of central administrators in conflict situations;
 - (b) a general proposal for the revision of governance structures at Cornell, including a delineation of the powers and responsibilities of the Faculty and the Faculty Senate in decision making.

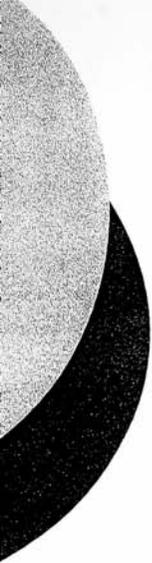
Motion Presented by Senators
 Martin Hatch, Jane-Marie Law, Carol Rosen and William Trochim
 6 September 2005

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- WHEREAS Cornell's administration this summer proceeded to destroy Redbud Woods and build a parking lot on the site against opposition from the Student Assembly, hundreds of faculty members, the City of Ithaca government, the Ithaca community, members of the Treman family, and environmental scientists; and

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- WHEREAS many faculty believe that the administration dealt poorly with faculty opposition to the project from 2003 to July of 2005, while substantial contingents of opposed faculty sought to make their views known and present alternatives through petitions, meetings, and letters; and

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- WHEREAS many faculty believe that issues of environmental sustainability and good community relations raised by the parking lot project were inadequately addressed by planners and decision-makers; and

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- WHEREAS many faculty believe that the decision to pave Redbud Woods is symptomatic of deep flaws in the planning and decision-making process at Cornell and of a failure to maintain a proper balance among administration, faculty, student, and community roles in the process;



(3) to present to the Faculty Senate by May 2006, for revision and subsequent submission to the Board of Trustees, a general proposal for the revision of governance structures at Cornell, including presidential searches, which delineates the powers and responsibilities of the Faculty and the Faculty Senate in decision making.

MINUTES OF A MEETING OF THE FACULTY SENATE

October 12, 2005

Speaker Barbara Knuth: “Let us begin. I am the newly elected Speaker, Barbara Knuth from the Department of Natural Resources. I was absent at the first meeting so I thank Jeremy Rabkin for standing in.

“I don’t believe that we have a quorum yet. Because there is no quorum we are going to proceed with the agenda for discussion purposes only. If we do arrive at a quorum we will then proceed with action items as well. Let me begin with routine announcements from the Speaker. Please remember that no photos or tape recorders are allowed during the meeting. Please turn off all of your cell phones. When you speak it would be helpful if you stand and identify yourself and your department or your unit. To my knowledge we have no Good and Welfare speakers so we do have ten additional minutes in the agenda, should we have a quorum and need that.

“Our first item of business is actually to revise the agenda, which I am going to assume we can do even though we have no quorum. Is that not appropriate to do?”

Dean of Faculty Charles Walcott: “I have no idea but let’s do it anyway.”

Speaker Knuth: “I am going to ask for unanimous consent to do this because this is an item that was directed to come back to this body from this body. Faculty Trustee Kathleen Rasmussen would like to report on the Board of Trustees’ response to the resolution that was passed at this body’s September 14th meeting regarding President Lehman’s resignation. The direction of this body was to report back at the next meeting. Assuming that we are going to have a quorum we will, if there are no objections, revise the agenda to place her after the report from Rosemary Avery. Seeing no objections, we will go with that change.

“Our first item of business for discussion is Provost Biddy Martin to make remarks and answer questions. Provost Martin you have 15 minutes total.”

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Biddy Martin: “Thank you Barbara. Good afternoon. I thought I would do something a little different today. Instead of talking to you only about what we are doing on campus I thought you might find it interesting what Provosts discuss when we get together, or maybe not. But I thought it would be interesting to see your reaction anyway.

“What I have done is to bring you the agenda from the AAU Provosts meeting, which just took place in Florida during hurricane season, which shows good planning I think on the part of the chief academic officers of the AAU.

“What you have here is really the agenda of the first day, which is actually the most

interesting day where you go around the 60-odd Provosts – it's usually 48 or 50 of whom attend – and talk a little about what the urgent issues on each campus turn out to be. There's usually remarkable similarity.

“This year's topics, major themes, included research and economic development. That discussion was led by Peter Spear, the Provost for Academic Affairs of the University of Wisconsin-Madison. It included three very interesting presentations. The other major topics on the next day were: the recruitment and retention of diverse faculty and student bodies; faculty workload – the best-kept secret; (it turned out that there were, as far as I could tell, no secrets entailed in the presentations); and a panel that I organized on academic freedom. These were the major program items for the AAU Provosts meeting in Florida this year.

“The discussion on academic freedom was very interesting I thought, with presentations from Barbara Snyder from Ohio State University, about the fate of the David Horowitz rights legislation in Ohio – how it seemed to be making its way, or not, through the Legislature there. We had a report from Vivek Goel, University of Toronto, about the several very controversial issues at the University of Toronto regarding academic freedom. I presented a comparison of the views on academic freedom of President Lee Bollinger of Columbia University and Jonathan Cole, who is the former Provost at Columbia University, both of whom have published very, very interesting essays on academic freedom and threats to it. I find the comparisons especially fascinating. That was my contribution in addition to the guidance of the panel. Then I thought I would show you the business focus orientation of the so-called nine Provosts who met on Friday in Chicago. This is with a group of Provosts that includes the Ivy League schools, Stanford, MIT and Chicago. Here are our agenda items.

“I'm not sure all the topics are particularly interesting to you, but they actually all have their significance, quite a lot of significance. Some of them, including topical controlled compliance issues, are directly related to rules by the federal government and issues of academic freedom. So, though they may seem somewhat humdrum in their presentation here, they are actually quite significant issues.

“Child care: which is on the agenda everywhere, interestingly. And research administration, which is itself also closely related with some of the compliance issues we are all dealing with and, as I said, they all are related to questions of federal government – what shall we call it – to some degree interference and overregulation in our responses to it, from the point of view of academic freedom.

“Those are the issues of the Provosts at the national level. I thought that might interest you.

“As for the current discussions here on campus with the Deans, we are in on-going conversations about campaign priorities among other things. With the Academic Council, we are in a set of discussions about undergraduate teaching, and also about the degree to which faculty at Cornell across many different disciplines could contribute to

the national discussions about religion and science. We aim to try and articulate some ways in which we could contribute to those discussions.

“Those are the items on my agenda. As always, I am happy to answer questions about any of the things on your mind either on campus or off.”

Professor William Arms, Computer Science: “Biddy, you mentioned some legislation in Ohio. I may be the only person who is unaware of it. Could you give us a one sentence summary?”

Provost Martin: “Yes. Are you aware of the Academic Bill of Rights sponsored by David Horowitz? That Academic Bill of Rights or similar sorts of legislation are currently before a number of state governments, legislatures. Ohio was one state in which it was expected that it would actually pass in the form in which it had been drafted. It didn't. There is a Bill that will pass, that defines some limits on academic freedom at least in the views of some of the Provosts, in the state of Ohio, that they find quite worrisome. The process is not yet at an end. It's not yet apparent how it will come out. As you probably know, there was such legislation before the Legislature in Colorado and it failed. But there are a number of other states considering the Academic Bill of Rights and whether there are certain forms of it they may wish to pass, that then would regulate the conduct, at least at the public universities in the states.”

Professor Richard Durst: Food Science and Technology, Geneva: “Academic freedom very much goes along with tenure. Is there any sense of the schools going in the direction of limiting tenure in terms of new hires?”

Provost Martin: “Among AAU Universities, no, not a tendency or a trend to which anyone would lay claim, I don't think. I mean, are there any universities where there are rising numbers of non-tenured track faculty relative to the number of tenure track? Probably, yes. We are not among them. It's not the aim of any university to change that ratio as far as I know, at least not for the purpose of constraining academic freedom. It is the aim in some schools and colleges within these universities to increase the number of non-tenure track faculty where the undergraduate educational costs are outstripping what the colleges can afford to cover using tenure track faculty. I think Cornell is - it's my impression anyway from talking with the other Provosts - that we are doing quite well, that we are holding as firm as any to our commitment to having tenure-track faculty teach our undergraduates, in fact teach our core, and sometimes, in many cases, introductory undergraduate courses. I think that's all for the good and that's a goal to which we ought to hold.”

Professor David Delchamps, Electrical and Computer Engineering: “In the e-mail describing the meeting with the Faculty Trustees, they refer to a problem with accessory instruction at Cornell that led to a sort of an aberration of the ‘any person, any study’ Cornell motto. I'm not quite clear what the problem is. I'm curious as to what it was because I know that a lot of our students in Engineering regularly take A&S courses to satisfy say their communication requirement.”

Provost Martin: “I’m not sure either, since that was a summary of issues that had been raised by groups of people or individuals at a meeting I didn’t attend. I’m not terribly sure. The problem with accessory instruction over time has been a problem of state funding. That is, that the state and SUNY no longer fund accessory instruction to the degree that we need them to fund those students in the contract colleges who are getting a great deal of their education in non-contract colleges, especially in Arts and Sciences. There are constraints on students as you all know, on the numbers of courses they can take outside their own colleges, depending on major and college, and there are always questions and debates among the Deans about how to figure accessory instruction costs. It’s decided by way of a very complicated set of formulae. It’s something that we aim to reconsider very soon, the formula by which we assess accessory instruction cost to the different units. As far as I know, it isn’t standing in the way of students’ ability to take courses across colleges, despite the drop in funding from the state and its inadequacies.”

Professor Steve Shiffrin, Law School: “With respect to the issue that you had in your academic freedom panel, my understanding of the Lee Bollinger position is that universities are trying to promote a particular kind of character and that in pursuit of that, every class must treat both sides of issues. I find that disturbing. I can’t even imagine all of us at this university going deeply into a particular position without considering alternative arguments to the position. I’m curious as to what the reaction of the Provosts in general was to the Bollinger position.”

Provost Martin: “That’s a good question. Did everybody hear Steve? Yes. I agree with you that we... Well, you didn’t ask me if I agree with you. But I’m telling you anyway. Yes. I think that Lee Bollinger’s construction at the Cardozo Lecture speech, what it would mean to have balance in every course, is unrealistic and problematic. I think if you read Jonathan Cole and I recommend the essay that Jonathan Cole recently published in *Daedalus*; you can get it on line; it’s quite a good essay on academic freedom - Jonathan Cole is much less compromising about what it would mean to determine, as a faculty member, what you think is appropriate for an academic course and its content. The Provosts’ reaction, we actually had a quite interesting debate about these issues. There were Provosts who were quite concerned that we were not focusing adequately on the responsibility side of academic freedom. That is, there are a lot of people who encouraged me to add responsibility to the title, academic freedom and responsibility. I declined, not because I don’t think that’s important, but because I think in the current context what I wanted to emphasize is what I considered to be some threats actually to academic freedom, more than to forms of academic responsibility. But I agree with you that Bollinger’s sense of a certain kind of approach that ought to characterize every course, or a faculty member’s approach to every course, and his notion that every course should present a balanced view of material under discussion runs some serious risks. As a humanist, I would have to say I could think of a number of courses in which it simply wouldn’t make sense. With absolute intellectual integrity it would be hard to figure out exactly how one would satisfy that particular goal. In any case, I think these are issues worth discussion. I think they are worth a lot of discussion here and I know Brett de Bary, who is the Director of the Society of the Humanities, plans to organize a

conference for next fall, I think, on issues of academic freedom. I join her in thinking that this is an important time to do it, even though some of the legislation that had seemed quite worrisome isn't actually making it through the state legislatures and didn't actually make it into the Education Act at the federal level in the ways that people feared it might. Nonetheless, I think it's an important issue and a very apt time for us to be discussing it. There will be people, I am sure even in this room, who think that Bollinger's argument is a stronger one, than say Cole's or my own. But I think as I say these are issues worth a lot of our discussion. I would like to see us undertake some of those discussions openly here."

Speaker Knuth: "Thank you very much. I will announce that we do have a quorum, but just barely, so if there are any Senators who have not signed in officially I would ask that you do that and to all the Senators who are here, I plead with you not to leave until we have conducted our business.

"I will note that we did one item before everybody was here, and that's that I asked for unanimous consent to revise to agenda so that we have added Professor Kathleen Rasmussen as item number 6 to deliver the report that this body asked for, the response from the Board of Trustees to your September 14th resolution. Now I would like to call on Dean Charles Walcott for his remarks."

2. REMARKS BY DEAN CHARLES WALCOTT

Dean Charles Walcott: "Thank you Barbara. I'll be very brief. I have just three things I want to report on. First off, it's our intent to invite a member of the Presidential Search Committee to meet with us every month when we are in session to provide a report on how the search is going. That will be done this afternoon.

"Secondly, I wish to remind you about the reception on Friday afternoon at 4:00 for Jeff Lehman and Kathy Okun which will be over Duffield Hall. I hope very much that you will come and join us to say thank you to Jeff and Kathy for their efforts here at Cornell.

"Finally, I would like to announce that there will be a meeting of the University Faculty Committee with the leadership of the Board of Trustees when they are here next week. Those are two things which were suggested by this body earlier, which we have been able to accomplish. Thank you."

3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 14, 2005 SENATE MEETING

Speaker Knuth: "Our next item of business is to approve the minutes from the last meeting, September 14th, which were available in advance to the Senators on the web site. I'm asking for approval of these minutes by unanimous consent. Are there any corrections to the minutes? Seeing none and seeing no objections, I declare the minutes approved.

“I would now like to call on Professor Cynthia Farina to deliver a report from the Nominations and Elections Committee.”

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Cynthia Farina, Associate Dean and Secretary of the University Faculty. “Good afternoon. Here is a brief report, but particularly important, on committee assignments. And just to call your attention to the Nominations and Elections Committee itself, this is the first year that we are actually doing what you approved last year, which is the committee itself suggesting an additional member supplementing the members who are elected at large by the faculty, in order to provide forms of balance of variety of sorts that are inevitably lost any time we do an election at large. That is what this nomination for the Nominations and Elections Committee is.”

Report from Nominations & Elections Committee **October 12, 2005**

FACTA (Faculty Advisory Committee on Tenure Appointments)

Martha Haynes, A&S
Martha Stipanuk, CHE

Nominations and Elections Committee

N’Dri Assie-Lumumba, Africana Studies & Research

Speaker Knuth: “I’ll ask for unanimous consent of the approval of this report. Seeing no objections, I’ll declare the report approved.

“I would now like to call Professor Rosemary Avery who is going to deliver a report to us about the progress being made by the Presidential Search Committee.”

5. PRESIDENTIAL SEARCH UPDATE

Professor Rosemary Avery, Policy, Analysis, and Management, Member Presidential Search Committee. “Thank you very much. Good afternoon Senators. I am your representative on the Presidential Search Committee and I am privileged to serve you along with five other faculty members: Antonio Gotto, who is the Dean and Professor of Medicine at Weill Medical College; Laura Brown who is Professor and former Chair of the Department of English; Juris Hartmanis, Professor Emeritus of Engineering and Senior Associate Dean for Computer and Information Science; Dick Schuler, Professor, Civil and Environmental Engineering; Elizabeth Earle, Professor, Plant Breeding and Genetics; and of course, myself. We are six representatives. I thought it might be useful at this stage to give you an overview; if you don’t know what the set-up is with the Search Committee and what the make up of the Search Committee is and to give you a little bit of a view of who is represented. We’ve got a total of 24 members on the Committee and three Trustee Emeriti advisors. Of the 24 members, ten are

representatives from faculty, students, grad students and the administration, one administrative representative. About 41 percent, actually 41.6 percent, of the committee are representatives of students, graduate students, undergraduate students, and faculty and the administration. And of course Diana Daniels, one of our Trustees, heads up the Committee. We also have retained a search committee firm (Korn/Ferry), who is represented by Bill Funk. It is an international search committee firm specializing in senior level, particularly senior level academic, searches to help advise us in this search process.

“Charlie asked me to give you an overview of where the Search Committee is right now in their deliberations. I can say that I am a fairly new member of the Committee. I was elected approximately five weeks ago. I have attended one meeting but I have been personally very active on the Search Committee so far. I have attended one Search Committee meeting and will of course attend all future ones, if I am able. The Search Committee has come up with a very long and extensive list of potential candidates, which are looked at by all of us. At our meeting in New York City about two and a half weeks ago, we reviewed that list and identified a group of what we are calling ‘resource people.’ ‘Resource people’ doesn’t mean that they are not necessarily candidates, it means that these are people that we can either talk to because we are interested in finding out whether they would be interested in the position or that they might know people and be able to suggest people to add to the list.

“Right now the list is open. It is not being pared down in any way; no one has been excluded. I would encourage all of you who are Faculty Senators, and therefore representative of your department and representative of faculty on campus to add to the list. Contact Charlie, contact Diana Daniels, if you believe there are individuals who might not yet be on the list that you would like to have on that list. The list is still open and being considered.

“At the last meeting that we attended we divided up the Search Committee into groups, smaller groups, that were going to go out and make contact with potential candidates/resource people to find out whether we could add to our search pool. Currently I am on a team, and I think Elizabeth is on a team as well, of three other individuals and we are traveling extensively to meet with these individuals and accumulating information about the search.

“So that’s where we are right now and we will be reporting back at our next Search Committee meeting, next week on Thursday evening, about what we find out and if we are going to add individuals to our search list that we come up with. The only other piece of information that I have for all of you is that we, as your faculty representatives on the Search Committee, really do represent you so if you have anything that you would like to add or say to the Search Committee, we are the conduit through which information should be sent the Search Committee. Feel free to pick up the phone or e-mail those of us who represent you to suggest candidate names or suggest criteria that you want used in the search or at least considered in the search process.

“I don’t think I have left anything out unless you would like me to cover our research. Are there any questions?”

Speaker Knuth: “We do have time for questions.”

Professor Rebecca Schneider, Department of Natural Resources. “Given our status as a land-grant university in which we take pride, when you listed the faculty who were involved you didn’t explicitly mention any who had extension or outreach responsibilities. There may be some, but do you have anybody representing extension, so that aspect of the President’s job will be carefully solicited?”

Professor Avery: “I’m probably not the good person to talk about the selection on to the committee. I was appointed to the committee. I’m part of that land grant university. As chair of my department, I chair the Department of Policy, Analysis and Management, I have a 15 percent extension appointment that’s part of that but I’m not aware that there were any criteria specifically represented for extension. Someone else may be better to speak to this than me.”

Professor Schneider: “Okay, great. Thank you.”

Professor Abby Cohn, Linguistics: “I wanted to make a remark and then ask a question but even that is prefaced by a comment, which is it’s only the most generous interpretation under which we have six faculty representing us on the Presidential Search. Since I don’t personally believe that the Dean of the Medical School counts as a faculty in the sense, in the relevant sense, that most of us meant. So I just make that comment.

“Many of us took the trouble to send in comments about the Opportunity Statement. We were grateful for that opportunity, despite the fact that the window of opportunity was extremely narrow. To my knowledge most of us got no response or acknowledgement, for those comments, or even an e-mail saying thank you for sending these comments. I think that precisely because of the situation we are in, with a lack of sufficient two-way communication and concerns about trust, that the Presidential Search Committee would be bending over backwards to find ways to reassure us that we are being heard. The most common courtesy would have been just an acknowledgement for that input. Many of us have read the revised statement and we realize that there have been changes made to it, but many of us feel that those were rather superficial and we’re concerned about that.

“The question I have is whether you could comment just on how much input was provided and how that was incorporated into the revision?”

Professor Avery: “As I said, I am a relatively new appointee to the Search Committee. I did see your e-mail and I will bring that up at the next Search Committee. The breach of communication, I will definitely bring up to the Search Committee. Elizabeth might be a better person to talk about that part of the incorporation of the Opportunity Statement here. Elizabeth do you have anything to add to that?”

Professor Earle: “No.”

Professor Avery: “I will definitely bring that up at the next meeting.”

Professor Cohn: “How many people wrote in, and how was that reflected in the revision? Weren’t you involved in the revisions to the Opportunity Statement or perhaps Lisa could address that.”

Professor Earle: “The Search Committee was not directly involved in the final crafting of the Opportunity Statement. I received some comments from faculty and I passed them on to Diana Daniels, who I think referred them to the group actually writing the Opportunity Statement. Writing the Statement, per se, was not one of the Search Committee activities, although we were all encouraged to make comments about it.”

Professor Avery: “We did get a draft to review. I did see your e-mail and I don’t know what happened. I will follow up on it.”

Speaker Knuth: “We have time for one final question.”

Professor Michael Latham, Nutritional Sciences: “Well then who was the group that was drafting this and why were the faculty representatives not involved with it?”

Professor Avery: “I believe the process went as follows. I believe that members of the Search Committee met with various groups on campus in open forums and I believe Elizabeth you were involved in that. That was used as the basis for input into that Opportunity Statement. The final revision to the statement - I saw the draft of the Opportunity Statement - I provided some feedback but I was not part of the revisions committee that actually dealt with those revisions. I think this is something that is worth bringing up at the next Search Committee meeting.”

Speaker Knuth: “We do need to move on at this point. Thank you Professor Avery for your comments and remarks. I would encourage any Senators who have further comments for Professor Avery to send her an e-mail and she will pass them along.

“It’s now time for me to move on to our revised agenda item and that’s to ask Professor Kathleen, and Faculty Trustee, Rasmussen for a report on the response from the Board of Trustees to this body’s September 14th Resolution.”

6. RESPONSE TO THE SEPTEMBER 14TH RESOLUTION

Professor Kathleen Rasmussen, Nutritional Sciences, Faculty Trustee. “Good afternoon. I am here to report on the resolution urging the Administration and Board of Trustees to engage in a frank and open dialog with the faculty regarding the resignation of President Jeffrey Lehman, which was passed by this body at its meeting on September 14th.

“The operative part of the resolution says the Senate strongly urges the Board of Trustees to ‘find a way to engage in a frank and open dialog with faculty regarding (a) the nature of the “differences with the Board of Trustees regarding the strategy for realizing Cornell’s long term vision.” (b) How such differences could have arisen between the Board and the candidate of their choice in so short a period of time. It goes on to say the Senate requests the Dean of the Faculty and the Faculty Trustees to present this resolution personally to the leadership of the Board of Trustees and report back to the Senate at its next meeting. I am here to do that today. Lisa Earle, your other Faculty Trustee, Dean Walcott and I decided that the best way to proceed was to write a letter to both former President Jeffrey Lehman and Peter Meinig, Chair of the Board of Trustees, in which we brought your motion to their attention and reviewed the options that we thought could address the concerns expressed by this resolution. These options were: First, revise the confidentiality agreement so as to permit both Lehman and the Board to be more forthcoming; Second, develop and issue a statement outside of the confidentiality agreement that responded to concerns of the University faculty; this option was suggested at our meeting on September 14th.; And third, have the Board respond alone as called for in the resolution. We offered to be helpful to both Lehman and the Board in any way that we could.

“Dean Walcott subsequently spoke with both former President Lehman and Chairman Meinig and they considered these various possibilities. Professor Earle and I both spoke with Chairman Meinig. In response to our letter and these conversations, we received the following responses.

“First from former President Lehman in an e-mail to Dean Walcott, which we have permission to release to you. It said in part, ‘I very much appreciate the letter that you and Lisa and Kathy sent to Pete and me. If Pete chooses to follow up with me on any of your suggestions or Pete’s lawyer chooses to follow up with my lawyer, please be assured that I will consider with the utmost seriousness any proposal that they might make.’

“From Chairman Meinig, We all (that’s the three of us) received the letter that was distributed as you walked in the door today. The important features of this letter are as follows. First, the Board has chosen to respond alone, although I know that serious consideration was given to our middle option of issuing a joint statement. Second. There are two compelling reasons for this choice, the confidentiality agreement that exists and what was in their opinion in the best interest of the University. Third. A statement of priorities and reassurance. Fourth. A specific proposal for periodic meetings between the UFC and the Board’s Executive Committee and you have just heard Dean Walcott describe to you the first of such meetings. And lastly, a lack of response to the second issue raised in the resolution, mainly how differences could have arisen in so a short a period of time.

“For those of you who wanted all of the details, this response will surely not be satisfactory. For those of you who wanted reassurance, it is important to hear what Chairman Meinig had to say, which he told me was developed in consultation with other

members of the Board as well as the President and the Provost. And to that end I bring your attention to these sentences from his letter, which say our disagreements with Jeff were not about academic priorities, those priorities continue to include Cornell's commitment to transnationalism and investments into interdisciplinary exploration of the life sciences, in information technologies, and sustainability. He went on to reiterate the Board had differences with Jeff about how to achieve our priorities, not about the priorities themselves.

“That is the end of my report. I am now willing to take questions but I do not know that I will have the answers.”

Speaker Knuth: “Thank you. Any questions?”

Professor Martin Hatch, Music: “It seems to me this dovetails well with our last presentation. I feel like it wasn't a sufficient amount of substance in conversation interchanged with our last presenter and there must be common feeling amongst other members of the Senate. I don't know whether we could bring the two together and have a longer discussion of it now or perhaps set aside a much longer period of time in a subsequent Senate meeting.

“The problem is, who is the group here. For example, we talk about a group that wrote the Opportunity Statement and yet the group isn't defined. We don't know which Trustees were involved in crafting this statement. I know some were involved in looking at it, but not enough. There may be a group behind the scenes, a smaller group. There's a group that's going to meet with us but is that group really of any consequence in the discussion in whose going to be the next President. There's a group that our faculty representatives will meet with. Will that be the whole search committee and will that whole search committee really be responsible for making a decision? My point in dovetailing the two is that it seems to me like there is so much more room for opening up the discussion and dialogs. I learned more about the whole process of the President leaving from the Alumni Magazine than I've had in conversation here as a part of the official discussion amongst the faculty. I guess I'm frustrated by it. I don't know how else to put it, except by saying those things to you now and asking the Senate if they want to take any more aggressive action in figuring out what's going on.”

Professor Rasmussen: “Let me just clarify this. The meeting with the University Faculty Committee that is coming up next week will be, I believe, with members of the Executive Committee of the Board, not with members of the Search Committee, per se. Now some of the members of the Executive Committee of the Board are also part of the Search Committee. But these are in fact two separate groups and it is communication between the University Faculty Senate and the Board that is to be enhanced by this meeting next week.

“I think it's also important for the members of the Senate to understand that the Executive Committee of the Board consists of individuals who are elected to that: a very small number, even with the Chair and the Vice Chair. The President is ex-officio to the

Executive Committee Board and the remainder of the members, which is another eight or ten of them, are simply the chairs of the Board committees. The vast majority of the people here are the representative body of the Board.”

“Professor Steve Shiffrin, Law School. “It occurs to me that there are questions to be raised that the Trustees could address without violating the confidentiality agreement. That is to say, it is clear that there are strategic issues about how to achieve our academic priorities and perhaps tactical issues about how to achieve our priorities, which may or may not have been the subject of disagreement with Jeff Lehman. They would not need to identify that, but there are issues to discuss, so it strikes me that the UFC should ask the Trustees what strategic issues do you believe exist with respect to the academic priorities. And ask further whether or not it would helpful to have faculty input on such strategic issues. My imagination fails me as to why it wouldn’t be appropriate to have faculty input on such strategic issues. It seems to me that’s at least an area that could open up discussion.”

Professor Dick Durst, Foot Science and Technology: “Meinig’s statement was nothing more than what was stated originally in announcing the resignation. Jeff, it sounds like, is willing to try and go beyond the confidentiality agreement. Is that moot now? Has the Board of Trustees more or less said they don’t want to water down the confidentiality agreement to allow more discussion?”

Professor Rasmussen: “I would say in choosing to respond the way that they did, I read this letter as saying that they have chosen to go down this pathway. If the Senate as a body does not like that you can always pass a resolution encouraging them to do something else. Whether that would be effective or not I could not tell you.”

“Professor Stein: “I don’t quite know how to say this except to say that I am outraged at this response from the Trustees and I’m disappointed in the calm that exists in this room. Unless I am missing something, that letter that the Trustees sent to you is nothing more than a polite restatement of the various remarks that have been made. In fact, as the gentleman, Mr. Hatch was it, that said he learned more from the Alumni Magazine and he also might have learned more from the article in The Chronicle of Higher Education. He might have learned more from the Ithaca Journal and he might have learned more from the Cornell Sun. I know I did in all of those cases than anything I have heard in this room or anything I have gotten from the Administration or the Board of Trustees.

“I am outraged at this. The resolution that we passed was specific. It was carefully worded. It seems to have been simply turned aside. Despite the politeness of the letter and the length of it, I consider it outrageous to treat the faculty that way. I don’t think there is any point in passing another resolution. I must say that I was one of the drafters of this resolution and several people I spoke to said why are you bothering, you know what’s going to happen. Of course, they accurately predicted what was going to happen. I always have hope. I think that the shoe is now on your foot, or the ball is in your court, however it is said. We passed a resolution. They rejected the resolution. I think that in your conversations with them you too should say that you are outraged at the fact that

they rejected the resolution in its entirety and that they did not take seriously the desire of the faculty to understand more about this important decision. If you are not outraged then I suppose you shouldn't do it. But for what it's worth, I am."

Professor Rasmussen. "I can tell you Peter that the resolution was in fact taken very seriously. That doesn't necessarily mean that you are going to get the response that you want. I indicated in my report to you that the rationale for the response was what they (they being the individuals who crafted the response who were Chairman Meinig and members of the Board and even some members of our Administration) considered to be in the best interest of the University. Different people can look at that from different perspectives and not necessarily agree with one another, but I can tell you that the request of this body was taken seriously."

Speaker Knuth: "One final question."

Professor David Delchamps, Electrical and Computer Engineering. "I guess I'm more disappointed than I am outraged by this. Unfortunately I didn't notice the letter on the table when I came in. My question is related to sort of a merger between what Marty was talking about and what Peter was talking about. We are talking about groups and the group keeps morphing as different things. Sometimes it's one person and sometimes it's a small cadre of Trustees, sometimes it's the whole Board of Trustees, sometimes it's a small number of the Board of Trustees and members of the University Administration. Really, I'm very curious as to what groups are operating in the various contexts. I'm particularly curious as to what group drafted the letter. As you put it in your report, the Board has chosen to respond alone. Now to me what I'm hearing are the words the Board of Trustees voted to respond alone. Now, okay. You didn't vote as a Trustee. Someone else decided to respond alone. I'm just curious. Can you reveal exactly who crafted this response?"

Professor Rasmussen: "I think I can, but first let me explain that the Board meets four times a year and in between those times the Executive Committee of the Board is charged in the Board's charter to act on the Board's behalf. Given that this came up between meetings, you would not expect that to have come to the Board as a whole. The Executive Committee also has a smaller group of individuals who are acting on a more day-to-day basis. It is my understanding that this letter was crafted by Chairman Meinig, with input from the President and the Provost and some other unnamed to me members of the Board. Provost Martin if you would like to correct me or amplify better."

Provost Martin: "Yes, I would like to correct you. I would like to say something else if I could have the next couple of minutes. I was consulted about the academic priorities. I did in fact check that part of the letter to see whether I thought these were the actual academic priorities to which we were committed. I thought that was a wise thing to do and I did it. That was my role.

"There's something I want to say. I really haven't said much about this. I'm just going to say the following thing. First of all about the groups of Trustees, I think it's important

to have at least some clarification, and then one can still be outraged or still feel confused. It seems like no one is offering a certain kind of clarification that might be useful. The Executive Committee of the Board is composed of something like 15 to 18 people. I should know the exact number, I don't. It's my understanding that when the Executive Committee worked with Jeff on his resignation, that it was a bit bigger than usual because it included the older members of the Executive Committee and the people who in June were about to rotate on to the Executive Committee. So it was a total of about nineteen people. It's not possible, I think, in the eyes of many Trustees to do a lot of work in a group of 64 people. I think we have all experienced that. We experience it here on campus. It's very difficult to do certain kinds of difficult, complicated decision-makings now I'm not talking about Jeff's resignation; I'm just talking about the work of the Board in general – it's very difficult to do a lot of good work with 64 people in the room, so much of the important work of the Board of Trustees is done by committees. There are a number of committees of the Board and it seems to me it would be helpful to you all to know what the committees actually are, which Trustees serve on those committees, which of your faculty and student-elected Trustees serve on which committees, what the charges to those committees actually are. It seems like that would be extremely helpful, because I think for perfectly understandable reasons, you are operating on the assumption that the 64-person Board, which includes representatives of the Governor of New York, representatives of the Speaker of House of the Legislature of New York and other political appointees, as well as a number of other people that this group of 64 is the group actually does the important work of the Board in all cases. That's just not true.

"I also want to make one other comment. As to the groups of people doing various things, it's frequently Executive Committee. I can tell you what I know about the Opportunity Statement from the last Presidential search. Which is, that these are usually drafted by the search firms or by institutional planning and research offices at universities. I know about the last one, that it was drafted by the Office of Institutional Research and then edited by various people. Something of that sort occurred here. It's never composed by members of a search committee as a group. I don't think there's any sort of hidden plot here to have some small group of not well-meaning people, drafting something without input from others. It's a statement that has a certain usefulness, but not world shattering usefulness. Do candidates read these opportunity statements carefully? Some do, some don't. They are just not earth shattering documents. I think that it's important that they ask for input, but that's somewhat unusual. When I am asked about peers or have been approached by other searches, it's somewhat unusual to have faculty asked if they wish to have input on an opportunity statement because it's simply not the kind of document over which people pore and spend a lot of time. Perhaps they should. I don't know. I'm just telling you what generally happens.

"Finally I would like to say just one other thing. It can certainly be the case that when people decide to keep confidentiality, they are doing it for bad reasons. It happens frequently, I'm sure. It can also be the case that when people in administrative positions, or positions of authority, decide to keep confidential information about personnel decisions, that they are genuinely doing it in what they consider to be the best interests of

the institution. Not to protect themselves personally, that too can happen, but I would ask you at least to consider the possibility that people of good will, such as Trustees, who are being paid nothing but who, by the way pay, a lot of their own money to support this University, may have been acting with good will when they concluded that confidentiality about a personnel decision was in the best interest of Cornell. Not in their best interest as individual human beings, but in the best interest, as Jeff and the Trustees announced in the summer, of Jeff and Cornell. Now maybe that's not what everybody would have considered best. I'm just asking you to consider the possibility.

"Everyone in this room who has been an academic administrator, whether a chair, a dean, a provost or a president, has made personnel decisions that you decided should stay confidential for the good of the individual and the good of the institution. Every single one of you has done that. Perhaps because this is a president, it seems especially difficult for us to accept.

"I want to at least have said because I don't think anyone else will or will want to or feels they can or should, and perhaps I shouldn't that this is a really complicated set of events that occurred and a really sad set of events that occurred. There are lot of rumors that have gone around about what occurred and why, that are vicious and untrue. If you think you learned more from the Alumni Magazine that's true, than you could learn from what you are hearing here today, I'd have to wonder. I think they made a decision they thought was best for Cornell. Whether any one of us, including I, agrees with that or not, I think they should at least for a few minutes be granted the possibility that they were acting with good will on behalf of the institution. That's what I want to say. Thank you."

Speaker Knuth: "In keeping with the order of the day, let's move on. Just for your information the time that was devoted to this discussion was time that we took from the Good and Welfare discussion for which there were no speakers.

"I would like to now call on Dean Walcott to introduce the topic of the University Faculty Committee/Faculty Senate discussion."

7. UFC/FACULY SENATE DISCUSSION

Dean Walcott: "Would the University Faculty Committee please come up and sit in the front row here. While you are doing that let me just say a couple of words in general about faculty governance. There are two elected faculty committees that we deal with: the Committee on Nominations and Elections and the University Faculty Committee. The function of the University Faculty Committee is to set the agenda for the meetings of the Faculty Senate as well as to act in some sense as an Executive Committee between Senate meetings. The faculty at this University is about 1550. There are about 100 people, give or take, in the Senate and there are on the order of 10 as the University Faculty Committee. This is a group that meets every other week. It meets with the Provost, meets with the President. It sets the agenda. It gives me counsel and advice on

things that I should do or things that I should not do. It has been involved in the discussion of a number of items. At our last Senate meeting, Abby Cohn suggested that one of the things that would be useful is to have an opportunity for you to actually look at the University Faculty Committee live and in color and to have a discussion with them. As chair, I declare the floor open if anybody has comments or questions that they would like to address to us collectively or individually.”

Professor Abby Cohn, Linguistics: “I think that this is wonderful and really appreciate you acting on it Charlie. I think there is a particular pressing piece of business though that I hope we will address in the conversation today, which is that one of the very positive things that have come out the discussions that we had since August is the decision that the UFC will meet on a regular basic with the leadership of the Board of Trustees. I think that this could be a very useful way of strengthening two-way communication, which has been somewhat weak. I hope you will devote at least part of our time today as faculty in sharing with you our concerns so that you can reflect those concerns in your discussions with the leadership of the Board. I very much hope that the UFC will be willing to come back and face us again and report back on those conversations, and again have a two-way conversation with us.

“I guess the biggest concern for me that has stemmed, or shall really started last April, is seeing multiple situations where it seems that there is a serious lack of two-way communication. I don’t think we have overcome that yet. That’s what I was trying to address in my remarks to Rosemary. Despite the fact that we filled this room on August 30 and expressed our concerns, despite the fact that we did get two additional faculty members on the Committee, which I am grateful for, we have yet to start to get this two-way thing going. I really hope that you will carry that to the Board. Part of it is a question of common courtesy, but part of it is a question of how we establish a genuine conversation in this way.”

Speaker Knuth: “Would the UFC like to respond or would you like to hear more from the Senators? “

Professor Brad Anton: “I agree. This stuff drives me crazy.”

Professor Rebecca Schneider, Natural Resources: “Continuing in that light I hope some of these serious issues that the Board makes its decisions on, which are not including the faculty, that’s our concern, would actually then be brought to your attention and get your input, thereby representing us. For example, Professor Shiffrin brought up earlier a strategy by which we would be able to see what the strategies are for achieving the University’s priorities that are under debate and be involved in that discussion, so that we actually feel that we are moving in the direction used in the processes that we think are appropriate. Almost independent of the Lehman situation, are they making decisions that we do feel comfortable with? At a time in the country when there is an important issue of “do what I say because we are who we are” at the federal government level, certain directions are being followed under the guidance of ‘trust me, just do it.’ We want to be involved. We have good input to provide. We have strong feelings about how the

University should be run, as to what strategies are being used to achieve priorities. We do have good ideas for input into that. Hopefully, for that topic alone you will represent us and get involved in that dialogue.”

Professor Dick Miller, Philosophy: “I think one question that has arisen in connection with your working with the leadership of the Board of Trustees is, who the leadership are and how the leadership works in the Board of Trustees. I hope you will take the Provost up on her offer to give us basic insight into easily accessible information in an easily accessible form in the structure of governance, which will suggest the structure of the Board, who is on the Executive Committee, who are the chairs of the committees. If there’s a group within the Executive Committee that does important work in between their meetings, who are they? Who are their corporate affiliations? I don’t think this in any way is a personal attack on the good will of the people of whom you are working with. I think it involves transparency about authority, about power.”

Professor Risa Lieberwitz, ILR. “I was on the UFC for a couple of terms and so I thought I’d just make a couple of comments about what I found to be so interesting and useful about being on the UFC. Then also a question, because it’s so weird to have you sitting up there and not saying anything. I actually do have a question.

“The thing that I thought was incredibly useful about the UFC was that, in the best moments, we could grab issues that we heard before they were defined, which I think is the theme that is going on here, that we are actually getting early enough input. To some extent, I think it felt almost like serendipity when that happened. You know like when you are in a meeting and your ears perk up and you had a revelation, boy I’m interested in this issue, and then you could kind of engage in it. One of the things I think that we struggled with was, how do we make that more systematic, rather than just sort of simply serendipitous when an issue happened to come up.

“I was going to remind all of us of some institutional history, which was a resolution that the Faculty Senate adopted in May 10th, 2000 at our meeting. It’s the Resolution of Principles of Cooperation and Consultation between the President and the Faculty Senate. These principles were worked out with the President, the Provost, and UFC, and were voted on by the Senate to adopt. I thought this was a really great process, and it came after a series of frustrations, different issues, but the same sort of frustration of not being involved early enough. We came together - the UFC, the President, the Provost – and worked out these principles designed to get early input and consultation as a systematic approach. One question I have is whether the UFC feels like you are getting early notice of issues, or whether sometimes you don’t know if you are getting notice of early issues or not. This is not an issue of good will, bad will. It’s just simply a question of are we in fact having these principles put into effect. The next resolution that we will talk about I think it will be important at looking at institutional history.”

Dean Walcott: “Do you want me to answer that? My sense is that it is working very well. We’ve had excellent meetings with the Provost. I have regular meetings with the Provost and the President. I think I have a sense of issues that are under discussion and

being thought about. There are a fair number of them and they are being brought to the appropriate faculty committees. I think by and large that system has been working very well. That's my general assessment. I could be prejudiced. I would appreciate other people's point of view."

Professor Elizabeth Earle: "The really big visible responsibility of the Board of Trustees is to select and evaluate the President. We have all been very aware of that recently. In general, though, I think most of the big decisions on the Campus are made at the administrative level by the Provost and the President. In most cases the Trustees are guided and are generally in agreement with the suggestions put forth by the Administration. While I think it is a good idea for the UFC to meet periodically with the Board leadership to give them the sense of the faculty concerns, I think the key thing the UFC does is to meet periodically with the President and Provost about issues that are ongoing and of immediate concern. I don't think that we should feel that by having more direct meetings with the leadership of the Trustees we are going to have a better influence than if we try to speak with the President and Provost as long as is possible. I would also like to encourage the Senators and the faculty in general, to bring issues to the UFC. We are not just thinking of these by ourselves. It's very helpful to get faculty input well before something reaches a crisis condition."

Speaker Knuth: "We are going to address David's comment and then move on to our next agenda item."

Professor David Pelletier, Nutritional Sciences, UFC member: "I wanted to address Risa's point because I think it's a very important one. I've only been on the UFC since about June, so I don't have a lot of experience to draw upon. But I do get the uneasy feeling when I'm in the meetings that certainly, as Charlie said, all of the issues that come to us are important and we sink our teeth into them. We typically have differences of opinion amongst us. That's certainly true, but the uneasiness that I have is about the larger set out there. There must be other issues. The University has many, many issues facing it and we can only deal with a subset. I'm not sure how the sorting and filtering happens. I was thinking last night that it feels a bit like dilemma the government regulatory agencies finds themselves in, an information problem. They rely on the regulated industry for some of the information they need and then turn around and regulate them. I'm not sure how that's working. Revisiting that statement of principles would be very useful. I've never seen it. I think it would be a good thing for us to look at again."

Speaker Knuth: "Okay. Thank you very much to the University Faculty Committee for joining us. I would like now to call on David Pelletier from the University Faculty Committee, obviously, to present the resolution on Review of Faculty Governance."

7. RESOLUTION FROM UNIVERSITY FACULTY COMMITTEE TO REVIEW FACULTY GOVERNANCE

Professor David Pelletier: “Just a reminder of the genesis of this resolution that we will put before you today. At the last meeting a resolution was brought forth to create a commission to examine faculty governance. This was prompted largely by the Redbud Woods controversy. It was framed very much the same in terms of the whereases. Discussion from the floor on that resolution suggested that there may be interest certainly in examining faculty governance, and indeed University governance more broadly, but possibly for reasons other than, or at least in addition to, Redbud Woods. Many of us have our own reasons for thinking now is a good time to look at faculty governance, to look at faculty and university governance. It was recommended that the UFC take on the task of revising the resolution and bringing a new resolution to this body for consideration. We have done that. I can say that it only took about two minutes for all of us to agree that this was indeed a good idea to have a look at faculty governance, but in a way that perhaps would appeal to a broader base.”

Dean Walcott: “The resolution was made available prior to the meeting and by e-mail as well.”

Professor Pelletier: “I won’t bore you with reading it to you. Have a look and then we are open for discussion (Appendix 1).”

Speaker Knuth: “Now that the resolution has been presented to you, I would first like to ask for any clarifying questions about content or background, if folks have clarifying questions.”

Professor Abby Cohn: “I’m still fuzzy on the proposed mechanisms for the selection of the committee members.”

Professor Pelletier: “That was discussed last week at the UFC meeting. We discussed the possibility of having an election at-large versus going through the Nominations and Elections Committee of the Faculty Senate. That was an issue of discussion but we found out after the fact, after that meeting, that in fact the by-laws of the Faculty Senate require that if we re going to create a committee, it has to go through the Nominations and Elections process of the Faculty Senate.”

Professor Cohn: “Is the Nominations and Elections Committee going to appoint the whole set of membership or are they putting together a slate upon which there will then be an election and will be voting be done by the members of the Senate or the faculty at large?”

Professor Pelletier: “I see your point. The idea is that nominations would be solicited from the faculty at large. Is that right?”

Professor Walcott: “We certainly would accept nominations from anybody.”

Speaker Knuth: “Let’s ask Professor Cynthia Farina to address that question for clarification.”

Professor Cynthia Farina: “I would be the perfect one to do that because as Associate Dean of the Faculty, I chair Nominations and Elections. Let me begin with the normal process by which Nominations and Elections selects the people whom I bring to you every month and you appoint. We do not appoint committees, you appoint committees. We bring to you nominations for committees. The normal process by which we do that is a combination of soliciting suggestions from the faculty at-large, which typically is done once a year when you get the canvass. Now of course for an extraordinary committee like this, that wouldn’t have appeared on the canvass. Typically we would not solicit from the faculty at-large. On the other hand, I can tell you that we would be happy to have instruction from you on how you would like us to do this. If you choose adopt this resolution, keep in mind that the last part of this resolution says that you want this committee to report back in May. Anything that involves soliciting the faculty at large is a lengthy process, and then for the Nominations and Elections Committee to get together and sort out the nominations and all that, and then come back to you (which can be done only at one of your regular meetings, which you hold once a month), means that this will make the process of selecting the committee go on much longer. Probably to go and get nominations from the entire faculty and to get back to you by the November meeting will be tricky. Is that correct, at least tricky? Right, Diane? Yes. On the other hand, as I said we are your committee. While that would not be our normal process, we would be happy to be instructed because certainly if the faculty chooses to put as much energy into this as this would entail, there is no point in doing this without a good committee.

“It is our general practice to attempt to put a committee before you that is balanced on a number dimensions, which would include unit and disciplinary balance, and balance along a variety of demographic lines that I’m sure you can imagine. Again, unless you instruct us otherwise, that is what we would do when we bring to you a slate of seven. That would be the normal process. If you want us to proceed differently, you would need to instruct us to do that.”

Speaker Knuth: “Are these clarifying questions?”

Professor Stuart Stein: “Clarifying observation. I’m not sure that Abby’s question was answered. But just to attempt to do it quickly, the normal process is to have Nominations and Elections Committee bring you a slate that has as many nominations as there are vacancies to be filled. That’s the normal way of doing it except for the UFC and the Nominations and Elections committee itself. That’s observation number 1.

“Observation number 2 is to Cynthia. I’m not sure that it really would slow the process down in this wonderful age of instant communications. Diane can’t you send an e-mail?”

Speaker Knuth: “Let me just comment that that’s a procedural issue that we could address outside of this body.”

“Are there any other clarifying questions about this and then we can move into debate?”

Professor Nelly Farnum, Biomedical Sciences, Senator-at-large. “Could you tell us how you came up with a seven member committee?”

Professor Pelletier: “I don’t know where that number came from. Was it in the original resolution?”

Professor Steve Shiffrin, Law School: “In number one, review the actions of the faculty governance over the past 10 years to assess their act. Is that supposed to be impact? “

Speaker Knuth: “It is impact on the e-mail version you received, so we’ll treat that as the correct wording.”

Professor Richard Durst, Food Science and Technology: “Might it not be a good idea to give this committee a name?”

Speaker Knuth: “Are there any other clarifying questions? One more.”

Professor David Delchamps, Electrical and Computer Engineering: “When Nominations and Elections brings a slate to the Senate meeting, it has to be voted on. I was on Nominations and Elections for a few years and I have never seen a slate be rejected or whatever. What are the Senate’s options when it is presented with this sort of slate? Can it say no, go back and give us a new slate? Or, take this person off and put this person on. I’m not even sure.”

Professor Cynthia Farina: “Well, it seems to be that procedurally your options are; to vote it up, or vote it down, or send it back to committee. The other way that you could deal with this is if you choose to have us bring more than seven names. Then you simply come up with some method by which you pick from among them. I don’t know how I guess a Hare system, or we could do it the way we do officers of the Senate, like your speaker. We send out ballots. That’s the other way we could do it. We could give you a larger slate and then we could send out ballots electronically and ask you to vote.”

Speaker Knuth: “I would like to now open up the floor to debate to make sure we have enough time to debate the substance of the motion.”

Professor Howard Howland, Senator-at-large: “I hate to be a spoil-sport but I would like to speak against this motion. I think we are trying to fix something that isn’t broken. The failure of the communications has not been in the faculty governance. It’s been the Administration and the Board of Trustees. The group that brought this motion to us, I was astounded to realize, had never come to the Faculty Senate to protest. They never said a thing to us. So where do they get off trying to revise the whole faculty governance when they don’t even pay enough respect to us to bring it to our attention. That astounded me. I really think the problem with the University lies elsewhere. I think the

system we have now has worked very well. I think the faculty has expressed itself again and again very clearly to the Administration and to the Board of Trustees. It's not this organ that's broken, it's something else. I say this is just going to be a waste of time and a diversion, which won't help the situation at all. I would urge you to vote against it."

Professor Carol Rosen, Linguistics: "As a linguist I detect that there may be a problem with the interpretation of the phrase 'faculty governance.' Faculty governance to my mind does not mean governance of the faculty. It means the participation of the faculty in governance of the entire University at large. Therefore, as I see it, what this resolution is asking for is a commission to investigate, that is to assemble information, about what mechanisms have been successful at other institutions to ensure the more effective participation by the faculty in the governance of the University at large, including other components, namely Trustees and central administration. It's not about how the faculty should be governed."

Professor Bill Arms, Electrical and Computer Science: "There's a theme which runs through this which is communication, and there's a theme that underlies that which is not explicitly mentioned and might be. That is having enough knowledge to communicate. I was very pleased that Bidy went out of her way to say quite how much the Trustees contribute. With my experience with working with the Trustees, they commit a tremendous amount of their time. Many of them are very generous donors. They really contribute to the fund raising, things which they know about.

"The other thing that strikes me, almost without exception, the Trustees know remarkably little about academic life. Most of their view of academic life comes from four years as an undergraduate. There are exceptions, but not many. Conversely, having been a University administrator more years than I would like to mention, but certainly having sat upon University budget committees for well over 17 years, I know that faculty members on these committees are often not very useful because it takes several years and a lot of homework before people can become knowledgeable enough to really contribute, and to be invited into the key meetings. I was looking at the UFC sitting there and thinking about the comments about the Trustees having 17 or 19 people who make real decisions, and they too are the people who actually know enough to make real decisions in the same way we need a group of people, presumably the UFC, who know enough about the strategic issues that they can really contribute. Attempts to widen the involvement actually means, diluting the amount that anybody can contribute. I personally believe this is a good resolution because I think these topics should be addressed so long as it's seen in this broad way of how can we really tackle some of the systematic problems, and not just the superficial ones."

Professor Risa Lieberwitz, ILR: "I think this is a very good resolution and I think it's good for a number of reasons. One is that I think what happens over time is that we lose a certain amount institutional memory. I think that the idea of looking back over a certain number of years, say five or ten or different numbers, at what the themes are the themes we've seen, is good. I think that those of us who were involved in the discussion around the biological sciences and around computer science, around e-Cornell,

that we saw some very similar themes about the question of what is adequate consultation and whether the administration took seriously enough what the Faculty Senate had to say. I think that the institutional memory would be good. We can also look at the resolution I referred to before, that was adopted in May 2000, on Principles of Consultation and Cooperation between the Senate and the President. I also think to look at the comparisons with other institutions is very important, to see what's going on other places. This might be not only places that have a Senate but also other kinds of faculty structure, even perhaps unionized universities particularly in the public sector, to see if there is any difference, and how faculty governance works.

“Finally I think that the issue of strengthening faculty governance is the key point here. I think we have had very interesting processes here, some that I would consider very productive. However, I do think that there's a general feeling that we do need to strengthen the role of faculty so this kind of commission, I think, could really come with both the memory, as well as the directions for the future and the comparison.”

Professor Steve Shiffrin: “This is another clarification point. It strikes me as both relevant to the value of the resolution and to whether people would serve - Report back to the Faculty Senate no later than May - it strikes me that there's a lot of work that would have to be done with this and I appreciate the point that it might be so much work that the game might be not worth the candle. If it is to be done by May, it strikes me as nearly impossible to do a quality job. If the report back to the Faculty Senate simply means let us tell you where we are as of the point of May, then it seems to me that that's much stronger but it would also be more difficult to recruit people to serve on the committee if they knew that it was a longer term on the committee, perhaps.”

Speaker Knuth: “Can I ask for a response to that point?”

Professor Pelletier: “The latter option is what we had in mind, to report back in a status report on the progress. We did not contemplate the possibility that we would disassemble the committee then. People may think that buying into it is an indefinite process.”

Professor Peter Stein: “I would like to respond to Howie Howland, my friend and colleague Howie Holland. I think it's a fine resolution. I would like to say something that hasn't been said, on why I think this is a really good resolution, to do at this particular time. We have the new Presidential opportunity and this is the ideal time to raise this issue with the new President who comes in without the baggage of the past controversies with the President. I think it's just the right time. I know the Senate, in fact was made at the same time that Hunter Rawlings came in, and that was a very valuable moment to do that. The early discussions with Hunter Rawlings were very, very productive in trying to work out these things.

“I think your statement that the problem is not with the Senate but with the Administration, well maybe, maybe not, I don't know. I think that there are problems. I think that it's conceivable that this group could come back and report, this is just the finest faculty government that you could have, that would be useful to say. But it may in

fact find new ways to interact with the Administration that will improve it. It doesn't necessarily mean that they are going to throw it out."

Unidentified: "I just want to make a very brief statement of endorsement for the proposed resolution. I think that we have heard from many colleagues that the issues at stake really have to do with process and system. That's what we are concerned about. I think when people begin to look at them as issues of personal integrity we all get very tense about them. We really need to move on and see them as questions of processes. I think if we compare what's happening here with other universities, it's extremely timely and really is a way for us to move forward."

Professor Kathryn March, Anthropology: "It seems to me that one of the questions here is why this couldn't be something the University Faculty Committee could do itself. I personally think that it is appropriate. I wonder, however, I sort of like Carol's idea as thinking of it as a commission. The suggestion was that the name of this be considered as a commission rather than just another committee, which could possibly be construed as reduplicative of something we already have. In that light, Number 1 up there, review the actions of faculty governance, it seems to me I'm much more comfortable with language that says review the role of faculty in the University governance. All of this is meant to be in support basically of the undertaking."

Professor Elizabeth Sanders, Government: "I address this comment for people who were concerned with the Redbud Woods outcome and process that we didn't come to the Senate. The Senate had had its last meeting for the year. What happens in the summer? Does the University Faculty Committee meet in the summer? There seems to be no way to harness the University Faculty besides having meetings and only address those of us who are here. People have different issues that they are concerned about. A large number of people were brought together in an attempt to stop the University from doing something they just thought profoundly silly and bad. To raze a woods, which was gifted to Cornell, which had great possibilities for being made the center of environmental education and to do that just seemed quite unreasonable and it seemed to be made without any input from faculty in the sciences, in horticulture, in biology, and in remediation. There are a lot of you who have enormous expertise. I learned a tremendous amount about this subject in the summertime. I don't think that the people who made that decision, the few of them in Day Hall, had that kind of knowledge to make that decision. We never understood why they couldn't consider any of the alternatives, why they would consider half of them, why they didn't respond for seven months to a very distinguished group of scientists headed by Tom Eisner and Carl Leopold. We were just completely ignored and completely powerless. Others of you who may not care about the razing of the woods for a parking lot, but you may find there are other things you care about and decisions are made on grounds that seem not scientific, not reasonable, not even practicable. That was motivation for a lot of us to bring this. I think that as presently constituted, the administration of this University pays absolutely no attention to the faculty in making decisions that are quite within the realm of our expertise. That's wrong."

Speaker Knuth: “Comment from up there.”

Professor Sheila Hermani, Electrical Engineering. “This speaks to everything I think we have been talking about today. So I will start off by saying I’m an engineer. It’s my eleventh year at Cornell and today is the first day I learned that the Faculty Senate has only been around for 10 years. This is a question for everybody as whole - what is the University model here supposed to be? That is, are we a benevolent dictatorship? Are we a monarchy? We are certainly not an elected representative system. The President, whoever it may be, is not elected by and does not have a constituency in the faculty and really has no motivation whatsoever to do anything what the faculty may want to be done if he or she so chooses. What I don’t know is, is there anything in place that sets things up, or does the President speak to the faculty in the University Faculty Committee out of the goodness of his or her heart, and we’re all here out of the goodness of our hearts. This is all relying on everybody being nice to everybody else? Is it the Trustees who run everything? Is the President only a puppet and we just sit here and they talk to us and make us feel nice and fuzzy? I don’t know what’s supposed to happen here. Maybe somebody could enlighten me. Is there legislation? Is there policy? Is there anything written? Is there any code of conduct between the faculty and the Administration? I simply don’t know. I suspect there are other people who don’t know.”

Speaker Knuth: “As Speaker I need to step in here and indicate that by the orders of the day we are compelled to act on legislation by our adjournment time of 6:00 PM unless there is a motion to extend.”

Professor Rosen: “So moved.”

Speaker Knuth: “There is a motion to extend. Is there a second to that motion?”

“Hearing no second, we are going to move on to a vote on this motion. The resolution you have in front of you (Appendix 1). What I would like to do is ask all those in favor to indicate their support by saying aye. All those opposed, please say nay.

“The ayes have it. The motion carries.

“According to the clock (6:00 p.m.) we stand adjourned. Thank you very much.”

Respectfully submitted,

Cynthia R. Farina
Associate Dean and Secretary of the University Faculty

APPENDIX 1

Resolution to Review Faculty Governance

Whereas 2005 is the tenth anniversary of the founding of the Faculty Senate, and

Whereas several events during the last year have raised questions about the relationship among the Faculty Senate, the central administration, and the Board of Trustees at Cornell University,

Therefore be it resolved that the Faculty Senate, using a slate of candidates proposed by its Nominations and Elections Committee, appoint a seven-member committee to:

1. Review the actions of Faculty Governance over the past ten years to assess their impact on administrative decision-making at Cornell;
2. Examine the relationship among the faculty governing body, administration of the individual colleges, central administration, and Board of Trustees at other comparable universities;
3. Make recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the university faculty on administrative decision-making at Cornell; and
4. Report back to the Faculty Senate no later than its May 2006 meeting.

University Faculty Committee
4 October 2005

MINUTES OF A MEETING OF THE FACULTY SENATE

November 9, 2005

Speaker Barbara Knuth: "I don't believe we yet have a quorum for this session of the Faculty Senate, but we are able to proceed with reports and discussions. We will do so as our quorum continues to stream in."

"I do have routine announcements. First, please remember that no photos or tape recorders are allowed during the meeting except for the official tape recorder. Please turn off all cell phones, or at least put them on silent mode. When you speak please stand so that all can hear you. Please identify who you are and the unit or department that you belong to. To my knowledge we have no good and welfare speakers today so we will either adjourn early or we will have ten minutes that we can allocate to further discussion of other items on the agenda."

"Our first item of business for which we don't need a quorum, just avid listeners, is to call on Provost Martin for her remarks and to answer questions."

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Martin: "Thank you Barbara. We don't even need avid listeners. I don't have a lot of news today. It's that time in the semester when a lot of wonderful things are going on primarily as a consequence of what you organized and are now attending to and doing in your classrooms."

"We are beginning to think hard about the budget for next year. What I can tell you, of course as always, is mixed news on that front - some good, some bad. On the bad news side of budget pressures - and you can imagine what they would be, at least on one of the fronts, and that's utility costs: These are no doubt going to create quite an overrun, which we are beginning to try to deal with now. Of course you all could be extremely helpful in that domain as well, by assuring that you are using as little electricity and gas as possible. You will see a lot more communication in the coming weeks about exactly that."

"On the other matter that concerns us with respect to the budget, we are looking at our financial aid situation. We have, as you know, financial aid funds that were raised in the campaign for scholarships a few years ago. Unfortunately, more of the gifts that we raised for financial aid, turned out to be deferred gifts than we had modeled. In addition, as you know, we had a reduction in endowment payout for a couple of years running and the result of those two things means that we will also probably have a shortfall, even a significant shortfall, on the financial aid side. Those are the two main cost pressures."

"On the other hand, the performance of the endowment was good and we expect a five percent increase in endowment payouts. Tuition will probably go up at about the rate it

did last year on the endowed side, but probably not quite the same rate on the contract side. We don't know yet. I'm just trying to give you some early indicators. In research funding we have done quite well this past year, somewhat better in indirect cost recovery than we expected. Overall we are healthy and anticipating a good year.

"We are, as you know, in the last year (we hope) of our faculty salary program, the one in which we committed to bringing faculty salaries up to the median of a group of peers that our Faculty Senate committee chose. We reached the goal for the contract side last year, but are continuing to try and push on faculty salaries and study more thoroughly discipline-based salary data. On the endowed side we didn't quite reach our goal. It seems clear that the endowed faculty salaries will have increased over the past year on average five percent for continuing faculty, which is quite good. We don't yet know what the point-in-time analysis that we have to use for the survey will show for all faculty. So I can't give you that number yet, and we won't know until April how we compared relative to our peers. I can't give you that information yet, either. But an overall increase, on average, on the endowed side of five percent for continuing faculty is quite good."

"I would be glad to take questions about any and every thing."

Professor Kathleen Rasmussen, Nutritional Sciences: "I'm interested in the discipline-based salary data and that is the major discrepancy that remains, particularly in senior faculty, in the endowed and statutory sides and wonder how the administration is planning to address that."

Provost Martin: "Did everybody hear Kathy's question? She wants to know about the discrepancy that remains between, especially for senior faculty, between contract and endowed, on the average salary. What does the administration expect, or intend, or want, to do about that discrepancy on the senior faculty side?"

"Well a number of things. First of all, as I have said in this forum before and I should say it again, and as you all have pointed out from your own point of view, the way that we actually compare contract and endowed faculty salaries doesn't make a lot of sense, and doesn't yield very useful data. When you take the simple averages of all contract-college faculty and all endowed faculty, what you do is obscure the enormous discrepancies between and among faculty on either side of that supposed divide. For example, on the endowed side if you were to look, excuse me for picking on particular areas, but if you were to look at the differences between Law School or Business School salaries and the salaries of humanists who are full professors, you would see that the discrepancy in percent is greater than the discrepancy between senior faculty on the whole of the endowed side and senior faculty on the contract side. This kind of presentation of data is extraordinarily misleading.

"What we are doing, now that we have gotten to the point we have achieved on the salary program, is looking at discipline. We are looking by discipline, across contract and endowed lines, to see whether there are discrepancies within groupings for specific disciplines. If we find discrepancies in like positions, we will see what we can do to address them. We'll work with the deans to try to address them. The data that we present for the purposes of the salary commitment Hunter Rawlings and I made some

five years ago are very misleading when it comes to questions such as this. I forewarn you."

Professor Rasmussen: "Can you provide any comparisons in the future that are stated the way you just did?"

Provost Martin: "We probably could, but the question is whether it would be a good thing to do or not. Could we, for example, display the average faculty salary in the Law School compared to say, the average faculty salary in German Studies? We could. Let's think about whether that would help us."

Professor Rasmussen: "I was thinking of sociologists, for example on both sides."

Provost Martin: "Yes."

Professor Rasmussen: "Sociologists, economists on both sides of the divide."

Provost Martin: "We could do that. Again, what we would then have to do is take into account the differences in the market and peer data in these different domains of economics for sociology and biology. But, yes, we could do that. Again, it's a matter of comparing like things and not throwing data together in a way that's misleading or simply unsound. I think what we should do is work with the Senate's Financial Policies Committee to decide what data make sense to display and what data don't make sense to display. Does that meet all of your approval? In other words, I don't want to just bring massive amounts of data that are misleading and are bound to create more confusion than clarity."

Professor Kim Weeden, Sociology: "Speaking of data, do you have a preliminary report on the Work-Life Survey? For example, response rates and what some of the early findings are showing?"

Provost Martin: "Thanks for that question. The response rate is about 65% to the Work-Life Survey, and thank you all very much. I was going to thank you again for filling out the survey, but I've brought it up so many times I thought I would wait until I had some preliminary data, which I don't have. I can tell you that the response rate on the Work-Life Survey was 65% and those of you who are not humanists know that is a very good response. We are very pleased. There are some findings that we could generate, but they would be so preliminary and unanalyzed that I really hesitate to do that. They are going to be interesting for all kinds of reasons, not only on the dimension of gender but just across the board. As soon as we have met and shared with one another an analysis of the data I'll bring it here right away. Thank you all for filling it out."

"I think maybe there might have been some questions in one part of the room about the salary data. No? Anybody want to ask more questions about that or make suggestions about how we should present it? Any other questions that I could answer?"

Speaker Knuth: "Thank you Provost. Our next item of business is to announce that our Secretary of the Faculty Senate informs me that we have a quorum so this is an official

session of the Faculty Senate. I would like to now call on Dean Charles Walcott for his remarks.”

2. REMARKS BY DEAN CHARLES WALCOTT

Dean Walcott: “I don’t have very much to report today except two matters. The UFC met with representatives of the leadership of the Board of Trustees, Chairman Meinig, Chairman of the Executive Committee Morgens, and Becky Morgan. We had a very interesting and helpful discussion, largely having to do with how to improve communication between the Trustees and the university faculty. In part, we decided that we would have a regular meeting on the order of once a year, with that group or some group like it. Secondly when the Trustees are in town, we would try to arrange and organize the opportunity for individual faculty members or small groups of faculty to take a Trustee to have cup of coffee or lunch or something, and have an informal conversation.”

“Secondly, I promised you last time that we would provide reports on the search committee and its progress. I have tried to get information from Diana Daniels, the Chair of the Search Committee, but she has been out of town almost continuously while I have been trying to reach her so we have not connected. Unfortunately, I do not have a report at the moment to share with you. That’s all I have to say.”

Speaker Knuth: “Thank you Dean Walcott. The next item of business is to approve the minutes from our last session, which was the October 12 meeting of the Faculty Senate. The minutes were available to the Senators in advance on the web site. I hope you all familiarized yourself with them. I would like to ask for approval by unanimous consent, but I will ask if there are any corrections to the minutes. Seeing none and seeing no objections to the minutes, I’ll declare that the minutes are approved. Thank you very much.”

“Now I would like to call on Cynthia Farina, the Associate Dean and Secretary of the Faculty, who also chairs the Nominations and Elections Committee, and she will present to us the slate of candidates for the Committee to Review Faculty Governance, as discussed at the last session.”

3. REPORT FROM NOMINATIONS AND ELECTIONS COMMITTEE, SLATE OF CANDIDATES FOR COMMITTEE TO REVIEW FACULTY GOVERNANCE

Cynthia Farina, Associate Dean and Secretary of the Faculty: “Good afternoon. The Committee is coming back to you in response to your charge at the last meeting to bring a slate of candidates for this special committee to review faculty governance. You have had my memo describing various aspects of the process that Nominations and Elections used. I would be happy to answer any questions but this is the slate that we bring you. All of these people are willing to serve.” (Appendix 1).

N'Dri Assie-Lumumba
 Ken Birman
 Barry Carpenter
 Eric Cheyfitz
 Cornelia Farnum
 David R. Lee
 Risa Lieberwitz

Africana Studies & Research Center
Computer Science, Engineering
Chemistry & Chemical Biology, Arts & Sciences
English, Arts & Sciences
Biomedical Science, Veterinary Medicine
Applied Economics & Management, Agriculture & Life Sciences
Collective Bargain, Law & History, Industrial & Labor Relations

Speaker Knuth: "You see before you the slate of candidates, and you also had this in advance. What I would like to do is ask if there are any questions for Professor Farina about the slate of candidates, or other comments you would like to make in regard to this."

Professor Martin Hatch, Music: "Can you tell us who is the chair of the committee and is there yet an agenda, not an agenda but a time of consideration and how often you will meet?"

Professor Farina: "There is yet no chair. It would have been premature for a chair to be selected until the Committee has actually been approved. The normal process would be, if you approve the Committee and actually appoint the Committee - because you appoint, we only nominate - then the Dean of Faculty will typically (in consultation with Nominations and Elections) ask someone to serve as chair. Normally it's the committee's job to figure out on what sort of a schedule they would meet - again, typically in consultation with the Dean of the Faculty. You have in your resolution charged the Committee to come back to you no later than May with a report. I assume that the Committee will understand the sense of urgency that the Senate has felt about this."

Professor Abby Cohn, Linguistics: "Just a question or what might be a friendly amendment. Since there is clearly some confusion about the terminology of 'committee' - normally we all think about that as standing committees - might we not call this, for example, a 'commission' to separate it from the ambiguity since it's not intended as an ongoing, long-term thing?"

Speaker Knuth: "I'll address that. The only issue that I could see with that is that, as I recall - and we could consult the minutes from last time - that the Faculty Senate actually acted to create a committee, not a commission. I would be unclear as to whether at this point we can just simply adopt that new language."

Professor Farina: "Actually, there are committees that are only ad hoc committees. If I remember correctly, and I think I do, the faculty procedures provide that there can be both standing committees and special committees. It wouldn't be inconsistent with what we have already."

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "First of all, I congratulate you for acquiring so many nominations. That is in itself unusual. But as I skimmed the list, and I must confess I'm not familiar with everyone, I didn't see someone whose scholarly focus is on the process of governance. I have a two-part

question. One, am I missing someone in there that has some special expertise? I looked to see if someone from the Government Department, as an example, was there. Two, could a consultant be made available to this group who has expertise in that area, since the structuring of the governance of the University is so unique and so multifaceted? We all understand what a difficult job that is."

Professor Farina: "To take your second question first. I'm sure that the committee could, if it wished, seek additional expertise. The Dean of Faculty is shaking his head yes. Our office can certainly make any requested assistance available. Do we have members of the N&E Committee here who would want to speak about how we went about selecting the nominees?"

Professor Tove Hammer, Industrial and Labor Relations: "I don't think that there is anything that I could add really. We have been through a very large number of possible candidates to cover the entire campus. We certainly looked for people who had experience either as researchers or as participants in high-level governance. There were a number of people who declined to serve. What you have in front of you is a subset of people who are willing to serve."

Professor Risa Lieberwitz, Industrial and Labor Relations: "Since Tove pointed it out, I'm on the list and I actually have expertise in faculty governance. At the risk of blowing one's own horn, I have done a good bit of publishing on questions of academic freedom and on issues having to do with changes in the University, particularly in terms of things like 'corporatization' of the University. I certainly think that Cynthia is correct in saying that it would make sense for the Committee to get further information and consultation. That would be a good thing. I just wanted to point out that I have expertise."

Professor Farina: "I apologize Risa. I should have done that. I can also point out that Prof. N'Dri Assie-Lumumba has some expertise in the area as well. I apologize if there is anyone else on the list that I am forgetting about. There were a number of reasons that each specific person on the list seemed like a good choice. As far as the difficulty, as you can imagine, in picking only seven people in a University that is so diverse intellectually, it's hard to represent all of the wonderful things that we could bring to bear on this question. One of the issues that we did struggle with mightily was whether it made sense to pick some of our faculty who had experience within the administration. There was a thought that this might be useful. I see many heads shaking no. That was ultimately the judgment of the committee as well. You can see that reasonable minds could take the opposite conclusion, thinking that this experience would actually be quite useful."

Speaker Knuth: "Other questions or comments? One last comment."

Professor Ronald Booker, Neurobiology and Behavior: "Could you give us a sense of why you find it a good idea not to include administrators? Or is the specific idea to review the process of governance?" (Other comments could not be heard clearly enough to transcribe.)

Professor Farina: "Actually I think there is a reasonable view that it would have been a very good idea to do include former administrators. I think there is also a reasonable view that such people might not have a sufficiently critical and distanced perspective on the administration. I think all the heads in the room that shook when I said including people with administrative experience are taking the latter view."

Professor Booker: "The idea is to provide faculty with an overview of the process that is currently in place, with some ideas about what might be used or not be used in the future. I think we can assume in a University that friction between faculty and the administration is a normal part of the process. I would be concerned about the absence of faculty with prior experience as administrators on the committee. Their membership on this committee is critical if we are to have a fair appraisal of the process we are currently using and any changes we might want to adopt."

Professor Farina: "I think you speak the reasonable view of people who would have included them, very eloquently. I could suggest that the committee might usefully take advantage of meeting with a group of faculty who have that experience as a way of collecting some of that information. We are in a position to be able to provide those names."

Speaker Knuth: "Seeing no further hands raised, I'm going to call for a vote on this slate of candidates for the Committee to Review Faculty Governance that you see before you. All those in favor of accepting this slate, please indicate by saying aye. All those opposed, say nay."

Motion carries. The committee will be appointed as listed. Thank you Professor Farina."

I would like to ask Dean Walcott to leave the room for this next agenda item."

4. RESOLUTION EXTENDING THE TERM OF THE DEAN OF THE UNIVERSITY FACULTY

Speaker Knuth: "I will ask Professor Farina to introduce for discussion a resolution on extending the term of the Dean of the University Faculty. Professor Walcott has left the room and will be absent for this discussion. A reminder: As you saw in the direction for this item, there will not be a vote taken at the end of our discussion but rather, as I understand it, a ballot will be sent. Is that correct? "

Professor Farina: "Yes, that is correct."

(Note: Discussion during this part of the meeting was not public and was not taped.)

Speaker Knuth: "The next item on our agenda is to discuss and vote on a resolution regarding the Faculty Statement of Principles and Best Practices Concerning Strategic Corporate Alliances. This resolution is coming from the University Faculty Committee,



sense to use an RFP process for these SCAs. Finally, it also says there's going to be some of these sponsored projects that really are not within the definition of SCAs but have some of the characteristics of them. Those are not going to fall within the guidelines, but because they have some of the characteristics of SCAs, it would not be a bad idea to think about them within the larger framework that this statement sets up and to use some of these ideas and principles by analogy.

"So in this respect, there's actually more flexibility that comes from thinking about the SCA process within this Statement than we might otherwise have because there's a finer gradation."

"Second: The concern about the definition of SCA, and how many of the words, the concepts, are indefinite - and similarly for 'narrow SCAs' and 'broad SCAs.' I think there's no question that that's so. Let me just remind you of the role of LAC in this. A lot can be fleshed out as we go along. We have an extremely experienced committee there. A committee that's been working very well. I know that Bob Richardson is concerned, and the Statement itself expresses a concern, that we have to be careful not to overburden that particular goose laying the golden eggs. It may be that if indeed the University does enter into these strategic alliances, any number of them, it will be necessary to create a different committee, or do something else to make sure that LAC is not overburdened. Still, part of what we are going to get is experience with these things, that can feed back into the process and help to make more concrete some of these fairly indefinite terms."

"Finally, the only other thing I wanted to mention was we have had people raising concerns about things like first-look rights (the ninety day period, is it too long? is it too short?) licensing provisions (are we being too generous? are we not generous enough?) There is a real point that I think perhaps is hard to appreciate, but I guess the committee would hope you remember: This is not necessarily the context in which to address all of the possible issues of importance that SCAs will raise, but which actually come up in a variety of other contexts as well. These are issues on which the faculty tends to have strongly held, and oftentimes diametrically opposed, positions. So what the committee felt was the sensible thing to do was simply to incorporate, into this document, the existing Cornell policy on these areas. And to say that if the Senate thinks it's time to take up question like 'Is 90 days for the first look rights too long? Or on the other hand too short?' that's probably a very good thing, but it should be done as separate matter. It was just too much to try to do in the context of this particular thing, when that question does affect sponsored research in a variety of contexts. There are a number of issues like that in this Statement where we just simply picked up existing policy and incorporated it by reference. With that I am going to stop."

Speaker Knuth: "Thank you Professor Farina. Might I just ask that you put the resolution back up? What I would like to do now is to begin with any clarifying questions that you might have with Professor Farina before we open this up for general debate."

Professor Dick Miller, Philosophy: "In the text that you shared with us there's a passage blanked out that no more than 13 members of the Joint Steering Committee

should be corporate representatives. That struck me as a good rule to have, but it's been crossed out. Could you explain why?"

Professor Farina: "Why it's been crossed out? That amendment was one of two that were offered last April, and while there are many members of the Committee who I think continue to believe that there's a very good reason for that rule, there was concern that this was micromanaging the process and that there was a fair amount of sensitivity to that approach, expressed in the Senate, and that it would be better to try avoid that. For that reason it came out."

Professor David Pelletier: "Just a point of correction, it's not 13 corporate members, it's 1/3 members of the JSC."

Speaker Knuth: "Any other clarifying questions? Seeing none, I would like to open the floor to debate this resolution."

Professor David Delchamps, Electrical and Computer Engineering. "I'm one of the ones who falls on the sort of hesitant side with regard to Strategic Corporate Alliances. I'm one of the ones who worry about this, who worries about culture clashes between the corporate and university culture particularly with regards to time horizons when things have to be done, by and how hard it would be to get that sort of thing. I read this whole thing last spring and worried as I read it, but being fairly confident that we would get something good put together. However, I'm just wondering whether the train isn't safely out of the station. At last April's meeting, at the end of the meeting, Vice Provost Richardson stood up and said thank you very much, that was very nice and I thought that was great but I'm just not sure exactly what likelihood there is that any of this will become binding in a sense. Does anybody have a feeling for how the powers that be will do this and how much variance it is with the kinds of things that they see coming down the pike and whether it's a good use of our time?"

Speaker Knuth: "Professor Richardson, would you like to address that?"

Professor Richardson: "Yes I would love to address it. I would first like to say that it's a great use of your time. I have to honestly say it will not be treated as strictly binding legislation, but it would certainly be treated as the moral guidelines. I want to tell you one other thing. Despite a lot of work and a lot of talk, it has been three years since Inge brought it up that we have been talking about this. You haven't seen any have you? That's because this grand thing that developed for the broad SCA, where we could go to some very generous corporation and say 'hey IBM why don't you work out a deal for Cornell because they are really good guys and lay on 15 million dollars a year and we'll have a grants program and you can pay for part of a building. You owe it to us.' No. It didn't work."

"In fact, even the narrow SCA hasn't worked, as people found out. So there have been some thoughtful faculty groups who would to see something like a SCA develop and there's even an alumni group that is working with the development office of the Life Sciences Advisory Board that has been talking actively about how can they get off dead center on the Strategic Corporate Alliances. They said, it makes a heck of a lot more sense to start small, really small. Pick two people who are doing something that the



If this would be considered substantive, which I think it would be if the deleted wording is to be reinserted, I don't believe we could do that at this time, but I appreciate you expressing your concerns."

"Other debate on this?"

Professor Talman, Physics: "Could you explain that a little more? I didn't follow."

Speaker Knuth: "Yes. I could ask Professor Farina to elaborate or Dean Walcott but the procedural rules of the Faculty Senate are such that substantive amendments must be submitted, I believe, to Dean Walcott at least 24 hours in advance of the meeting. Amendments that are simply to clean up wording can be offered on the floor, or amendments to clarify language. This does not seem to be of that type. Does that answer your question?"

Professor Martin Hatch: "Dean Farina said that this was deleted by the committee from the document, so my question is what process does that involve? Why can the committee delete things and we don't have any right to put it back in."

Professor Farina: "I think perhaps there is a misunderstanding about this. The committee that authored this document, that brings it to you, worked with the person who authored the amendments at the Senate meeting last spring. Those amendments along with the original resolution under Roberts Rules died because there was no continuation. None of that was brought before the Senate, so the committee who authored the document, the Senate Committee - it was actually a special committee, like the one we just created - worked with the author of the amendments and took one and incorporated it, and didn't take the other one. The material that you got in preparation for this meeting alerted you that this was happening. If someone wanted to re-offer the amendment, that was a possibility. What can't happen, because it's a part of our rules, is that a substantive amendment can't be introduced from the floor during the meeting."

Speaker Knuth: "Other debate?"

Professor Talman: "Is it therefore substantive to move that it be sent to the next meeting? It seems as though there's a devious process at work. It seems as though it should be therefore in order that the motion be sent back to the committee."

Professor Farina: "That can be moved. It's always in order to do that. I don't know how devious it is for the committee who brought you this to change what it's bringing you in order to try to reach more of a consensus resolution, and then to tell you that's what we have done."

Professor Lisa Earle, Plant Breeding and Genetics: "I am a member of the committee that helped draft this document. If I remember correctly, at the Faculty Senate meeting last spring when the earlier draft was discussed and at which the amendment to delete the one third value was presented, there appeared to be sentiment in the Senate in favor of eliminating the one third provision. That was part of the motivation of the committee in modifying the document that is before you now. It would be interesting

to know, possibly by a straw vote or something, whether the current Senate body is seriously interested in restoring that clause, or whether we'll just be going back and forth and making no progress on a document that has been worked on for a long time."

Professor Farina: "To put it mildly, the committee is deeply, deeply desirous of getting this completed."

Professor Martin Hatch: "I would like to advance Professor Earle's suggestion that we take we take a straw vote."

Speaker Knuth: "Okay. There was a comment here and then I'll take your point."

Professor Sherene Baugher: "I thought that when we took that vote it was a very close vote and then we had to do a count and then we realized we lost one or two people to make a quorum, so nothing got passed."

Professor Farina: "That is right. That's why we are back here. However, it was not close. There was no quorum but the amendment definitely would have passed."

Speaker Knuth: "What I would like to do at this point, since this is not a vote for the record, but I believe what the question is, is regard to this wording. Is that right Professor Earle that you would like to have a straw vote? If I might have people raise your hand if you are in favor of reinserting the deleted language here, which says corporate representation should not exceed one third of the membership of any selection committee."

"Let me, at this point, if I could have a show of hands to give a sense to the committee of the degree of support in the current Faculty Senate to reinsert the language. If that were to be done, what would then need to happen is that this resolution would need to be directed to be carried over to the next session of the Faculty Senate for discussion, which would be our December meeting. In the meantime the committee would revise the language as directed by the straw vote."

"Those of you who are in favor of reinserting the one-third membership language, please indicate by raising your hand. Those of you who would be opposed to reinserting the one-third membership language, please raise your hand."

"My perception is that the straw vote indicates that the sense of this body is to leave the deletion there and not reinsert this language. Are there any other items for debate, or comments?"

Professor Risa Lieberwitz: "I was also on the committee that drafted the report. I am in favor of a cap that would probably be more stringent than one third. The reason why I think is that it is acceptable in the context of the entire report to take out the one-third is because the wording of it now reads in terms of the corporation having a 'voice.' The report reads, and it is quite clearly stated, that Cornell faculty are to 'lead' the committee that judges whether to provide funding to whoever puts in the proposal. I am sorry but I don't have the language in front of me. I would hope that the entire spirit of the report - which is to protect academic freedom, to protect the independence

of the university from corporations, to protect the public interest, and as Dick Miller was referring to the language the University should serve the public interest - would hope that the interpretation of the spirit of the entire report in light of 'a voice' and 'being led by faculty,' not by a corporation, would then be implemented in that way. I would also point that the report also states that there are to be reviews at different times on how the process is working. It seems to me that if in reviewing the process we see that either there's too much corporate dominance in decision-making, or if we see that actually this report is not addressing sufficiently smaller strategic corporate alliances that need to be addressed, that we can then amend it. I think that the review will be really important in that way."

Speaker Knuth: "Other comments, either pro or con for the resolution? Seeing no hands I'm going to call for a vote on this resolution. Again, you have the wording before you. All those in favor, please indicate by saying aye. All those opposed, please say nay. The ayes have it. The resolution passes. I thank Professor Farina and the committee for their good work."

"I believe that was our last agenda item so we stand adjourned (5:39 p.m.)."

Respectfully submitted,

Cynthia R. Farina
Associate Dean and Secretary of the University Faculty

Appendix 1

November 2, 2005

To: University Faculty Senators

From: Cynthia R. Farina, Associate Dean of the University Faculty
Chair, Nominations & Elections Committee

Re: Slate of Candidates for Committee to Review Faculty Governance

As directed by resolution of the Senate adopted at its October 4, 2005 meeting, the Nominations & Elections Committee hereby proposes a slate of members for the Committee to Review Faculty Governance.

BACKGROUND

As a result of two email solicitations sent to the entire university faculty, N&E received 146 tenured/tenure-track faculty (TTF)(active or emeritus) nominations and 6 non-TTF nominations. Because of duplicate nominations, these represented 121 TTF and 4 non-TTF nominees. Some submitters nominated multiple people; some of the nominees were self-nominations. Every school or college (and some programs) had at least one nominee, although the proportion of nominees varied widely by unit.

NON-TENURED/TENURE-TRACK FACULTY

On my recommendation and after discussion, N&E concluded that the Resolution – and particularly Paragraph 3 charging the Committee with ultimately “[m]ak[ing] recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the *university faculty* on administrative decision-making at Cornell”– implied an intent that the Committee be composed of members of the university faculty. Therefore, N&E did not consider including any non-tenured/tenure track faculty in the slate of seven.

N&E is prepared promptly to suggest one or more NTT nominees if the Senate wishes to expand the size of the committee.

THE SLATE

During its deliberations, N&E learned of several possible committee members who were unwilling to serve because of leaves, academic or personal commitments, or other reasons; these people were not considered further. Several others were initially selected to be on the slate and declined when asked. Still, N&E believes that the following slate of faculty is very well suited to accomplish the objectives of the Resolution to Review Faculty Governance, while simultaneously reflecting various dimensions of the diversity of the university faculty as well as possible given the committee’s small size.

Therefore, it respectfully recommends appointment of the following seven faculty to the Committee to Review Faculty Governance:

<i>N'Dri Assie-Lumumba¹</i>	<i>Education, Africana Studies & Research Ctr.</i>
<i>Barry Carpenter</i>	<i>Chemistry & Chem. Bio., Arts & Sciences</i>
<i>Eric Cheyfitz</i>	<i>English, Arts & Sciences</i>
<i>Cornelia Farnum</i>	<i>Biomedical Science, Veterinary Medicine</i>
<i>Ken Birman</i>	<i>Computer Science, Engineering</i>
<i>David R. Lee²</i>	<i>Applied Econ. & Mgmt., Agriculture & Life Sciences</i>
<i>Risa Lieberwitz</i>	<i>Coll. Barg., Law & Hist., Industrial & Labor Relations</i>

¹ Prof. Assie Lumumba will resign from the Nominations & Elections Committee, to which she was just appointed at the October Senate meeting, if she is appointed to this committee.

² N&E received a request from the CALS Faculty Senate Executive Committee to consider selecting a member of the CALS Faculty Senate, who could then connect the work of the University Senate Committee with a currently ongoing study of faculty governance by the CALS Senate. Prof. Lee is a CALS Faculty Senator.

Appendix 2

RESOLUTION REGARDING FACULTY STATEMENT OF
PRINCIPLES AND BEST PRACTICES CONCERNING
STRATEGIC CORPORATE ALLIANCES

WHEREAS the Board of Trustees and the Administration, after studying the issues raised by Strategic Corporate Alliances, have formulated the following statements specifically governing these funding arrangements:

- Considerations & Principles Regarding Strategic Corporate Alliances (May 22, 2003), issued by the Research Subcommittee of the Board of Trustees
- Current Cornell Principles to Guide Development of Strategic Corporate Alliances (undated)
- Cornell University Strategic Corporate Alliance Plan (July 30, 2003); and

WHEREAS the Trustees have appropriately recognized that the Faculty should be deeply involved in the planning, execution and monitoring of any Strategic Corporate Alliances entered into by Cornell; and

WHEREAS a lengthy process of study, consultation and comment among the Faculty has produced the attached Faculty Statement of Principles and Best Practices Concerning Strategic Corporate Alliances,

THEREFORE BE IT RESOLVED that the Faculty Senate calls upon the Trustees and the Administration to implement the recommendations made in this Statement to govern the negotiation, formation, management, monitoring and evaluation of Strategic Corporate Alliances.

University Faculty Committee
April 5, 2005

**FACULTY STATEMENT
OF
PRINCIPLES & BEST PRACTICES
CONCERNING
STRATEGIC CORPORATE ALLIANCES
Fall 2005**

This document has four parts:

HISTORY, SCOPE & APPLICATION – describes the process by which the Statement was created and adopted, its relationship to relevant Administration and Trustee documents, and its intended scope and function. The definition of “strategic corporate alliance” – which is a University definition – appears here.

GENERAL OBSERVATIONS – compares and contrasts the typical mission of the for-profit corporation and the research university, notes Cornell’s distinctive history of commitment to *both* academic independence and openness *and* practical collaboration, and describes faculty ambivalence about the possible benefits and risks of SCAs. The importance of ongoing monitoring and rigorous subsequent evaluation is emphasized here.

STATEMENT OF PRINCIPLES AND BEST PRACTICES – provides a set of overarching normative propositions, particularized by more specific directives and explanatory text, to be applied during the targeting, negotiation, approval, implementation, and oversight of strategic corporate alliances.

APPENDICES A-D – contain relevant Administration and Trustee documents and a bibliography.

The **TABLE OF CONTENTS** serves as a substantive outline of the Statement, as well as a locator. The **INDEX** not only helps find specific issues and terms but also provides a summary of some important concepts.

Respectfully submitted,

Elizabeth D. Earle, Plant Breeding & Genetics

John M. Guckenheimer, Mathematics (joining in this Statement except for Section D)

Anthony R. Ingraffea, Civil & Environmental Engineering

David A. Levitsky, Nutritional Science

Risa L. Lieberwitz, Industrial and Labor Relations

David L. Pelletier, Nutritional Science

Peter C. Stein, Physics

Steven A. Wolf, Natural Resources

Elaine Wethington, Human Development

Cynthia R. Farina, Associate Dean of the Faculty, Chair (non voting)

Charles Walcott, Dean of the Faculty, ex officio

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HISTORY, SCOPE AND APPLICATION

What Are Strategic Corporate Alliances, and What Is Their Origin at Cornell?

On July 30, 2003, the Administration completed the Cornell University Strategic Corporate Alliance Plan (“the Plan”), the objective of which is “[t]o leverage access to Cornell University intellectual capital, including faculty research, into major corporate alliances leading to competitive opportunities for select companies and financial support for faculty research and related infrastructure.”¹

The Plan defines a Strategic Corporate Alliance (“SCA”) as

a comprehensive, formally managed company-university agreement centered around a major, multi-year financial commitment involving research, programmatic interactions, intellectual property licensing, and other services.²

The initial target industries are affiliated with the New Life Sciences Initiative, but the Plan contemplates “expand[ing] the alliance concept to other industries beyond the scope of the New Life Sciences.”³

At a University Faculty Forum held on October 22, 2003, Vice President Inge Reichenbach explained the process that led to the Plan⁴: The Plan was the project of the Division of Alumni Affairs & Development, the Vice Provost for Research, and the Vice Provost for the New Life Sciences, in consultation with the Research Subcommittee of the Board of Trustees. That subcommittee spent six meetings discussing the SCA initiative. Also involved were the Office of Sponsored Programs and an informal New Life Sciences advisory council group. Special meetings were held with the Life Sciences and Food Sciences faculty, as well as two general meetings open to all faculty. Additionally, Vice President Reichenbach explained, the Trustees visited two institutions with SCA experience: MIT, which has been doing SCAs since the 1950s and which currently gets 45% of its corporate research sponsorship in this form; and Partners Health Care System, the teaching hospital related to Brigham and Women’s and Massachusetts General Hospital, whose faculty is affiliated with Harvard Medical School. The earlier draft of the Plan was discussed with the University Faculty Committee (“UFC”)⁵ and reviewed by the Local Advisory Council (“LAC”).⁶

¹ Cornell Strategic Alliance Plan (7/30 version) at 1 [Appendix A]. This version of the Plan superseded an earlier draft.

² Id.

³ Id. at 1,4.

⁴ Vice President Reichenbach’s remarks, and the transcript of the rest of the Faculty Forum, can be found at <http://web.cornell.edu/UniversityFaculty/>.

⁵ The UFC advises the Dean of the Faculty and serves some of the functions of an executive committee of the Faculty Senate.

What Other Administration and Trustee Documents Directly Address SCAs?

In addition to the Strategic Corporate Alliance Plan (7/30/03), which is attached as Appendix A, the process described above produced two other documents intended to govern SCAs:

- Trustee Document: Considerations & Principles Regarding Strategic Corporate Alliances (May 22, 2003), issued by the Research Subcommittee of the Board of Trustees, attached as Appendix B
- Cornell Document: Current Cornell Principles to Guide Development of Strategic Corporate Alliances (undated), attached as Appendix C

These three documents are essential background for this Statement. Faculty unfamiliar with them may wish to review them before reading the Statement.

What Process Produced The Faculty Statement of Principles and Best Practices?

As a result of the October 2003 University Faculty Forum, the Dean of Faculty and the UFC determined it would be appropriate for the Faculty to do as the Administration and the Trustees have already done:

- thoughtfully consider the implications of a commitment by Cornell to pursue corporate research support in the particular form of strategic corporate alliances (as that concept is defined in the Plan); and
- attempt to formulate a set of principles and practices that should govern Cornell's actions in such alliances.

As paragraph V of the Trustee Document appropriately recognizes:

Faculty should be deeply involved in the planning, execution, and monitoring of any plan for a specific strategic alliance, as well as being involved in and committed to the creation of the plan.

A committee prepared a draft statement that was presented to the Faculty Senate in April 2004. Revisions were made in light of comments received at that meeting. The revised draft statement (dated 6/15/04) was then circulated for comment to the entire faculty, the deans and Administration, the department chairs, and the program directors. The comment period lasted 6 months, during the last half of which the Dean of Faculty's office sent three separate e-mails urging Senators, deans, department chairs and program directors to discuss the draft with their faculties. In addition, at two Senate meetings in Fall 2004, Senators were reminded of the

⁶ The functions of LAC are described in footnote 39 infra.

pendency of the comment period. The original closing date for comments (mid-October 2004) was extended to mid-November. The committee received several comments from departments and individual faculty, and reviewed and considered all comments received.⁷ The committee also met with Vice–Provost Robert Richardson to get updated information on how the University is treating corporate sponsorship arrangements that have certain characteristics of SCAs but do not involve large dollar amounts or multiple departments/units. Based on all this information, the committee revised the 6/15 draft to produce this Statement, which was presented to the Faculty Senate at its April 2005 meeting. Discussion not being concluded at that meeting, the Senate resumed consideration in November 2005; in the interim, the committee had accepted a proposed amendment to Section C (which deleted a specific numerical cap on corporate representation in any management group), and the Senate acted on the Statement as so modified.

How Does This Statement Align with the Relevant Administration and Trustee Documents?

On many important issues, the Faculty, the Trustees and the Administration have arrived at similar conclusions, and such consensus is encouraging. This Statement, however, addresses several points not covered in any of the current Administration or Trustee documents. Moreover, in a small but significant number of instances, this Statement takes a position that is, or may be,⁸ at variance with the position taken in the Plan. Such instances are flagged in the text below.

It is hoped that this Statement will form the basis for even broader consensus about applicable principles and practices among those responsible for targeting potential corporate partners, negotiating the terms of SCAs, giving final approval to the agreements, and overseeing their implementation.

What is the Function of This Statement?

This Statement has three principal functions:

- To provide recommendations that ought to be incorporated, in mandatory form, into the final version of the general University policies and procedures to govern SCAs, as well as into individual SCA agreements
- To govern faculty review of proposed SCA agreements and ongoing SCA oversight, as undertaken by LAC or whatever other faculty committee may be charged with these functions
- To assist individual faculty involved in SCAs in thinking about the academic freedom, integrity, and openness implications of these arrangements for themselves, their colleagues, their students, and the university community as a whole

⁷ These comments can be found at <http://web.cornell.edu/UniversityFaculty/>. Identifying information about individual authors has been deleted.

⁸ Sometimes, the text of the Plan is *capable* of being interpreted in a way consistent with this Statement, but inconsistent interpretations are also possible.

What Is the Intended Relationship Between the General Principles and the Accompanying Text?

The lettered statements are overarching principles – usually rooted in concerns about academic freedom and integrity – that form the main normative framework. The numbered statements are more specific expressions of these principles that give particular guidance in the SCA context. The accompanying text provides both discussion of the substantive values and concerns involved, and more detailed examples. This text should be used along with the lettered and numbered statements as an integral part of their meaning and application.

To What Sort of Sponsorship Arrangements Does This Statement Apply?

As previously noted, the University Plan defines an SCA as “a comprehensive, formally managed company-university agreement centered around a major, multi-year, financial commitment involving research, programmatic interactions, intellectual property licensing, and other services.”

Obviously, some of these terms are indefinite – if not vague – and the provisions of this Statement are intended to apply to sponsorship arrangements involving a private, for-profit partner that fall within the intent of this definition, whether or not they are formally labeled an SCA. Moreover, developments since the Plan was written suggest the possibility that smaller-scale arrangements involving sponsorship by for-profit corporations may have characteristics of SCAs (e.g., negotiation by central Development); these arrangements may even be described as “small” SCAs, or as being “like SCAs.” In such cases, this Statement can provide useful guidance for structuring and managing such arrangements, even though they are not formally within its scope.

This Statement recognizes the possibility of two types of SCA, the different dimensions of which call for somewhat varied procedural protections. The term “**Broad SCA**” refers to those agreements that involve research questions relevant to a potentially large group of faculty whose precise membership can not be easily specified in advance. All of the provisions of this Statement apply to Broad SCAs. The term “**Narrow SCA**” refers to those agreements in which a small number of specific faculty have been identified in advance as the relevant researchers. Because it is clear from the outset whose research will be funded under such agreements, Section D (protecting academic integrity and enhancing fairness in the funding process) does not apply to Narrow SCAs.

What Sort of Sponsorship Arrangements Are NOT Intended to Be Governed By This Statement?

This Statement is consistent with a larger framework of policies and practices established by (among other sources) the Faculty Handbook, the University Conflicts Policy, and the various regulations administered by the Office of Sponsored Programs. Therefore, many of the principles stated here will apply **because of these other sources** to all sponsored research – and, indeed, sometimes to all research. However, this Statement does not **itself** govern research arrangements that do not meet the Plan definition of an SCA.

Specifically, this Statement does not apply to:

- research sponsored by a government agency; or

- research sponsored by not-for-profit entities; or
- for-profit-corporate research sponsorship that is episodic, negotiated individually by specific faculty, or otherwise not reasonably within the Plan definition of an SCA.

Obviously, line-drawing may be difficult in some cases but, as with the Plan itself, the intent of this Statement is not to alter the operation of the vast majority of existing sponsorship arrangements.

Why Distinguish Between SCAs and Other Forms of Sponsored Research?

As just noted, many of these principles and practices discussed in this Statement are germane to all sponsored research – and, in some instances, to all research. What this Statement provides for SCAs is: (1) a more contextualized consideration of how academic freedom and integrity concerns may be implicated; and (2) a more elaborate set of procedural devices to ensure and monitor compliance. (Note that some of these procedural devices – e.g., the Joint Steering Committee and the RFP process – are originally conceived by the Plan, not by this Statement). This additional attention and layer of regulation is justified, quite simply, by the additional pressures and temptations created by SCAs.

Consider two situations. In the first, a member of the Engineering faculty is receiving \$250,000 from an automobile manufacturer to research more efficient fuel cells. In the second, a department is receiving \$2 million a year for 5 years from a pharmaceutical company to identify the potential for a naturally occurring bioactive molecule to demonstrate anti-carcinogenic activity. The latter situation may result in a re-focusing of laboratory space, faculty effort and graduate student research within the department, as well as the need to limit communications between participating and non-participating faculty and graduate students to protect proprietary knowledge, and a stronger-than-usual preference for obtaining positive results in order to secure future funding (as compared, for example, with NIH funding). It is not that the principles of academic freedom and responsibility, or the obligations to avoid conflicts of interest, are different in these two cases. Rather, the concern is that in the latter case the essential quality of academic independence from the sponsor is more difficult to maintain at an *institutional*, as well as individual, level, and the source of funding may create undesirable effects on intellectual exchange within the department. Therefore, more formal decisional processes and oversight mechanisms are appropriate as continual self-checking and self-correcting mechanisms.

Some may argue that all forms of sponsored research should be identically regulated. The fact remains, however, that Cornell has a history of successfully supporting certain forms of governmentally and privately sponsored research without undue sacrifice of academic freedom and integrity. SCAs, on the other hand, are new for us. A range of respected academic voices agrees that large-scale research partnerships between universities and for-profit corporations should be approached with care.⁹ In the circumstances, giving special consideration to the principles and practices that should attend these alliances seems appropriate.

⁹ For some sources, see Appendix D.

GENERAL OBSERVATIONS

Historically, research universities and for-profit corporations have had very different goals, and very different ways of organizing to achieve those goals. The goals of the research university have characteristically included the creation of new knowledge and its broad dissemination. The university typically pursues these goals by affording faculty the freedom to define their own research agendas, and by protecting unrestricted access to the results of scholarship and research. The primary goal of the for-profit corporation has characteristically been to generate a return on investment for its shareholders. The corporation typically pursues this goal by channeling the efforts of its employees towards the objectives defined by corporate leadership, and by utilizing the intellectual property its employees produce for commercial purposes.

Despite these distinctive characteristics, Cornell has long appreciated the possible benefits of collaboration between the university and the corporate sector. Whether expressed in Andrew Dickson White's revolutionary commitment to pairing technological with classical education, or in the land grant mission to couple research with the practical education of society, Cornell has a distinguished history of working with both private and public research sponsors. At the same time, however, it is equally part of Cornell's history to guard academic values jealously. For example, it has refused to sacrifice public access to new knowledge by permitting classified research on campus.¹⁰ It has been a strong proponent of peer review in allocation of research funds, declining offers of earmarked funding from Congress that lacked this hallmark of academic integrity. In each instance, Cornell has refused to compromise the values of open access and research autonomy in exchange for financial support.

Both strands of Cornell's history – an established, richly varied practice of corporate sponsorship of research *and* a distinctively rigorous commitment to academic integrity and openness – are relevant in thinking about SCAs. In one sense, SCAs are “merely” an extension of what we are already doing. In a very important sense, however, the commitment to pursue SCAs is a significant new step for Cornell. Indeed, were this not so, it is hard to understand why the Administration and the Trustees expended so much time and effort in researching the idea, discussing it among themselves and with various constituent groups, and developing the Plan and the other documents specific to SCAs .

The Faculty both appreciates the need to find new sources of support for the research mission of Cornell and applauds the creativity and initiative the Administration has shown in

¹⁰ See Cornell University Guidelines on Sensitive and Proprietary Research, adopted by the Cornell Research Council on May 20, 1985, reproduced in Faculty Handbook at 91 (“Given the open nature of Cornell University, research projects which do not permit the free and open publication, presentation, or discussion of results are not acceptable. ... In particular, research which is confidential to the sponsor or which is classified for security purposes is not permitted at Cornell University.”)

pursuing the SCA idea. At the same time, Faculty opinion is divided about whether, in the end, SCAs will benefit the university. Some fear that the corporate and university cultures are too incommensurate for true partnership. Others are more optimistic and believe that mutually beneficial collaborations are possible without compromising Cornell's academic values and mission. Not surprisingly, this division mirrors the larger debate within the academy about the impact of various sorts of sponsorship on academic freedom and the breadth and integrity of research. (Those wishing to explore this debate will find a sampling of the literature in a bibliography attached as Appendix D.)

In any event, there is broad Faculty agreement that SCAs must be carefully managed at all stages: negotiation, initial implementation, ongoing oversight, post-hoc assessment and, if warranted, policy and practice modification. Attention to the principles and practices of this Statement will help ensure that Cornell retains its academic integrity as it enters into these new collaborations. Particularly important are the recommendations concerning monitoring and evaluation of the SCA experience. Some academic institutions have apparently done SCAs well; others have had well-publicized problems.¹¹ But there are extraordinarily few reliable data and rigorous assessments of the actual impact of SCAs on research quality and academic culture. Ensuring that such data are being collected and such assessments are occurring here will go a long way towards alleviating Faculty concerns.

PRINCIPLES & BEST PRACTICES TO BE APPLIED DURING THE TARGETING, NEGOTIATION, APPROVAL, IMPLEMENTATION, AND OVERSIGHT OF STRATEGIC CORPORATE ALLIANCES

A. THE POWER TO CHOOSE RESEARCH TOPICS FREELY AND THE ABILITY TO PUBLISH RESULTS PROMPTLY, WITHOUT REGARD TO OUTCOME, ARE BASIC ELEMENTS OF ACADEMIC FREEDOM.

1. Research Autonomy Should Be Safeguarded.¹²

¹¹ MIT is a principal example of the former; Berkeley and the Novartis arrangement, the classic case of the latter. (Articles on Novartis, including a citation to the recently released external study, can be found in Appendix D). The difficulty is that neither of these is a sensible model for imagining how SCAs would look at Cornell.

As noted above, MIT has cultivated SCAs for over half a century and now gets almost half of its corporate sponsorship in this form. It is difficult to imagine Cornell, with its many colleges' far more diverse scholarly agendas, ever developing such extensive research integration with private industry.

The Novartis arrangement was only a single venture, but of such massive scale that the corporate sponsor effectively bought almost all the research output of an entire department for 5 years. This level of sponsorship is, perhaps, just within the limits of the imaginable here – but, at the same time, the Berkeley/Novartis partnership has become the textbook example of how NOT to do an SCA. Only unimaginable ineptitude could lead a university now to agree to the sort of terms Berkeley accepted then.

¹² Compare Trustee Doc: Considerations & Principles ¶ II.1 (“The academic independence of the University and the integrity of the Cornell name will be paramount.”)

Autonomy in selecting the topics and direction of research is a defining distinction between holding a faculty appointment, and working as a non-academic employee or as a consultant for hire. Obviously, no faculty member or graduate student should be coerced into participating in any project funded by an SCA.¹³ But research autonomy will not be preserved merely by prohibiting direct coercion. Rather, the entire circumstances of the department/program need to be evaluated to ensure that there remain sufficient institutional resources and support to allow the flourishing of research not allied with the SCA.

To be sure, constriction of research freedom by the pressure of donor preferences is not unique to SCAs. Unless a gift is unrestricted, sponsored research (public and private) always forces the researcher to choose a project of interest to the sponsor. However, the potential magnitude and comprehensiveness of SCAs substantially enhances the threat. Therefore, the key question is whether the SCA occupies so much of the department's/program's potential research capacity that it crowds out non-conforming research agendas.

An SCA should be approved only if faculty within the department/program will, as a practical as well as theoretical matter, retain a sphere of freedom to pursue research topics of their own choosing – either within the SCA or by seeking alternative support for such projects. Factors relevant to this assessment include:

- (a) the proportion of department/program faculty expected to receive all or most of their funding through the SCA;
- (b) the magnitude of any unrestricted funds available within and outside the SCA;
- (c) the proportion of department/program physical, administrative, support, and other resources devoted to SCA projects;
- (d) the narrowness or breadth of the type of projects fundable through the SCA;
- (e) departmental/ program commitments to funding diversity of research beyond the SCA;
- (f) whether the success of the SCA has been identified as one of the strategic goals of the department, thereby putting undue pressure on faculty to take part in it;
- (g) likely effect of the SCA on projects/programs traditionally conducted in the public interest.

Particularly in light of these concerns, the faculty commends the administration's commitment to obtaining, in the SCA agreement, both full recovery of overhead costs and a philanthropic portion

¹³ Compare Trustee Doc: Considerations & Principles ¶ II.4 (“Faculty participation in any alliance, as outlined, will be voluntary.”). See also *id.* ¶ VIII.1.

of funding.¹⁴ The former is essential to ensure that other Cornell resources are not covertly underwriting the SCA and so exacerbating the problem of crowding out. The latter can affirmatively expand the sphere of research freedom if it is channeled to support meritorious projects that do not readily attract sponsors.

The faculty expresses concern over the degree to which the corporate partner's power to terminate the agreement prior to the expected term, or to lower the originally-committed funding level, provides opportunities for covert pressure on faculty research agendas. University negotiators should be extremely careful to protect faculty from such pressure. One possibility is a provision that the partner will pay the salaries of project personnel for a stated period of time in the event that the partner decides to terminate the agreement before the agreed-upon date or decrease the originally-contemplated funding level.

2. RESTRICTIONS ON RELATIONSHIPS BETWEEN FACULTY OR STUDENTS AND "COMPETITORS" OF THE CORPORATE PARTNER SHOULD BE MINIMIZED.

Agreeing to restrict faculty or student relationships with "competitors" of the corporate partner both shrinks the sphere of potential alternative research support and inhibits the public dissemination of knowledge that is a central part of the university's traditional mission. Therefore, such promises should be made only sparingly, and should be very narrowly drawn.¹⁵

In particular:

- (a) The group of "competitors" should be *defined in advance* at the time of entering into the SCA, should be *as limited as possible*, and should in any event include *only for-profit* entities.
- (b) The "when" should be very clear, covering only work done *simultaneously* for the corporate partner and the competitor.
- (c) The "who" should be very clear, covering only the *same* faculty member or graduate student.
- (d) The "what" should be very clear, covering only *similar* work as defined in advance at the time the faculty member's project is funded through the SCA.

Legally justified claims to protect trade secrets or similar proprietary data from competitors can be more broadly recognized, but the scope of claimed protected material should be clearly identified in advance whenever possible.

¹⁴ See Cornell SCA Plan at 6, 8. Restrictions by government or non-profit funding organizations on overhead recovery are not implicated here. See "What Sort of Sponsorship Arrangements Are NOT Intended to Be Governed By This Statement?" *supra*.

¹⁵ Compare Cornell SCA Plan at 6-7: "Among the benefits Cornell may offer companies are: ... Agreement that Cornell will not enter into research sponsored by competitors that involves the same investigator and similar work."

In a related but more subtle area, it is important that commitments in an SCA to “facilitate” access by the corporate partner to Cornell faculty and students¹⁶ not become the effective equivalent of discouraging such access to the partner’s competitors. A properly conceptualized SCA is a collaboration supporting academic research of interest to the corporate sponsor – it is not a joint venture in which a Cornell department/program becomes a remote research facility “belonging” to the sponsor. It is especially important that arrangements to support faculty research not be permitted to wreak incidental but real harm on vulnerable graduate students.

3. INTERFERENCE WITH PUBLICATION (INCLUDING DELAY FOR FIRST-LOOK REVIEW) SHOULD BE MINIMIZED.

Any censorship of the content of publication by the corporate partner (beyond legally justified claims to protect trade secrets or similar proprietary data) is obviously unacceptable. However, even “first look” rights can threaten academic freedom and inhibit public dissemination of knowledge. In some fields or sub-fields, timing is so critical that an enforced delay of even 30 days can be significant, and 90 days can be disastrous. Moreover, the right of delay is susceptible of being misused to waylay undesirable results.

Therefore, granting “first look” rights should be understood as undesirable from the University’s perspective.¹⁷ Rather than being routinely offered as part of an SCA,¹⁸ they should be regarded by University negotiators as a *significant* concession that will be made only for good and sufficient reason. Moreover,

- (a) To minimize disputes over publishability and to protect graduate students, the scope of claimed proprietary or other protected material should be clearly identified in advance whenever possible.¹⁹

¹⁶ See Cornell SCA Plan at 7: “Among the benefits Cornell may offer companies are: ... Facilitated access to facilities, faculty and students.”

¹⁷ Compare Cornell University Copyright Policy (adopted by Board of Trustees Executive Comm., 6/28/90) (“As a matter of principle and practice, the University encourages all members of the Cornell community to publish without restriction their papers, books, and other forms of communication in order to share openly and fully their findings and knowledge with colleagues and the public.”)

¹⁸ See Cornell SCA Plan at 6-7: “Among the benefits Cornell may offer companies are: ... First look at discoveries.”

¹⁹ Compare Cornell Guidelines on Sensitive and Proprietary Research, Fac. Hand. at 91 (“Such information [i.e., proprietary] must be identified as such in writing when transmitted and the condition of its acceptance specified.”)

(b) If first look rights are given, they need to be accompanied by conditions and safeguards that should, at a minimum,²⁰ include the following:

- (i) separate identification of each medium (journal publications, external presentations, dissertations, etc.) included in first-look review;
- (ii) such rights should never extend to work beyond that funded directly through the SCA;
- (iii) the corporate partner should be urged to develop a rapid clearance procedure (i.e., considerably shorter than 30 days) for time-sensitive material and circumstances such as external presentations;
- (iv) the ability of graduate students to present material in a timely and effective fashion in connection with seeking employment or another research position needs to be protected even if the involved faculty are willing to delay their own presentations and publications;
- (v) the corporate partner should give explicit written assurances in the SCA agreement that the right to delay will not be invoked for the purpose of temporarily suppressing undesirable results;
- (vi) exercise of the right to delay beyond 30 days should be justified in writing by the corporate partner²¹ and monitored by the Joint Steering Committee (see Section C) to ensure that it is not being used as a means of censoring results;
- (vii) the right to delay should in no event extend beyond 90 days.²²

4. LICENSING OF INVENTIONS DERIVED FROM SCA-FUNDED WORK SHOULD ALWAYS RESERVE ACADEMIC USE & DISTRIBUTION RIGHTS, AND SHOULD BE NON-EXCLUSIVE TO THE EXTENT REASONABLY POSSIBLE.

Cornell has repeatedly reaffirmed its fundamental commitment to faculty “shar[ing] openly and fully their findings and knowledge with colleagues and the public,”²³ and has recognized that “the

²⁰ Regulations from the OSP may impose additional limitations on first look rights.

²¹ Compare Cornell Guidelines on Sensitive and Proprietary Research, Fac. Hand. at 91 (“Beyond the thirty days, delays of up to three months are acceptable on the basis of a *formal request* from the sponsor.”) (emphasis added)

²² Compare Current Cornell Principles (undated) No. 3 (“Reasonable delays would be permitted for review for confidential company information, patentable subject matters and, if appropriate, preparation of patent applications. In no case will the total delay exceed 90 days.”)

²³ Cornell University Copyright Policy, General Statement.

University's primary obligation in conducting research is the pursuit of knowledge for the benefit and use of society."²⁴ Moreover, it has acknowledged its obligation "to seek assurance that any patent right be administered consistent with the public interest."²⁵

In light of these commitments and obligations, licensing of inventions derived from SCA-funded work should, whenever possible, take the form of non-exclusive licenses to the corporate partner to use university-owned patents. By giving the licensor a monopoly over use of the patented invention, exclusive licensing inevitably interferes with full and open sharing of the results of academic research. Moreover, unless circumstances are very carefully assessed, it may allow the principal beneficiary of the patent right to become the private, rather than the public, interest.²⁶

In the event that exclusive licensing rights are given to the corporate partner, such rights should be as narrowly drawn as possible. For example, they should cover the fewest number of patents, for the shortest period of time that can be negotiated.

Most important, all SCA agreements should include a provision protecting Cornell's right freely to use and distribute research methods and results to academic researchers at Cornell and other academic settings. Even if an exclusive license is granted, these rights to use and distribute methods and results for academic research should be retained.²⁷

5. ANY INTERFERENCE WITH ACADEMIC FREEDOM SHOULD BE REPORTED TO THE DEAN OF THE FACULTY, WHO IN ADDITION TO COUNSELING ORDINARY REMEDIES WILL ENSURE THAT SUCH REPORTS ARE TRACKED.

Any faculty member who experiences interference with academic freedom in connection with an SCA should seek the assistance of the Dean of the Faculty.²⁸ Moreover, "[i]ndividual faculty members are encouraged to speak out on behalf of a fellow faculty member's academic freedom,

²⁴ Cornell University Patent Policy, ¶ A.1.

²⁵ Id. ¶ A.2.

²⁶ The Patent Policy recognizes that "the development and marketing of inventions resulting from University research so as to reach a public usefulness and benefit ... may require various forms of agreements including the granting of exclusive licenses." Id. ¶ F. The challenge, of course, is accurately predicting the circumstances in which exclusive licensing will indeed be the optimal strategy for developing the invention in the public interest.

²⁷ Compare Cornell Principles (undated) No. 5 ("Cornell will retain the right to practice any inventions for its own research and education purposes, and will retain the ability to distribute any biological materials created under a corporate research sponsorship to other academic researchers.")

²⁸ See Faculty Handbook at 89 (statement on research freedom of faculty, indicating that those who are threatened or harassed in the exercise of this freedom "should seek assistance through the Dean of Faculty.")

either individually or through the Faculty Senate and its committees”²⁹ or by seeking the assistance of the Dean of the Faculty.

In such circumstances, the Dean of the Faculty should counsel the faculty member as to the range of remedies ordinarily available for such interference. In addition, he/she should (1) report the complaint to the Local Advisory Council (LAC), who should take such complaints into consideration as part of its periodic review of the operation of the alliance (see Section E.2); and (2) ensure that a database is being maintained of such complaints, in order that they may be appropriately considered in assessing the experience under particular alliances and SCAs in general.

B. ACADEMIC FREEDOM ENTAILS THE RESPONSIBILITY TO UNDERTAKE AND PRESENT RESEARCH WITH OPENNESS AND INTEGRITY, AND CONDITIONS HAVE TO BE MAINTAINED IN WHICH FACULTY CAN FULFILL THIS RESPONSIBILITY.

Academic freedom brings with it the responsibility of disinterested integrity in the conduct of research and the publication of results. As the subsequent external review of the Berkeley-Novartis agreement put it, “The privileges of academic freedom do carry the responsibility of professional ethics and candor.”³⁰ Although this responsibility attends all research, sponsored or not, the comprehensiveness and scale of an SCA and the pervasive influence of the corporate partner may make it particularly difficult to maintain the conditions in which faculty are able, and motivated, to fulfill their responsibility.

1. NO RESTRICTIONS ON REVEALING THE SPONSORSHIP RELATIONSHIP ARE PERMISSIBLE.

No SCA should contain any provision that permits, or even implies, that the corporate partner has the right to forbid faculty or graduate students from disclosing SCA sponsorship of research. Oversight of SCA implementation should be sensitive to any evidence that the corporate partner (or its on-site employees) is exerting pressure on faculty or graduate students not to disclose sponsorship.

Forthright disclosure of the sponsorship of particular research is one of the simplest, and best, antidotes for the suspicion that the quality of work has been compromised by the interests of its sponsor. Increasingly, external review organizations, top journals, and even entire disciplines are adopting norms that require disclosure of sponsorship relationships as a matter of course. It may be that Cornell ought consider adopting a university-wide rule in this area, as a way to safeguard the integrity of research that is so essential to the academic mission. Such a norm would protect faculty from pressure not to reveal sponsorship affiliation when publishing results that are

²⁹ Id.

³⁰ Busch, et al, External Review of the Collaborative Research Agreement Between Novartis Agricultural Institute Inc and the Regents of the University of California at 154 (July 31, 2004) [hereinafter “External Review”, available at http://www.berkeley.edu/news/media/releases/2004/07/external_novartis_review.pdf].

counterproductive, embarrassing, or otherwise undesirable from the sponsor's perspective.

2. MULTIPLE SIMULTANEOUS RELATIONSHIPS WITH THE CORPORATE PARTNER SHOULD BE CAREFULLY MANAGED.

SCAs pose significant challenges for departments/programs and for individual faculty in maintaining the line between academic independence and corporate employment. These challenges become even greater if the corporate partner seeks to employ faculty as consultants or independent contractors while faculty are also receiving funds through an SCA.

Such simultaneous arrangements have to be very carefully managed, and will need to be avoided unless a clear separation can be maintained between work done as a faculty member of the university (though made possible through SCA sponsorship) and work for hire done for the corporate sponsor. See generally "Cornell University Conflicts Policy, Academic Policies/Responsibilities: Consulting"; Office of Sponsored Programs, "Guidelines for Consulting Agreements." The circumstances of a particular SCA may make it prudent to require the corporate partner to forego entirely such simultaneous, potentially confusing side relationships with faculty receiving support through an SCA. Indeed, experience with SCAs over time may reveal that general guidelines in this area are possible and appropriate.

3. ANY INTERFERENCE WITH A FACULTY MEMBER'S RESPONSIBILITY TO PUBLISH RESULTS, REGARDLESS OF EFFECT ON THE SPONSOR, IS UNACCEPTABLE.

To be consistent with academic integrity and responsibility, a faculty member's decisions about whether and when to publish results have to be based on objective assessment of the value of the work, using the standards and norms of the discipline – not on perceptions about the likely reaction of the sponsor to publication. Unfortunately, effectively insulating faculty from pressure to behave in ways that will please their sponsor is difficult – especially when the sponsor has committed large amounts of funding to the department/program over multiple years. The difficulties are multiplied when the faculty member has been working side by side with employees of the corporate partner, who understandably share their employer's interests.³¹

At a minimum, the SCA agreement should contain an explicit written commitment that neither the corporate partner nor its employees will attempt to dissuade faculty from publishing results obtained from sponsored research.³² Such a provision at least puts the partner on notice that publication decisions lie solely in the realm of academic judgment, and are an area in which the

³¹ Among the duties of the new Director of Corporate Strategic Alliances is "keeping companies fully engaged" by "e.g., facilitating symposia, arranging visits, and placing company researchers in residence at Cornell. [The Director] ... will maintain close communication and coordination with Cornell faculty, and will help bridge any culture gap by exhibiting and encouraging mutual trust and synergy among scientists." Cornell SCA Plan at 8.

³² Compare Cornell Guidelines on Sensitive and Proprietary Research, Fac. Hand. at 91 ("Nor will the university enter into any agreements unless the principal and co-principal investigators have the final authority on what is to be published or presented.")

partner has no legitimate role. Beyond this, oversight of the SCA in progress should be alert to any indications that faculty are being induced to engage in self-censorship based on sponsor interests rather than appropriate scholarly norms.

C. DECISIONMAKING AUTHORITY OVER CORNELL RESEARCH HAS TO REMAIN PRIMARILY WITH CORNELL DECISIONMAKERS.

The Plan calls for creation of a Joint Steering Committee (JSC) to manage the SCA.³³ Beyond providing that the JSC will be “led by a Cornell and company representative,”³⁴ the Plan does not specify organizational or operative details of the JSC. Under the Plan, the JSC “will review and select faculty proposals for funding,” through a process involving “internal faculty Requests-for-Proposals.”³⁵

1. THE MANAGEMENT GROUP SHOULD CONTAIN NON-PARTICIPATING, AS WELL AS PARTICIPATING, FACULTY.

The JSC should contain some faculty members who are not direct stakeholders in the SCA and who are outside the specific intellectual disciplines of the faculty participating in the SCA. Being themselves outside the funding opportunities of the alliance, their perspective can help provide balance and objectivity, flag potential conflicts and other incipient problems, and prevent the fact or appearance that the enterprise is becoming inbred. Moreover, participation of disinterested faculty gives additional reassurance – both within and outside the department/program involved – that funding decisions will be evenhanded, and that the SCA is being managed with due regard for the values and mission of the university as a whole.

Selection of Cornell JSC members should involve consultation and advice of the Dean of Faculty.

2. DAY-TO-DAY MANAGEMENT OF THE SCA SHOULD BE PREDOMINANTLY BY CORNELL FACULTY, NOT CORPORATE REPRESENTATIVES.

One fundamental touchstone can never be lost: This is academic research, not corporate research.³⁶ If there is a Director of the alliance (see Section D.3), that Director needs to be a

³³ Cornell SCA Plan at 6, 7, 8.

³⁴ *Id.* at 8.

³⁵ *Id.* at 8, 7.

³⁶ See Cornell Guidelines on Sensitive and Proprietary Research, Fac. Hand. at 91: The university will accept only sponsored research projects which are expected to further the research and educational mission of the institution. While a sponsor may delineate the areas of research to be supported, the principal and co-principal investigators must have final authority for decisions on the course of the research program within these limits. The principal and co-principal investigators must also have final authority regarding employment of personnel for the project. In particular, research that is subject to a sponsor's approval of personnel is not permitted at the university.

Cornell faculty member. If all management is to be done by the JSC as a committee of the whole, then Cornell representation has to predominate. The corporate sponsor appropriately has a voice in management decisions, but may not have a representative with Co-Director status.³⁷

3. SELECTION OF FACULTY PROPOSALS FOR FUNDING SHOULD NOT BE DICTATED BY CORPORATE REPRESENTATIVES.

The distribution of alliance funds to Cornell faculty, staff and students should be primarily in the hands of Cornell, not the sponsor.

In keeping with the purposes of the alliance and the interests and priorities of the sponsor as expressed in the RFP, representatives of the corporate sponsor may participate in the selection of proposals to be funded, but this process should be led by Cornell faculty.

D. IN THE CASE OF CERTAIN SCAs (“BROAD SCAs”), OBJECTIVE STANDARDS, PEER REVIEW, AND SOME FORM OF EXTERNAL ACCOUNTABILITY ARE NEEDED TO PROTECT ACADEMIC INTEGRITY IN THE FUNDING PROCESS AND TO ENHANCE FAIRNESS.

Although the subject-matter interests and commercial priorities of the corporate sponsor may appropriately inform the general objectives of the alliance, in the case of “broad SCAs” – those involving research questions relevant to a potentially large group of faculty whose precise membership cannot be easily identifiable in advance of the formation of the SCA – the process for funding research through the SCA should follow traditionally respected academic protocols for proposal evaluation and grant awards. This process includes Requests for Proposals, peer review, and a selection process that seeks to ensure a proper balance in the research portfolio among scientific merit, commercial potential and public interest research.

Note that this entire section does not apply to “narrow SCAs” – i.e., those in which a small number of specific faculty have been identified in advance as the relevant researchers

³⁷ Compare Cornell SCA Plan at 6-7: “Among the benefits Cornell may offer companies are: ... Shared management of the Alliance via Joint Steering Committee.”

1. THE JOINT STEERING COMMITTEE SHOULD PREPARE REQUESTS FOR PROPOSALS THAT SPECIFY AS CLEARLY AS POSSIBLE THE CRITERIA THAT WILL GOVERN GRANT AWARDS AND THE PROCESS FOR APPLICATION.

Clear and detailed notice of the criteria and the process for obtaining funds through the SCA serves several purposes. Most obviously, it enables participating faculty to design their proposals as effectively as possible. In addition, it facilitates the job of those who will be reviewing the proposals (see Section D.2). Finally, from an institutional perspective, it is a small but important piece of the transparency that allows external monitoring to confirm that research funding through the alliance has been evenhanded and based on scientific merit. (See Section E.2).

2. PROPOSALS SHOULD BE EVALUATED BY NON-PARTICIPATING CORNELL FACULTY COMPETENT TO ASSESS THEIR MERIT.

Peer review by disinterested scholars remains the premier method of assessing the merit of academic work. Cornell recognizes this in a number of relevant settings; for example, it constitutes internal peer review panels to evaluate proposals for the Affinito-Stewart Grant Program of the President's Council of Cornell Women.

After proposals are submitted in response to the RFP, internal peer review panels of non-participating faculty should be constituted to evaluate their merit. Factors to be considered may include the mission statement of the alliance. These evaluations need not be lengthy; examples of modest-length evaluation instruments exist from other programs. The important point – vital to honoring the principle that we are engaged in academic, not corporate, research – is that genuine, disinterested peer review occur.

3. FUNDING DECISIONS SHOULD BE MADE IN A WAY THAT ENHANCES ACCOUNTABILITY, AND SHOULD BE THE SUBJECT OF PERIODIC EXTERNAL REPORTING.

(a) The final step in the grant process – deciding which proposals to fund – should be structured to maximize accountability. This goal could be accomplished by, for example, placing ultimate responsibility in the hands of an alliance Director who is not a member of the JSC and who would make grant award decisions (after receiving the peer review assessments) with the advice and consent of the JSC.

(b) Whether decisions are made by a Director, the JSC itself, or some other mechanism, a report of funding decisions from each grant cycle, along with the relevant RFP, should be submitted no less frequently than annually to the Local Advisory Council (LAC). (See Section E.2). This report should be sufficiently detailed in describing projects both funded and not funded that LAC can satisfy itself that research support through the alliance has been evenhanded and based on scientific merit.

E THE FACULTY, THROUGH ITS REPRESENTATIVES, SHOULD HAVE A CENTRAL ROLE IN THE APPROVAL AND OVERSIGHT OF SCAS.

Both the “Trustee Document: Considerations & Principles” and the Plan commendably contemplate that LAC will play a key role in review, approval and oversight of SCAs.³⁸ LAC’s substantive expertise, its tradition of providing rigorously independent faculty judgment within a constructive working relationship with the administration, and its demonstrated ability to handle sensitive information appropriately, all make it the logical first choice for this role.

Nonetheless, some caution in calling upon LAC is appropriate. This committee already performs a vital service that places heavy demands on the time of its member faculty.³⁹ If a complex SCA were to be proposed and/or if multiple SCAs were simultaneously to be undertaken, the burden could quickly become overwhelming. The faculty role in approval and oversight contemplated by this Statement is significant, and should not be undermined by entrusting it to a committee which, no matter how well-qualified and well-intentioned, is simply too busy with other important matters to carry it out. Therefore, although this Statement refers to LAC as the faculty committee with responsibilities in this area, entrusting the responsibilities to some other faculty committee might prove necessary.

1. NO SCA SHOULD BE ENTERED INTO WITHOUT THE APPROVAL OF LAC, WHO SHOULD BE INVOLVED EARLY ENOUGH IN THE PROCESS THAT THE AGREEMENT IS NOT A FAIT ACCOMPLI. AMENDMENTS TO AN SCA SHOULD ALSO RECEIVE LAC APPROVAL. LAC SHOULD REPORT ITS CONCLUSIONS TO THE DEAN OF THE FACULTY, AS WELL AS TO THE APPROPRIATE ADMINISTRATION OFFICIALS.

Finalization of an SCA should not occur unless and until LAC has reviewed its terms and determined that the SCA – both in concept and, so far as can reasonably be predicted, in likely implementation – is consistent with this Statement and any refinements suggested by practice and experience under it. Moreover, LAC should be involved early enough in the process of attempting to form an SCA that it can have meaningful input in changing problematic elements. This timing issue is a point of considerable sensitivity for several reasons.

Involving LAC early in the process will raise concerns. From the perspective of the negotiators, the period before key terms of the deal are finalized is understandably viewed as highly confidential, volatile, and vulnerable to private leaks or unguarded public statements. Multiplying

³⁸ See Trustee Doc: Considerations & Principles ¶ VII; Cornell SCA Plan at 5.

³⁹ Currently, LAC performs two principal functions. It advises the administration, through the Vice Provost for Research, on key issues pertaining to the research enterprise at Cornell. Recent examples include review of the Center for the Environment and the Ward Center for Nuclear Sciences. In addition, it reviews proposals and nominations and makes recommendations regarding the relative ranking of Cornell candidates for external grants and awards in cases where the competition is limited to a fixed number of applications or nominations.

participants multiplies risks. From the perspective of the faculty, involving LAC while bargaining is active poses the danger that LAC will become invested in achieving an SCA. LAC's role as independent reviewer is compromised if it becomes a stakeholder in getting to an agreement.

On the other hand, too-late involvement also carries serious risks. If LAC does not review the proposal until the deal has been effectively struck between the administration and the corporate sponsor, the costs of disapproval become enormous. Considerable time and effort will have been expended by administration and corporate officials (often at the highest levels of both organizations), faculty in the involved department/program will have become invested in going forward, and a great deal of money and other research support is likely sitting on the table. LAC objections at that stage may divide the faculty against itself, and will surely put the faculty and the administration on a high-stakes collision course from which no one benefits.

In arriving at the form and timing of LAC involvement that best balances these various risks, the faculty must largely rely on the administration. The Plan contemplates LAC involvement at the point at which the negotiations team has reached a Memorandum of Understanding (MOU).⁴⁰ An alternative model, that we encourage in the spirit of open and thoughtful faculty consultation, would be a carefully selected subcommittee of LAC who is initially briefed on the target project, who is kept informed by the negotiating team of any significant policy issues as they emerge, and who then can take an informed lead in full committee discussion of the MOU. In any event, subsequent to the MOU, LAC should *also* review and approve the final version of the SCA.

Recognizing that experience and/or external events might prompt changes during the term of an alliance, the Plan provides for the possibility of amendment.⁴¹ The advice and consent of LAC should be sought before any not insignificant amendment is made to an SCA.

After it has made its assessment of the MOU, the final version of the SCA, or any amendments, LAC should communicate its conclusions to the Dean of the Faculty, as well as to the appropriate members of the administration.

2. LAC SHOULD REVIEW THE PERFORMANCE OF EVERY ONGOING SCA ANNUALLY, RECEIVING FROM THE JSC AND/OR THE ALLIANCE DIRECTOR PERIODIC REPORTS AND OTHER INFO AS NEEDED TO PERFORM THIS REVIEW. LAC SHOULD REPORT ITS CONCLUSIONS TO THE DEAN OF THE FACULTY, AS WELL AS TO THE APPROPRIATE ADMINISTRATION OFFICIALS.

It is anticipated that SCAs will enhance Cornell's ability to produce knowledge that is publicly available and promotes other public interests. At the same time, the planned scale and

⁴⁰ Cornell SCA Plan at 5. The MOU sets out the "key elements" of a proposed SCA ("the expectations of the parties and the source(s) of alliance funding"), but has not yet been approved by either legal counsel or senior management. *Id.*

⁴¹ *Id.* at 6-7.

comprehensiveness of SCAs may produce a variety of unanticipated consequences in practice – consequences, for individual faculty and for departments/programs, that differ not only from those produced by other forms of sponsored research, but also from one alliance to another.⁴² A great deal of uncertainty attends both the positive and the negative potential outcomes – in part because little systematic research has been conducted at other universities on SCAs, and in part because the design of SCAs can vary widely. No matter how carefully the faculty, the administration, and the trustees attempt to manage these outcomes through guidelines produced *ex ante*, we can be confident that alliance implementation will be a work in process that needs refinement in light of experience, in order to maximize the hoped-for benefits of SCAs and minimize or mitigate the unanticipated negative consequences.

Therefore, in addition to approving the initial agreement, LAC should review the actual experiences in the course of implementing the SCAs and communicate its findings to the Dean of the Faculty as well as appropriate members of the administration.

To conduct its review, LAC should rely upon the following:

- Reports, at least once a year, from the JSC and/or alliance Director concerning funding decisions (see Section D.3), and any other material LAC needs to determine that the SCA is being implemented consistent with this Statement and any subsequent refinements suggested by practice and experience under it.
- Any complaints forwarded from the Dean of the Faculty under Section A.5, along with the results of any university processes that have been invoked to resolve those complaints.
- Three years after the formation of the SCA, LAC should request an independent review by a team of researchers who are qualified and experienced in mixed methods evaluation, and who are not associated with either the SCA or the corporate sponsor. The researchers should assess the impact of the SCA on the goals and functions of the University as a research and teaching institution. Responsibility for the design of the evaluation should rest with this team, not with LAC or the administration. This team should have access to all the material available to LAC. It is contemplated that the team will interview participating and non-participating faculty and students in the involved department/program. The team should report to the LAC, the Dean of Faculty, and appropriate members of the administration; at least a summary of all principle findings and conclusions – and if possible the entire report – should be made available to the university community. See Section F.

⁴² The Plan acknowledges this by contemplating the creation of a new administrative position, the Director of Corporate Strategic Alliances, although the focus of this position may be more on facilitation of alliance activities than oversight of them. See p. 8. See also Trustee Doc: Considerations & Principles ¶ IX (“The plan, and any alliances, will include provisions that will require periodic review and will allow the University to implement modifications or terminate alliances that were not judged to be successfully furthering Cornell’s research or educational missions.”)

3. TO PERFORM ADEQUATELY THE FUNCTIONS OF APPROVING SCA AGREEMENTS AND REVIEWING THEIR IMPLEMENTATION, THE COMPOSITION OF LAC SHOULD BE BROADENED.

To the extent that it is engaged in review of SCA-related matters, LAC should be expanded to include significant representation from some or all of the following groups of faculty: (1) natural scientists with no personal stake in the alliance funding opportunities; (2) social scientists; (3) ethicists; and (4) researchers with experience in human and animal subjects research protocols.

Just as participation of disinterested faculty on the JSC helps expand the viewpoint of day-to-day alliance management (see Section C.1), so broadening the composition of LAC will enhance the range of perspectives that are examining SCA proposals and reviewing implementation. Broadening the expertise base of LAC review in this way could have very specific benefits. For example, private research is not covered by current federal law on human subjects research; therefore, the ramifications of the complex, and sometimes time-consuming, compliance procedures in this area may be outside the contemplation of the corporate partner. Ensuring that someone on LAC has this expertise could help bridge a potentially significant cultural gap.⁴³

More important, however, is the general benefit of bringing representatives of the larger university community into the process of SCA review, approval, and oversight. The addition of social scientists and ethicists, for example, will better position LAC to assess the alliance's ongoing impact on the department/program and on participating (and nonparticipating) faculty and graduate students.

4. IN ADDITION TO EVALUATIONS OF EACH SPECIFIC SCA, BROADER STUDIES OF THE SCA EXPERIENCE AT CORNELL SHOULD BE UNDERTAKEN.

In addition to the evaluations described in Section E.2:

- (a) The Dean of the Faculty should annually convene a confidential meeting of the non-participating faculty serving on all the JSCs of SCAs that, in his or her judgment, are still operative. The faculty should discuss their observations and experiences from their JSC service and issue a report to LAC which may, if appropriate, include recommendations. A summary of this report will be presented to the Senate.
- (b) A more comprehensive longitudinal study of the SCA experience should be initiated to examine broader issues related to potential crowding-out of public research, effect on the nature and extent of intellectual interchange among participating and non-participating faculty and students, displacement of funding from other sources, disproportionate growth across unit, impact

⁴³ We assume that every SCA agreement will contain an explicit statement that research conducted under the alliance will comply with all rules, policies, and protocols applicable to other Cornell research. Of course, it is a wholly separate matter whether the corporate sponsor *knows* the full extent of these rules, policies and protocols – and appreciates the practical implications they may have for how research is done and published in academia.

on external relations, and other issues. The dearth of empirical information on these matters is one of the factors impeding informed and reasoned discussion of SCAs at Cornell and elsewhere, and this study can become a resource for Cornell and the larger set of organizations interested in evolving public-private relations in the production and control of knowledge. Accordingly, this study and the other activities noted above should be funded as a charge to overhead of SCAs.

F. ONCE AN SCA HAS BEEN FINALLY APPROVED BY CORNELL AND THE CORPORATE PARTNER, THE TERMS OF THE SCA SHOULD BE MADE AVAILABLE TO THE CORNELL COMMUNITY.

Transparency and openness are significant steps towards reassuring those who fear the effect of SCAs on Cornell's tradition of research autonomy and integrity. As a former chair of LAC said in discussing his committee's report with the Faculty Senate, "We think the way to deal with these potential fears, from our committee's point of view is..., 'Let there be light'." Many of the practices set forth in this Statement implement this general principle.

Allowing the community to see for itself what is permitted – and forbidden – under the terms of an alliance is essential. Otherwise, an undertaking that will inevitably be the subject of considerable interest and debate may become the object of uninformed speculation and wild rumor. Obviously, confidentiality is essential while negotiations are pending. Once the agreement is final, however, the administration should work hard to overcome any reluctance, on the part of the corporate partner, to make the terms of the agreement public to the university community. Openness about such matters may be a cultural difference about which the corporate partner will require education; nonetheless, it has such a high value in this environment that the administration should be insistent.

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APPENDIX A

Cornell University Strategic Corporate Alliance Plan (7/30/03)

Cornell University Strategic Corporate Alliance Plan

Objective: To leverage access to Cornell University intellectual capital, including faculty research, into major corporate alliances leading to competitive opportunities for select companies and financial support for faculty research and related infrastructure.

Goal: Secure strategic corporate alliances for the Cornell New Life Sciences with one or more companies in each of five initial target industries. Also, capitalize on non-New Life Science alliance opportunities where Cornell has unique strengths.

Definition: A strategic alliance is a comprehensive, formally managed company-university agreement centered around a major, multi-year, financial commitment involving research, programmatic interactions, intellectual property licensing, and other services.

Observations:

Cornell's sustained research expenditures (\$465M in 2002) represent to prospective partners significant investment, a strong infrastructure, committed administration, and potential commercial opportunity, especially in genomics, proteomics, bioinformatics, pharmacogenomics, devices and plant science.

Cornell's planned investment (\$500M) in the New Life Sciences infrastructure and new faculty represents an opportunity to attract, interest, and engage companies at a high level over a sustained period.

Cornell can offer to companies cutting edge-basic research over a broad landscape (e.g. mammalian, microbial, plant, and computational genomics.); unique strengths especially in plant science, materials, and nanotechnology/nanobiotechnology; unique facilities; a strong track record of interdisciplinary research including multi-disciplinary national research centers, e.g., Biotechnology Institute, Center for Materials Research, High Energy Synchrotron Source, Nanoscale Facility, Nanobiotechnology Center, Theory Center, Developmental Resource for Biophysical Imaging and Optoelectronics; and a reputation for outstanding scholarship and research.

Companies are willing to engage in company-to-company and company-to-university alliances to share costs, increase R&D productivity, boost pipelines, acquire new technology, and supplement internal research, e.g., Eli Lilly's strategy of "innovation without walls."

Companies have an increasing need for the "new life scientists" and Cornell is the nation's largest producer of undergraduates who go on for PhD's in the Life Sciences (National Science Foundation).

Confidential- Not for Distribution outside Cornell
Revised: 7/30/03

While traditional single academic scientist-to-industrial scientist relationships will continue, a focused effort to secure broader, strategic alliances will benefit larger numbers of faculty and improve their combined research infrastructure. Faculty research support is foremost but philanthropic funding, including term professorships, graduate fellowships, new or renovated facilities, and equipment, is feasible when it supports the aims of an alliance.

The Alliance Plan should include the Weill Medical College in alliances that touch upon the life sciences or human health care. Cooperation and collaboration between the Medical College and Ithaca are essential in order to maximize the intellectual and economic benefits of relevant alliances and make an alliance more appealing to prospective company partners.

The leadership of all colleges should be committed to the basic principles of strategic alliance development, implementation and management processes. The synergy inherent in Cornell's interdisciplinary structure and supportive climate is a great advantage.

Universities can secure large multi-year research-based agreements from companies in industries ranging from pharmaceuticals and biotechnology to automotive and computing, but compelling science and cultural blending are central to the success of such alliances. Since Cornell has minimal long-term company bioscience relationships, the quality of its science and the potential for commercial advantage will be decisive factors in developing relationships.

A university-company alliance must be based upon *what is needed by the company's businesses*; however, the company's needs *do not dictate* the university's research interests or directions. The challenge is to identify and match the company's strategic needs and Cornell's research strengths.

Acquiring, using, and improving a partner's advanced equipment should be a consideration in potential alliances with companies.

The biotech industry is gradually consolidating. Biotech - to - biotech alliances are increasing more rapidly than biotech - to - pharmaceutical alliances. With patent expirations and less than robust pipelines, pharmaceutical companies have acquired or formed alliances with biotech firms which are themselves advancing many products to later stages of development.

Pharmaceutical alliances with biotech companies generally involve a small up-front payment by the partner followed by milestone-based payments and royalties or profit-sharing. University agreements involve multi-year funding with potential for intellectual property licensing.

Genomics and drug discovery are popular areas for biotechnology alliances. Alliances in pharmacogenomics, proteomics, and informatics are rising steadily. Both U.S. and European pharmaceutical companies are active in establishing alliances with biotechnology companies. Most biotechnology companies do not have the resources to fund university alliances.

I. Organization

Form a Cornell Strategic Corporate Alliance Team to secure strategic alliances with companies, negotiate the agreement, manage post-agreement activities, negotiate intellectual property licensing, and maintain the relationship.

Research – Robert C. Richardson, Vice Provost for Research

Strategy Development -- Inge T. Reichenbach, VP, AA&D

Alliance Negotiations – Richardson/ Reichenbach/ Adler/ President, OTL

IP Negotiations -- President, Office of Technology Licensing and Economic Development

Management – Kraig Adler, Vice Provost for Life Sciences

Legal Counsel – James J. Mingle, University Counsel

Staff Support – Nick Komanecky, Christopher Miller, Denise Clark

Staff work will be conducted by the Office of University Corporate Relations. When alliances are secured and project management is required, a Director of Corporate Strategic Alliances will be hired and staff added in proportion to need.

Engage Two Advisory Groups:

(1) **The Research Subcommittee of the Board of Trustees** provides advice on the overall strategic plan from company identification, contacts, and negotiation through licensing and legalities. Subsequent to the initial Plan draft, the Subcommittee issued *Considerations and Principles Regarding Strategic Alliances*. (See Appendix A)

(2) An ad hoc **Industry Advisory Group** comprised of Cornell alumni possessing industry-specific knowledge will counsel the Cornell team on such industry intelligence as prospective companies, research, contacts, management strategy, applicable Cornell research, and approach tactics.

Form a Faculty Review Committee to approve Memos of Understanding and contracts and help guide post-agreement alliance management. The Trustee Research Subcommittee recommended a Local Advisory Committee of the Faculty Senate (LAC) serve as the internal faculty monitoring board and review all Strategic Alliance agreements before they are completed. (See Appendix B) With Weill Medical College participation, a member of the College's faculty would also serve on the Faculty Review Committee. In addition, academic deans would review proposed strategic partnerships.

Form a Negotiations Team to develop a Memorandum of Understanding and plan and carry out negotiations with prospective companies. They will be supported by the Office of Technological Licensing and Office of Sponsored Programs.

Strategic Corporate Alliance structure formation, implementation, negotiations, and post-agreement management, will be guided by existing Cornell University principles. (See Appendix C) in addition to Trustee Subcommittee *Considerations and Principles*.

Explain the Strategic Alliance concept to faculty groups beginning with those involved in the New Life Sciences. Conduct a series of meetings with academic deans.

II. Preparation

Apply the Cornell Corporate Strategic Alliance Planning Model (See Appendix D) and use Partners HealthCare's six-step process of "moving technology":

- Define goals;
- Understand own intellectual capital and research direction;
- Identify which companies should use the relevant technology;
- Understand the companies' relative strengths/ needs;
- Create a marketing plan (approach strategy);
- Communicate at the highest meaningful strategic level with a potential player.
- Work the system at the top. Bypass the corporate licensing office until the outlines of mutual interests are defined and agreed.

Aggressively search for opportunities through previous sponsored research, faculty-company connections, industry advisors, alumni, and secondary-research scans. Determine applications of Cornell research strengths.

Identify prospective companies (See Appendix E) for strategic alliances in five key bioscience-related industries, and other industry sectors:

- Ag Biotech (plant and animal)
- Bioengineering (devices, nano, biomed, biochips)
- Food (human and animal) production, distribution, and safety
- Information (bioinformatics, database management)
- Pharmaceuticals

The list will remain dynamic as new information is sourced. Additionally, expand the alliance concept to other industries beyond the scope of the New Life Sciences where Cornell might apply its significant and growing strengths, e.g., computing and information, finance, training and education, etc.

Critically review Cornell bioscience/nanobiotechnology research to identify compelling work in each of the Focus Areas (See Appendix G) vis-à-vis prospective partner companies. Technologies, either as enabling or product, can be assessed on two attributes: breadth of technological application and degree of complexity. With regard to medicine, breadth is measured in terms of number of disease areas that it can be applied to; the greater number of applications the greater the commercial potential. Complexity is measured in terms of technical hurdles that must be overcome to generate a commercial product, and the cost of developing a particular technology.

Engage faculty representing NLS Focus Areas and Academic Deans in the Strategic Alliance initiative. Hold regular meetings with New Life Science Initiative faculty leadership. Seek faculty knowledge of company research interests, business strategies, and connections within prospective companies. Have Faculty Review Committee (i.e., LAC) guide formation of alliances and post-contract alliance management. Present proposed corporate strategic alliances to academic deans for discussion and review during Provost's Academic Deans Group meetings.

Develop communications materials including: a Power Point overview presentation of Cornell research capability, infrastructure, and culture; a flexible Power Point presentation that explains Focus Areas and faculty research within them, especially those relevant to a company's R&D and strategic business interests; a prospectus for each negotiation with assistance from the Office of Technology Licensing; and a brochure that explains the Cornell Strategic Corporate Alliances initiative.

III. Approach Strategy

Develop comprehensive profiles of prospective strategic alliance partners, including management and board of director personnel, business strategy, Cornell alumni, research and technology interests and needs, current academic /or business alliances, and research and development expenditures. Seek Cornell faculty knowledge of company's research interests and employees. Central to a company profile will be a "match-up" (See Appendix F) for side-by-side comparisons of a company's known or anticipated research/technology needs and related Cornell faculty research. The Offices of Sponsored Research and Technology Licensing will review "match-ups" to ascertain potential faculty research conflicts with current or pending commitments.

Develop an approach strategy (marketing plan) for each prospective partner that is based upon the company's business needs and culture; that considers Cornell connections (senior management, board memberships, key employees, alumni); that advances Cornell's most compelling research related to the company's need; and that assigns company contact at the highest meaningful level by senior Cornell administrators.

Identify the client. Determine who in the company, e.g., Senior Vice President – Research & Development, would be the recipient of Cornell's research.

Initiate exploratory meetings. Initiate meetings with company representatives through board members, senior management or appropriately placed staff, to learn the company's needs, technical and other interests, objectives and strategies. Provide an overview of Cornell's research capabilities, and discuss how an alliance would be in mutual best interest. Involve the Vice Provost for Research and/or faculty where applicable. If the parties conclude that discussions are warranted, a mutual non-disclosure agreement may be initiated.

Create for each company a Memorandum of Understanding (MOU) of key elements (see Appendix H) which will be approved by the Faculty Review Team (LAC) and relevant academic deans, and reviewed by Cornell Legal Counsel. The Cornell Team will develop a one-to-two page MOU conceptually -- *what we want to do* – and base its content on field of focus rather than personnel. The MOU identifies the expectations of the parties and source(s) of alliance funding. It is not legally binding, and it should have a "drop-dead" date. A legal review will be conducted. Following MOU approval by senior management, the company team will be expected to negotiate the contract to completion and establish the optimal structure and processes.

Assess market potential of Cornell research. Engage the Cornell Office of Technology Licensing and Economic Development to preliminary assess the market potential of Cornell research for early discussions.

Assist company scientists in evaluating Cornell research as they initiate due diligence that, among other things, will help strategic, operational, and cultural fit. A company team may visit faculty, hear presentations, and assess the research.

IV. Negotiation

The initial goal of the Cornell team is to obtain agreement of senior company officers on a Memorandum of Understanding specifying major terms of the transaction. The related, primary goal is to negotiate terms with either the same officers or functional and/or staff managers resulting in a contract. The team will be guided by federal guidelines and regulations, and Trustee and Cornell principles (*Appendix A, C*) during negotiations. The team will negotiate the scope of the research, other services, e.g., training, financial commitment, payment schedule, duration, alliance management structure, responsibilities, measurements, deliverables, and exclusivity.

The contract will have a “kick-out” clause if the company or Cornell fails to meet its commitments. The contract will also allow for flexibility if focus of research interest changes.

Cornell seeks from a Corporate Strategic Alliance:

- Financial commitment over a defined period of time for research and other services, e.g., training;
- Full overhead for research conducted within corporate alliance;
- A philanthropic portion for educational funding, e.g., fellowships, term professorships, building, laboratories, etc.;
- Opportunity to acquire materials for research;
- State-of-the-art equipment;
- Company interest in potentially licensing research;
- Opportunities for faculty and/or students to work in industry;
- Access to corporate partner’s technology.

In addition, Cornell negotiators will consider applicable elements of PHS’s strategy which seeks:

- Shared research (technology and results)
- Educational programs
- Access to corporate partner’s technology
- Funding of graduate or post-doctoral fellows
- Funding of laboratories
- Supply of/funding for purchase of sophisticated equipment
- Management of each relationship by a joint steering committee

Among the benefits (*see Appendix H, I*) Cornell may offer companies are:

- A wide window into Cornell’s New Life Science research with access to groups of researchers in Focus Areas of interest to the company;

Opportunity to engage in multiple research projects beyond the scope of any one investigator;

First look at discoveries;

Opportunity to engage in internal faculty Requests - for- Proposals;

Research flexibility allowing for change in research direction as needs and interests change;

A time-limited first option to negotiate a royalty-bearing exclusive license to resultant inventions or discoveries;

Agreement that Cornell will not enter into research sponsored by competitors that involves the same investigator and similar work;

Shared management of the Alliance via Joint Steering Committee;

Facilitated access to facilities, faculty and students;

Cornell will arrange opportunities for company employees' training.

The negotiations team will be comprised of the Vice Provost for Research, Vice Provost for Life Sciences, the Vice President, Alumni Affairs and Development, the Director of the Office of Technology Licensing and Economic Development, and the Director of the Office of Sponsored Programs. Cornell Legal Counsel, the Director of Corporate Relations, cognizant academic deans, and faculty participating in corporate strategic alliances, supports the team. Guidance and counsel is anticipated from the Industry Advisory Group and the Research Subcommittee of the Board of Trustees.

The Office of Technology Licensing and Economic Development will help establish the market potential of Cornell research by preparing a comprehensive prospectus for use during the negotiation process. This document makes the business case and includes select Cornell research projects (IP status, commercial positioning, competition, prospects for technology to displace technology, supporting data.) The Office of Technology Licensing and Economic Development and other support staff will critically review Cornell's position to determine strengths and weaknesses, fall-back positions, uncover gaps in available data, and anticipate likely questions. It will also present the argument of a Cornell University alliance versus an alliance with other higher-education institutions.

If the alliance is mutually satisfactory, Cornell may wish to continue for an additional period(s). However, termination provisions will be spelled out including who is entitled to terminate and why, whether the whole alliance ends necessarily, and the rights and duties of the parties upon termination.

V. Alliance Management

Successful alliances require leadership, compatible objectives, attention to the needs of both institutions, cultural mesh, good integration, flexibility, information exchange, and effective governance, in addition to leading-edge research. Cornell will determine who supplies what to whom initially and how and under what circumstances the arrangements can be changed. (See Appendix J)

Clear determinations of decision-making will be made. A company-university Joint Steering Committee will be formed, led by a Cornell and company representative. The Vice Provost for Research will have overall responsibility for management of all alliances and will engage cognizant academic deans and center directors to help develop and maintain optimum relationships with Alliance company representatives. In Life Science alliances, the Vice Provost for Life Sciences will have working responsibility for managing alliances. Management responsibility may change, e.g., the Dean for Computing and Information Science may have overall responsibility for managing alliances in the computing and communications sectors.

The Joint Steering Committee will review and select faculty proposals for funding.

Faculty will have an opportunity to acquire materials for research.

A new position of Director of Corporate Strategic Alliances will be created to assist the Vice Provost for Life Sciences, in Life Science alliances, by coordinating the faculty RFP proposal process, budgeting, reporting, and keeping companies fully engaged, e.g., facilitating symposia, arranging visits, and placing company researchers in residence at Cornell. He or she will look for opportunities to keep the alliance company involved, will maintain close communication and coordination with Cornell faculty, and will help bridge any culture gap by exhibiting and encouraging mutual trust and synergy among scientists.

VI. How Alliances Will Work Within Cornell

Cornell will receive from alliance companies annual funds for the duration of the agreement for faculty research and related philanthropic needs. Full overhead will be charged to corporate alliance companies. Agreements will include a philanthropic portion for educational funding, e.g., fellowships, term professorships, building, etc.

Faculty will receive RFPs and will apply for these funds by submitting proposals on a competitive basis to the Joint Steering Committee through the Director of Corporate Strategic Alliances. The Committee will meet and select proposals for funding but will not control or direct research or control faculty publishing. Regular faculty research reports will be required and interactions with company representatives encouraged. The company will receive the right of first refusal on any patents that might result from the work funded. The Office of Technology Licensing and Economic Development will patent discoveries and negotiate licensing.

VII. Licensing Discoveries

Licensing of Cornell intellectual property rights resulting from an Alliance will be conducted by the Office of Technology Licensing and Economic Development. License agreements will specify the terms and conditions under which a company may take actions that would otherwise infringe on Cornell's intellectual property rights. Principal terms will include the rights being licensed, where and for what purpose the rights may be exercised, and the consideration that the licensor will receive.

CRF will evaluate the market potential of a discovery. It receives invention disclosure from the inventor and a CRF case manager will communicate information to the company sponsor or contact. The Company will be given 60-90 days to review the discovery for possible licensing.

If the company elects to license the invention or discovery, the CRF case manager will execute a limited confidentiality agreement (CDA) prior to exchanging proprietary information.

License negotiation or option agreement granted (date established for license negotiation).

- Exclusive license to inventions.
- Non-exclusive license.

License Agreement. Includes up-front fees, running royalties, diligence milestones, and minimum royalties.

Cornell should remain flexible and open to consideration of other forms of alliance arrangements and compensation including royalty-free alliances and assumption of equity positions in companies.

VIII. Institutional Memory

Capture and maintain a database of Alliance information to recycle into subsequent Alliance initiatives. The Director of Corporate Alliances will gather information, accessible by Cornell faculty and staff, on approach, negotiations, alliance management, relations management, and licensing processes, to build the university's institutional memory for improving subsequent strategic corporate alliance initiatives.

APPENDIX B

Trustee Document: Considerations & Principles Regarding Strategic Corporate Alliances (May 22, 2003)

Considerations and Principles Regarding Strategic Corporate Alliances

I. The plan for Strategic Corporate Alliances for the Life Sciences, as developed, represents an enormous creative leap in Cornell's thinking about its educational and research mission and the role of outside enterprises. The Plan should serve as a prototype for the overall Cornell effort.

II. The basis of any rationale behind the Plan for Strategic Alliances should be to create an effective and strong mechanism to further enable Cornell to execute and expand its research and educational missions.

1. The academic independence of the University and the integrity of the Cornell name will be paramount.
2. Research and academic considerations will be the primary factors in determining the goals, structures, operating procedures, and decision making related to corporate strategic alliances.
3. The plan and participants recognize that external relationships, in all probability, will ultimately be governed by relationships at the researcher to researcher, scientist to scientist level.
4. Faculty participation in any alliance, as outlined, will be voluntary.
5. Participation by the highest-ranking members of the University's and the Faculty's administration is critical. Their commitment to the process and to the maintenance of specific relationships must be assured.
6. The University should maintain a broad vision of what it seeks or may gain from any alliance. These elements may include, among others, research collaborations, laboratory or equipment access, provision of equipment, and/or funding of faculty, students, symposia, or facilities.
 - a. Maximizing licensing revenues and royalty income should not be the driving factor in structuring a general plan for strategic alliances.
7. The University's intellectual property rights policies and the freedom of information principles in place at the time of the creation of a strategic alliance will serve as the guide for the alliance.

- a. A review of the University's intellectual property rights policies, considering the comments of the various panels in the Land Grant Mission Review, the Engineering Advisory Council, the Technology Transfer Committee of the University Council, the Cornell Research Foundation, and other University resources should be undertaken, optimally before any major strategic alliances are concluded.

III. The active and ongoing participation and direction of President Rawlings, President Elect Lehman, and the Provost are requisite and crucial.

A. In addition to the colleges on the Ithaca campus, the Plan for Strategic Alliances should also include the Weill Cornell Medical College.

1. Vice Provost / Dean Gotto and the Medical College should be involved in and committed to the planning, implementation, management, and execution of any alliance that touches upon the life sciences or human health care.
2. Senior Weill Cornell personnel should be involved in reviewing all potential alliances that involve the life sciences or human health care. They will be a permanent part of the critical management and monitoring staff and management structure of all alliances involving the life sciences or human health care.
3. Cooperation and collaboration between the Medical College and Ithaca should be understood to be essential in order to maximize the intellectual and economic benefits of relevant alliances.

IV. The leadership of all other colleges, including Agriculture and Life Sciences, Architecture, Art, and Planning, Arts and Sciences, Engineering, Hotel, Human Ecology, Industrial and Labor Relations, Johnson Graduate School of Management, Law, and Veterinary Medicine, should be committed to the basic principles of the process embodied in the University's final plan, including the process of designing and implementing strategic alliances, as each may have something varied and valuable to contribute.

V. Faculty should be deeply involved in the planning, execution, and monitoring of any plan for a specific strategic alliance, as well as being involved in and committed to the creation of the plan.

VI. An independent External Monitoring and Advisory Board, with responsibility for monitoring whether the plan and alliances are operating in a manner consistent with the goal of furthering the University's research and educational missions, will be established. Such a panel will include faculty and administrators, as may be relevant, from peer institutions and will meet at least on an annual basis.

- VII. The *Local Advisory Committee of the Faculty Senate (LAC)* will serve as the internal faculty monitoring board and review all Strategic Alliance agreements before they are completed.
- VIII. A strong, effective, centralized management structure will be created at the appropriate time that is responsible for managing all components of any alliance.
1. All opportunities for outside alliances should flow through this organization, although it will not have the ability to require involuntary participation.
 2. The organization should be a resource that allows the University to catalog and understand all potential components of a strategic alliance that may flow from the faculty or other intellectual or physical resources of the University.
 3. The organization should be the central contact point for parties wishing to collaborate with the University and should operate in a manner that makes the University and the organization easily accessible and responsive to faculty and potential or existing corporate partners.
 4. Research and academic considerations should be the primary determinants of any management decisions.
 5. The organization should be flexible in structuring any strategic alliance, understanding that differing scientific fields, academic / research endeavors, and corporate enterprises have differing strengths and needs. These should be accommodated to provide benefits to all parties.
 6. The organization will report to a high-level executive of the University.
- IX. The plan, and any alliances, will include provisions that will require periodic review and would allow the University to implement modifications or terminate alliances that were not judged to be successfully furthering Cornell's research or educational missions.

May 22, 2003

APPENDIX C

Current Cornell Principles to Guide Development of Strategic Corporate Alliances (undated)

Current Cornell Principles to Guide Development of Strategic Corporate Alliances

1. The involvement of Cornell researchers in corporate alliances will be voluntary and will not disrupt existing relationships they have with other sponsors of their research, including corporate sponsors who do not enter into broad research alliances with Cornell.
2. Corporate research sponsorships will be reviewed with relevant federal funding agencies to ensure that the agreements avoid federal concerns regarding corporate sponsors inappropriately leveraging their support against federal grants, and circumventing the intent of the Bayh-Dole Act.
3. Cornell researchers will retain the ability to publish the results of research conducted under the relationship. Reasonable delays would be permitted for review for confidential company information, patentable subject matter, and, if appropriate, preparation of patent applications. In no case will the total delay exceed 90 days
4. Cornell will own all patents made by its faculty, post-docs, students and staff, and will license these inventions for commercial development for the public good in a manner consistent with Cornell University Patent Policy. This will include no paid up licenses, diligence requirements, and the ability to terminate the license for failure to perform.
5. Cornell will retain the right to practice any inventions for its own research and education purposes, and will retain the ability to distribute any biological materials created under a corporate research sponsorship to other academic researchers.

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MINUTES OF A MEETING OF THE FACULTY SENATE

December 14, 2005

Speaker Barbara Knuth called the meeting to order. "We apologize for the lateness in starting time but there was a class in here taking a final exam. We didn't feel it appropriate to just to come on through. We do have a quorum for our meeting. The items of business will proceed as you have on the agenda. I would like to begin with a few routine announcements that you have heard before but I will remind you again. Please remember that no photos or tape recorders are allowed during the meeting. Please turn off all your cell phones. When you speak please stand and please identify yourself and your department or your unit so we know who is addressing us. To my knowledge we have no good and welfare speakers today so we allocate that time to other matters on the agenda.

"I would at this point just like to use the Speaker's prerogative to remind the Senators of some of the procedural rules of the Senate based on discussion that came up at last session of the Senate. There are just two items. One, a reminder that to place an item on the agenda, to place a motion on the agenda of the Senate, it has to be endorsed by a faculty committee, the UFC, or any four members of the Senate, or any twenty-five members of the University faculty. Keep that in mind. These rules are posted on the web, the University Faculty web site. The other item that there seems to be some uncertainty about was the idea of proposing amendments to the motion at meetings. And again, to clarify that, according to the procedural rules governing the Senate, all proposed amendments to motions must be submitted at least twenty four hours prior to the meeting to the Dean of the Faculty's Office, which will forward it to all of the Faculty Senators via e-mail. It is up to the Speaker to rule substantive amendments out of order but I am able to accept minor wording changes. Please remind yourself of the procedural rules in case you have motions or amendments that you choose to bring before the body at some point.

"With that I would like to move on to our first item of business and that is to ask Provost Martin to lead us in some consideration of budget issues. We have forty five minutes devoted to this."

1. Remarks by and Questions for Provost Bidy Martin

"Thank you Barbara. When you said lead us, I was thinking that you were going to say in song. I have been asked at a couple of official occasions to lead us in the Alma Mater and I can't carry a tune. I always have to seek help. Thank you for not asking me that.

"I'm here to give you a Planning and Budget update and I am happy to do that. Before I do so I want to make sure all of you know our Vice President for Budget and Planning, Carolyn Ainslie. If you don't you should get to know her. She works very closely with your committee on Financial Policy matters. She is here today in case you have highly technical questions that I would like to defer to her.

"Let's start. I'm going to give you a little bit of context but not much. I will not take too much of your time with context. I wish we had Power Point in the Senate. I never thought in my life I would say such a thing, that I wish that I had Power Point but nonetheless I have gotten accustomed to it and I see that it's superior to overhead projectors.

"Here's our agenda for today (Appendix 1). Just a little bit about academic priorities and what's going on in campus planning and then some budget and planning assumptions for you. Many of you, because I have been going from college to college and giving the report that I gave our Trustees last March, have heard me go over this outline about what might be distinctively Cornell and what also might be some of our goals for the campaign.

"I'm just going to put this slide up (Appendix 2) to remind you - or for those of you who haven't yet had the pleasure of hearing my lovely report, for the first time - what we are saying to our Trustees, our major donors and alumni, that they will also then say to their fellow supporters of Cornell about what we consider to be distinctively Cornell, among other things, and what our goals are for the campaign.

"Here are some of the characteristics of the University that we have been emphasizing for the purposes of thinking about the campaign and the identity of the University in that context (Appendix 2). As I have said to many of you, the first founding vision, 'I would found an institution where any person can find instruction in any study,' I think is the one that is perhaps the most important to many of us. That's because we hold on to the importance of that vision in the late nineteenth century of a university that was open to qualified students regardless of gender, regardless of race, regardless of ethnicity, and regardless of religion or creed. We aim to remain a need-blind admissions University, and we are currently one of the few remaining in the United States that is completely need-blind in our admission of students. That's something of which we are, I think, rightly very proud but you will see in a minute when I show you a little bit about budget planning and budget assumptions that we have to do well in the campaign in order to not to stay need-blind, we will stay need-blind, but in order to provide the levels of financial aid our students need.

"Goals for Cornell in 2015, I'll just show this very quickly (Appendix 3). This is part of the Trustee report. I have been over it with many of you in some detail in the college presentations. I think our goals ought to actually to be higher than this, by the way, but these are the ones that we cited in the Trustee report.

"The question is, for those of you who haven't seen the entire report, one of the goals that I have set for myself with the Trustees is to help them understand that not all rankings matter. For example, the US News and World Report rankings are not rankings that we highly value. The National Research Council rankings of graduate programs and graduate faculty quality are rankings that we think matter somewhat more, though we have our skepticism about those too. But when they ask us to put stakes in the ground, as they put it, when it comes to some of our goals, what I focus on are the National Research Council rankings and also professional school rankings that our professional school faculty and deans think have merit. Those are not typically the US News and World Report rankings.

"I want you all to understand what is going on on-campus. It's interesting that these various planning exercises are either already underway, or about to start, and that they will converge with one another over the next year or two (Appendix 4). They include campaign planning. Campaign planning by the way, as many of you know, has been going on for what seems to me to be forever. We decided to enter into a capital campaign before Hunter Rawlings left during his first presidency and we are still more or less in a campaign-planning mode, but we really need to launch a public campaign. And we will launch a public campaign soon. We are also in the midst of ten-year financial planning of our operating and capital budgets, and that of course converges in a very critical way with campaign planning because we need to know what we will be able to afford over the next ten years when it comes to capital and operating expenses.

"We are also beginning to enter into another process about which you probably know less and so I might be introducing it today. If I am, I am glad to be the one introducing it. At the urging of our Trustees and our own judgment, we decided we wanted to do master planning for the campus and I think that this will interest a lot of you. I don't know how many of you have ever been involved in master planning exercises but this really is a quite serious comprehensive view of the entire campus and beyond Ithaca to some of our other campuses. It really is a view of how we think the campus should look and will look over quite a long time frame. This concerns not only the physical plant itself, obviously, but the relationship and our academic priorities and goals, our assumptions about student or faculty growth, or not, and what needs the faculty and students will have over time for building and/or other aspects of the campus. Is there a question in the back?"

Professor Sheila Hemami, Electrical and Computer Engineering. "I was just wondering, in an abstract sense that makes a lot of sense, but could you give an example of a university that has done this type of thing recently and what became of it so we have an idea of what might come out of this?"

Provost Martin: "I want to first say that I am no expert on Master Planning. I am just beginning to learn myself. There is a recent example on the web. If you would like to look on the web, you can read a completed study for Brown University. I just talked to the architects who did the Brown University's Master Plan and that is a very interesting one.

"The reason that I am qualifying what I am about to say, is that apparently there are many different ways to do master planning. When architects or consultants come in to do master planning, some of the completed studies don't go beyond setting out, based on what they have heard from the campus, a set of principles that guide the campus's planning and its decision-making going forward. Some are much more detailed and actually give a sort of map, they map out, in some concrete detail where we're likely to want to build or not, what kinds of spaces we are likely to want to keep sacredly open and free of building and development, or which ones not. Some of them will get as detailed as assessing the relative uses, speculatively, of various buildings on campus; which are likely over time to need to be demolished or seriously renovated as opposed to simply expanding our existing facilities; which one's we will choose or how detailed a final report will we end up wanting. We are just at the very beginning of this process.

There will be faculty input at every stage of this Master Planning exercise. It's right now being organized out of the Office of the Vice President for Finance and Administration. You will hear more about it. I just wanted you to know it's about to begin and it converges, I think thankfully, with these other planning exercises so that we will have a good sense of where we are headed in these particular areas.

"Are there any other questions about any of those planning exercises?"

"All right, if not let's go to the budget. Here is the Ithaca operating plan (Appendix 5), the revenue side for 05-06 and it tells you things that I think most of you already know about the Ithaca campus budget. I'm showing you just the sources of revenue. As many of you know, Sponsored Programs, which are research grants and non-grant based funds, and Tuition and Fees make up about half of our revenues. If you have any questions about any of the other elements of the budget on the revenue side, let me know. This is just to give you a sense of what the components are and what their relative weight is."

Professor Howard Howland, Neurobiology & Behavior, At-Large: "I have a question about enterprises. Is that like dormitories and restaurants? Some of us have noticed the incredibly high prices of some of the restaurants around campus. I just wonder, are they supposed to be making money? What should they be making – 20%, 30% or zero percent?"

Provost Martin: "The enterprises that bring in revenue to the general budget are not the residence halls and campus life. They are self-sufficient as an enterprise. This includes and Carolyn you correct me if I am stating this incorrectly - but this includes things like the Campus Store and other kinds of revenue raising enterprises of that sort. Campus Life doesn't make money on dorms and food service that it then feeds back into the University's budget. It has a cost-subsidy system within itself in the domain of Student and Academic Services, but it does not contribute to our net gain if that's the concern. We are not trying to make money off those projects."

Professor Brad Anton, Chemical and Biomolecular Engineering: "First of all, how big is the total pie, hundreds of millions of dollars?"

Provost Martin: "\$1.632 billion total pie."

Professor Anton: "Investments – the 13% - is that pay out?"

Provost Martin: "Yes."

Professor Anton: "That's the revenue we take as a percentage from the endowment?"

Provost Martin: "It's the payment from long term endowment, short term endowment and working capital: \$1.632 billion. I should have said that is the total pie for just the Ithaca campus. This doesn't include Weill Medical College."

Professor Nick Calderone, Entomology: "How does this break down by contract and endowed? In other words 'government appropriations,' what exactly does that entail?"

Provost Martin: "That's hard to do off the top of my head because it doesn't breakdown on the basis of government appropriations as the stand in for the contract college side, obviously because of the tuitions shared. Do you know Carolyn?"

Carolyn Ainslie, Vice President for Planning & Budget: "Most of the government appropriations is for the contract side. If we just look at their budgets that would account for about 30% of their budgets right now."

Provost Martin: "But I think Professor Calderone would like to know what's the breakdown if you take contract colleges as a whole in relation to the rest of the campus. Is that right for the 1.632 billion or only at the state appropriations?"

Professor Calderone: "Just the state appropriations."

Provost Martin: "The 33 percent of the contract colleges' budget that comes from the State of New York is a higher percent, perhaps surprisingly to many of you, than many other state universities now get from their state government. As a percent, it's not that the total is much higher than what some state universities get. But as a percent of the total budget, 33 percent, I think we should say unfortunately is significantly higher. Ron Ehrenberg would be the person to consult about this overall trend in the country about which I think we should all be concerned - that is the diminishing of state funds to our public universities.

"Here you have a chart that shows you the general operating revenue for Ithaca (Appendix 6) and it's a comparison over time, which will tell you a little something, but is of course also potentially misleading. In any case, you see the increase as a percent of total tuition and fees, but what I want you to know about that is that the bulk of that is a change in the number of students, not the increase in the amount of tuition. I can't break it down for you precisely here, but from the seventies to now it's a significant increase in the number of students, so that would account for the change in the percent of total of tuition and fee revenues to some degree. The rest is made up obviously by the increase in tuition and fees. You see the change in government appropriations in the Seventies; it was 29 percent of the total budget. It's now down to 10 percent. Gifts are up only one percent over that time of the total budget. Enterprise is down. Do you have any questions about any of this or comments? I would be glad to hear them."

Professor Kathy Rasmussen, Nutritional Sciences: "Are these constant dollars?"

Provost Martin: "No. They are not constant dollars.

"Now on the expense side (Appendix 7). I don't think this will surprise you. Many of you know this information relatively well. Here we have on the expense side, we are very labor-intensive and that little pie chart shows you that. Compensation costs for staff and faculty make up - if you add benefits to salaries and wages - 60 percent of the total budget on the expense side. If you have any questions about any of the other elements, feel free to ask. Sixty percent is quite a sizeable percentage of a total budget on the expense side and that's where your salaries and benefits come. It's just a

comparison on the expense side. I'll give you a few minutes to look at that and see if you have comments and questions about that." (Appendix 8)

Professor Cornelia Farnum, Biomedical Sciences, Senator-at-Large: "When we submit a grant to NIH we are asked to use as fringe benefits something approaching 46 or 47 percent but it looks like our benefits in relationship to our salaries are significantly less than that."

Provost Martin: "Yes. It differs across the contract and the endowed line. The reason yours is so high has to do with the State of New York and what's occurred there. Carolyn, do you have anything else?"

Vice President Ainslie: "We also don't record in our books the significant portion of benefits that are provided to the contract college faculty and staff, which is about \$75,000,000 in the year that we are in. The benefits that you are actually paying there is the reimbursement to that. When sponsored programs and restricted funds gives a reimbursement to the State so that piece because their support only provides support for their own activity."

Provost Martin: "Carol, you need to stand up so that everyone can hear you."

Vice President Ainslie: "On the contract college budget, it's about \$75,000,000 of benefits that are provided directly by New York State and they are not recorded on our books here. Actually this understates that, so if you are trying to calculate that percent in your situation on restricted funds and grants and contracts, we have to reimburse the State for that. That rate actually is for benefits that we don't provide here. We don't control those costs. That number is actually approaching 50 percent right now."

Provost Martin: "Any questions or comments about this comparison on the expense side?"

"For 2005/2006, as a budget update, we think we are doing quite well this year. Here are a couple of items that will interest you (Appendix 9). I hope that you will have heard that the contract colleges have seen an increase in funding this year for salaries and operations. As many of you know, this comes after several years of cuts from SUNY and New York State. The other thing we are quite worried about for this year are the electricity and energy costs. We have been forecasting that we will have a \$7,000,000 deficit; that is in relationship between what we will see and what we budgeted. We now think we will be significantly less than \$7,000,000. That's partly because the State is going to provide all of its SUNY campuses additional monies to make up the short fall for campuses. That will bring us over \$3,000,000 to help us with the \$7,000,000 projected shortfall. In addition, once the word went out that we really needed to conserve, you all are also helping quite a bit. I can only urge you to try as long as you can to continue in that vein."

Professor Brad Anton: "What, if anything, inspired the State to be more generous this year?"

Provost Martin: "Well, it's Governor Pataki's last year as Governor. It's an election year. He has ambitions beyond the state level, apparently, about which I know very little except to say that. I know a little more than that but I don't think it's worth your while hearing it. New York State is actually doing well. It has done well in the past few years, surprisingly. Unlike many other states, the New York State budget is actually doing well. It's a combination of the interests of the Governor and the Legislature. But, I should also say in terms of how we fared with SUNY, just our share, what we have gotten has resulted from a lot of lobbying on our parts and a lot of lobbying on the part of Trustees and alumni in Albany, in not only the Legislature but directly to the Governor's office."

Professor Anton: "Did our cut in the SUNY budget increase?"

Provost Martin: "Not our proportion."

Professor Anton: "But the whole budget increased?"

Provost Martin: "Yes, it did."

Professor Dorothy Ainsworth, Clinical Sciences: "In the Master Planning - will alternative sources of electricity also be considered, like windmills, or geothermal or things like that?"

Provost Martin: "Actually the Master Plan, I think, is not the place where those things will be considered but they are being considered separately. In the Master Planning, I think, when it comes to issues of sustainability there will be a whole set of questions about transportation, for example, and the use of the physical plant and its implications for energy use and so on. The actual concrete and direct questions about energy will be handled separately from the Master Plan, but then everything again needs to be integrated. I think the involvement in the Master Planning, which as I say will include faculty, staff and I hope some students as well, will take up these issues but that won't be the direct focus. It will be synthesized with planning going on elsewhere about these issues. Are there any other questions?"

"The endowment payout policy (Appendix 10). I have been around to several colleges, I think six or seven by now, to give my presentation and at several of those presentations actually one of the questions I've gotten has been, why we are not doing a little bit better in our investment strategy. We are doing better! Our investments are doing better, and let me say to you what I said to the people who asked that in these other settings, our Investment Committee of the Board of Trustees reorganized the way in which the University handles our investment strategy. We have over the past two years seen improvements. Are we doing as well as Harvard and Yale in our returns on investments? No, but no one is. Why are they doing so well? Because the rich get richer. By that I mean because they are taking bigger risks in the market. It might also be that, indeed it is actually the case, that over a long period of years they have made smarter bets than we have done. But right now, their endowments are so much larger than, not just ours but everyone else's, they can take even bigger risks and those risks have been paying off. I don't think anybody in our Investment Office or our own Board

of Trustees feels that it would be wise for us to take quite the same risks that some of our peers are taking. Nonetheless, we are doing better.

“On endowment payout the goal is to have a steady flow to the campus of monies from the endowment. We have a policy to which we try to stick and indeed have for the most part stuck. I will show you graphically how well we have done over the past several years and what you will see here on the graph (Appendix 11). The green line is the policy, the target (4.4%) of our rolling average over twelve quarters. In the nineties you see we actually paid out, this is the way I put it when I first became Provost, we paid out too little, I thought. We all know what happened. The Trustees agreed to increase the payout and at that very moment the markets fell. So we got a little bit outside of our policy, on the high side. Over the past two to three years, as many of you know all too well, we’ve had to take a cut in endowment payout in order to get back within our norms. This year the endowment payout will definitely go up. We’re hoping by as much as five percent. So what gets paid out for this next year’s budget from our investments will go back up. Are there any questions about that?”

“Carolyn, where are we right now in the year, at what percent are we in terms of endowments.”

Vice President Ainslie: “In gross returns?”

Provost Martin: “Yes.”

Vice President Ainslie: “We are a little under seven percent.”

Professor Piliero, Education, Senator at Large: “Could you just clarify when you say seven percent return. Is that annualized?”

Professor Ainslie: “It’s a calendar year number.”

Provost Martin: “Let’s look at another element of the budget that we all care about. That’s undergraduate tuitions (Appendix 12). This is the two out of six dollars and you see the trends. I don’t know whether you can see in the back the color-coding of the lines. Good. You see the particularly steep increases on the contract side especially for non-residents. Are there any questions or comments on those trends?”

“Here is a comparison of Cornell with some of our peers on tuition and fees (Appendix 13). You see that we are actually in the lower grouping.”

Now for our Unrestricted Grant Aid (Appendix 14), that is what percent of tuition are we using to pay financial aid for students who otherwise can’t afford to come to Cornell. You see that that too has gone up, as tuition has gone up. That is one of the reasons, though not the only reason, why we were worried about having enough financial aid to provide grant aid to students where we really would like to be able to do so. The other reason is because we had a campaign for scholarship funding, which was a successful campaign, but some of the pledges from our donors have actually not come in on time and some which are deferred gifts that will come in but haven’t yet begun to come in at the rate that we thought they would at this point.”

Professor Sheila Hemami: "I don't understand what that title means. Does that mean that of students that pay tuition, we pay 20 percent of those that are contract college and non-residents turn back around? Maybe Carolyn could explain that more."

Provost Martin: "All it means is that if you total up what we get in tuition and fees and then look at it in relation to what we turn around and provide in the form of financial aid to students, the percent of financial aid we provide is, say in this case a contract college, non-resident, is now over twenty percent of the total."

Professor Hemami: "When you total it, does that total include the money that comes in? Is that funny money, or real dollars?"

Provost Martin: "It's everything, the cost of tuition and fees for the students we have."

Professor Hemami: "Every single student here, including the ones on break?"

Provost Martin: "Yes. It's the percent of the total of tuition and fees for all students that we pay out on financial aid. We have a scholarship campaign because we did not want that discount rate to go above eighteen percent or so. When it was headed up close to twenty, we had a campaign to raise private monies in order to try and get it back down."

Professor Ted Clark, Microbiology & Immunology: "What's the pressure that's driving that up?"

Provost Martin: "The pressure that's driving it up is the increase in tuition and our ability to provide financial aid in the form of grants."

Professor Clark: "For the contract colleges, that spike is pretty dramatic. Was there an equivalent spike in the tuition for the contract colleges?"

Provost Martin: "Yes. Since you are in the Vet School you probably wouldn't have been keeping up with the same degree as others have. But tuition in the contract colleges, both for residents and non-residents, has been increasing at a very steep rate. That has to do with amount of funding that the contract colleges are getting (the University is getting) from the State of New York and therefore our ability to cover our costs. This of course, as you probably know, is a nationwide trend. Even though we show very steep spikes in tuition and fees on the contract side, we are not leading the way. The other thing I want to point out, for non-residents of contract colleges, this is the result of policy. It's not sort of ad hocing. The policy that the deans of the contract colleges wished to set was to have the tuition and fees for non-resident students of the contract colleges, get close to tuition and fees for students on the endowed side. The state subsidy primarily benefits residents. We want to allow for about ten percent subsidy to non-resident students but perhaps not more than that so that non-resident students in the contract colleges would pay about ninety percent or so of what our endowed students pay. Is that clear? Carolyn, did you want to add something to that?"

"The other thing that adds to the amount of financial aid we are providing as a percent of the total of tuition and fees has to do with a decision that Hunter, before he stepped down the first time, helped make and is called the 'consensus approach.' It had to do with the change in the way universities would view middle class families and their assets, which ended up meaning that we would agree to pay more financial aid for families with what was considered to be middle class incomes based on a whole set of technical decisions about their relative assets, relative to income (Appendix 15). We had to provide more financial aid than we had imagined that we would provide based on our model because we entered into this agreement with other universities to provide more financial aid to more middle class families."

Professor Peter Stein, Physics: "I want to make a comment to Sheila, to point out that this graph probably is not quite what you think it is. Because, notice this is unrestricted grant aid, and then there is some other grant aid, which is restricted grant aid so the total financial aid is more than what is shown on there. As a matter of fact, if you look at it one way you could say, well you should plot unrestricted plus restricted because the people that gave the money restricted to financial aid could have equally well have given it as unrestricted funds and our financial situation would have been exactly the same except that this graph would look differently. Do I make myself clear?"

"Do you have any idea what the ratio is between restricted and unrestricted grant aid?"

Provost Martin: "I don't know off the top of my head, do you Carolyn?"

Vice President Ainslie: "We spend about \$55,000,000 for the unrestricted, and the restricted funds is slightly less than \$40,000,000."

Professor Stein: "So essentially it's almost double this, the actual total grant aid?"

Professor Ainslie: "Yes."

Professor Peter Davies, Plant Biology, At-Large: "The time when that does the uptake is an interesting time, 01. 01 is the exact year where several Ivy League colleges declared that they were no longer going to give loans, but they were going to give grants. To what extent is this measured by the University to remain competitive?"

Provost Martin: "Well, it's actually more of a result really of the consensus approach more than it is an effort to compete with those policies of Harvard, Yale and Princeton."

Professor Davies: "Of Brown, also."

Provost Martin: "I am trying to remember if Brown is doing precisely the same thing. They are doing less, I think. They are not doing what Harvard, Yale, and Princeton had promised to do, which is to supply grant aid as opposed to a combination of grants and loans, for example, for students of families making \$40,000 or less. We would like to be able to compete with that, and we will spend more financial aid dollars in order to compete for the best students but we can't possibly now, nor probably in foreseeable future, and possibly ever, compete with what Harvard, Yale and Princeton have decided to do."

"Here's something I want you to bear in mind (Appendix 16). Why are Harvard, Yale and Princeton doing that? Well, partly because they can afford to do it. But they are trying to attract a more economically diverse student body. If you take Pell grant recipients as an indicator, as actually they are, the economic diversity of student bodies you can see that Cornell is barely below Columbia as the highest among the Ivy League universities, with the greatest number of Pell grant recipients. We lead Harvard, Yale and Princeton by quite a margin. Harvard, Yale and Princeton are trying very hard with the policy they have set and the money they promised to spend on financial aid in the form of grants to make a difference in the composition of their student bodies. Some people believe that it might already be starting to make a little difference but in my meetings with the Ivy Provosts, the Provosts have acknowledged that it is a very, very, very difficult thing to do. Why is that? Because students and their families care about more than just money and a lot of students from backgrounds with which I feel I'd be familiar, don't feel comfortable, don't believe they would feel comfortable at Harvard, Yale and Princeton. They are trying a lot of different measures and a lot of improvement efforts in addition to providing grant to aid to make their student body more diverse."

Professor David Pelletier, Nutritional Sciences: "Do you have any way of gauging how much of our diversity comes from the contract colleges as opposed to the endowed?"

Provost Martin: "Yes, we do know and I'm glad to report that the Pell grant recipients are distributed across the colleges and they are not heavily weighted toward the contract colleges. A lot of people believe that when they see this. They assume that we are talking primarily about New York State residents in the contract colleges. That is the fault of what accounts for our economic diversity, but it's not the case."

Professor Pelletier: "Is there another component that diversity from being contract colleges that bumps us up even higher, apart from the Pell Grant measure?"

Provost Martin: "In economic diversity? Another measure or another indicator suggests that it does help us? Probably, yes. We don't have precise figures that I could show you and say, this is the way in which we use some other indicator, other than the Pell Grant that we can show the contract colleges and the state subsidy to residents helps account for more and more economic diversity. I can only show you this and tell you that the Pell Grant recipients are spread across the campus."

Professor Shirley Samuels, English: "I have a two part question and it's partly because I've been feeling as though I was waiting for another shoe to drop. I was on the Faculty Council of Representatives twenty years ago, we were presented, I think by Dick Schuler, with a model that set up exact tuition and fees versus faculty salaries. I did notice when you set up your earlier chart and I should have asked the question then, the percentage of expenditure on faculty salaries in 1975-76 was 58 percent and now it's 48 percent, which is a significant drop, not quite accounted for by the factors. The two-part question involves first - is that part of the kind of trade-off that's now being imagined and second - is there any way of thinking about the question of diversity among faculty as part of a need to have high enough faculty salaries that you can actually attract and retain them?"

Provost Martin: “Those are two different questions. Let me take the second one first. We’re going to get to salaries in a minute. I think that salary increases we have been providing, as part of the agreement we made with the Senate some years ago, have got faculty, at least at a level most deans seems to be feel comfortable with. I think that the Financial Policies Committee of your own Senate also feels that we have met a goal that was important to meet and our salaries, relative to our peers, are at a place where we can successfully recruit and retain faculty. The pool is large enough so that the recruitment of faculty into the disciplines in which we really need to recruit and the retention of faculty we most want to keep, is possible. Actually salary is not the biggest impediment for us. In some domains it’s not the start-up funding. It’s dual career issues, which is actually a salary issue, clearly, but a slightly different one from what you mean, I think. In other cases there are other constraints that stand in the way of getting the faculty to go on board and retaining the faculty we want to keep. I don’t think the actual overall salary levels are considered by most people to be a constraint in the diversification of the faculty. You all should tell me if that seems wrong. It is not what is being reported by the Deans. So, I would have to hear it from you all.”

Professor Ron Ehrenberg, ILR and Economics: “I think first of all, this is not just faculty. It’s faculty and staff. From the perspective of the University the thing to look at is not just salary and wages but also salary and wages and employee benefits. If you add the two of those together you will see that the drops have only been from 62 percent to 60 percent. Presumably that reflects the fact that we have a somewhat smaller faculty now than we did awhile back. Most of the increase in employee benefits costs are not anything that the University has control over because that’s sort of our Social Security, and to some extent health insurance costs. So it’s sort of problematic because we as faculty members look at the salaries that we are receiving but the University and Planning and Budget has to look at the total costs that it is incurring for faculty and staff.”

Provost Martin: “Thank you Ron. That’s right, if you add in the benefits and the differences.”

Speaker Knuth: “Excuse me Provost Martin, we have five minutes left for discussion and you mentioned you wanted to get to faculty salaries.”

Provost Martin: “Yes I did want to get there, but first I want to show you some of the assumptions on the basis of which we are proceeding at the moment for our planning for next year, so you have this in your pockets and you have had a chance to think about it, if you wish (Appendix 17).

“We are considering, on the endowed side, a tuition increase between four and four and one half percent but I should tell you that we don’t collaborate nor are we permitted to by law to collaborate with our peers when we make decisions about increases in tuition and fees. Now that the information is available, we discovered we were on the low side for this past year. We had a lower increase. Many of our Trustees, and this might be the case for many of you too, urge us to think about the potential to have tuition increases, especially for those who can afford them, operate as a kind of progressive tax so that raising tuition is actually not so problematic if you realize that it helps us garner

resources from those people who can afford to pay the higher tuition so that we can provide financial aid to the students who can't afford to come. So thinking about tuition increases is a difficult and complicated matter but this is what we are thinking right now. We are being encouraged as I say to think about whether we should continue to be at the low end of the increase or not. You can immediately see the information here. If you have any questions about it let me know. These are the ranges we are considering at the moment."

Professor Brad Anton: "Has any consideration ever been given to retroactively changing the Cornell Children's Tuition Scholarship Program? These increases are steadily above the consumer price index, for example, where as our salaries are actually pretty close to the consumer price index. These increases, for those of us who are only getting the half tuition benefit or the thirty percent at other places instead of the full tuition benefit here at Cornell, have had the effect of completely eating up that half. Projecting in to the future, that half would be twice as big as it otherwise would have been and actually becomes the future value of the present cost of tuition, inflated with normal inflators. It puts more pressure on us. It's like that benefit is disappearing."

Provost Martin: "Yes, it's a smaller benefit. Then of course there are the people who would like us to reconsider it because only a certain percent of the faculty get to take advantage of that particular benefit and yet everybody pays for it. The question would be, 'is it time to look at the suite of benefits and think about them differently for a whole set of circumstances.' That's something that I think the faculty could decide might be a good idea. At the moment there's been no pressure, either from within the administration or from the faculty to reconsider the question of benefits and how they are allocated. But certainly that could occur, that could be on our agenda along with all the other planning exercises that we have decided to undertake but we will have to stage it a little bit.

"This slide (Appendix 18) is just the graph that shows you how we have done on our faculty salary program in trying to reach the median of our peers, the peer groups that the Faculty Policies Committee of the Senate actually chose for the endowed and contract side. We reached our goal on the contract college side. We came close this past year to reaching our goal on the endowed side, but we didn't quite make it. This shows growth in average Ithaca campus faculty salaries (Appendix 19). Are there questions, comments on that? I'm trying to rush so that you can discuss as you wish this particular set of projections and reports."

Professor Kathy Rasmussen, Nutritional Sciences, Faculty Trustee: "Can you give us any information about those salaries by rank? I understand we did better with respect to assistant professors than we have with respect to full professors."

Provost Martin: "Is that true? Do we have the information? Yes, we absolutely have that information. If you wish, at the next Senate meeting, I will bring it to you broken down. Right now, I can't in my head reconstruct precisely enough to say whether we have done that much better in any one rank. We aimed to do, as you all remember, well for full professors because we were actually more worried about full professors. We were already doing quite well in most disciplines at the assistant professor level. We were not having trouble recruiting and we were actively trying to keep beginning

assistant professor salaries at a level that would allow us to compete well. I think most Deans have succeeded in doing that. At the associate professor level there were issues and at the full professor levels there were the biggest issues of all. I'm not sure we've done that much better in any one rank than the others, but we'll bring that information to you."

"These are the goals that we have given our Trustees as being essential in the Campaign (Appendix 20). Let me just say in summary, that we are doing well in our operating budget. I think our forecast for the future, barring unforeseen problems, which always occur, but which we can't as yet predict, but barring any really dramatic unforeseen problems, we feel confident that based on our planning and the policies we have in place, that we are sound financially and have some room to continue to do interesting and exciting things, but only with the success of the campaign. That is, folding in a set of planning assumptions about a successful Capital Campaign, tells us we'll be fine and we can do exciting things. With that, I'll end and be glad to take any more questions if there's time or I'll also hear comments."

Speaker Knuth: "One final question and then we need to move."

Professor Rich Burkhauser, Policy, Analysis and Management: "As a person who has kids to go through Cornell and get the in-state tuition, I appreciate that you don't want to increase the tuition that I pay, but I don't understand the logic of increasing the endowed side by \$1400 and the in-state contract colleges by only \$700. I believe the real costs have increased by the same absolute amount. I think it has gotten us into trouble in the past that we have tried to keep our percentages the same when in fact with the state's contributions on the contract side that we are not getting enough money in tuition to really maintain quality. I'm surprised that we have gone back to this notion of making absolute amounts in the contract college less than in the endowed college."

Provost Martin: "I don't think that that's our primary goal, Rich. Our primary goal, especially for residents, is to keep the total of tuition and fees about half of what it costs for endowed students."

Vice President Ainslie: "That assumption that is up there (Appendix 17) is predicated on an expectation that we are going to get state funding to make up that other piece of the cost. The reason we have up to this point, and we keep track of it in terms of cost perspective level over the last couple of years, and that has been pushed to eight and nine percent, is because we didn't get state support. This is predicated on an important assumption that we are going to get state support next year."

Speaker Knuth: "Thank you very much. That was very helpful information. Thanks Provost Martin and Carolyn Ainslie."

"I would now like to call on Dean Charles Walcott for remarks."

2. Remarks by Dean of Faculty

Dean Charles Walcott: "I will be very brief. I just want to report that the other day we received a request from the Presidential Search Committee to find three faculty members to go down and interview finalists in the next few weeks for the Presidency. We decided that we would draw them from the University Faculty Committee, which is the body that has been elected by the entire faculty. The way I did this was to poll the UFC and see who could do it and then Cynthia and I selected three of those who could do it. They are Brad Anton, John Gukenheimer, and Alice Pell. That's my report."

3. Approval of Minutes of November 9, 2005 Senate Meeting

Speaker Knuth: "Our next item of business is to approve the minutes from the last meeting, November 9, 2005. They were available to Senators in advance on the University Faculty web site. I would like to ask for approval of these minutes by unanimous consent, but will allow an opportunity to add any corrections to the minutes.

"Seeing no corrections and no objections, the minutes stand approved."

4. Report from the Nominations and Elections Committee

Dean Walcott: "I will be brief. There are two recommendations of the Nominations and Elections – Margaret Washington for FACTA and Eva Tardos for the Financial Policies Committee."

Speaker Knuth: "Thank you and we do need to approve them so again I'll ask for unanimous consent for approval of the report. Seeing no objections, the report stands approved.

"I also have a message from Professor Farina who wanted to convey to you the results of the vote regarding the reappointment of the Dean of the Faculty. I'll quote from her letter to President Rawlings in which she wrote, 'I am pleased to report to you that by secret ballot, the members of the University Faculty Senate have chosen, by a three to one margin of those voting, to extend Charlie Walcott's term as Dean of Faculty through June 30, 2008. I am requesting that you seek prompt confirmation by the Board of Trustees Executive Committee as required by the University By-laws.'

"Congratulations to Dean Walcott.

"Our next item of business is going to be led by Professor Peter Stein, from Physics, who will lead us in a discussion of a proposal to revise the charge of the Committee on Academic Freedom and Professional Status of the Faculty."

5. Discussion of Proposal to Revise the Charge of the Committee on Academic Freedom and Professional Status of the Faculty

Professor Peter Stein, Physics, Chair AFPS: "You received a long and complicated proposed change to the way that the Committee on Academic Freedom and Professional Status operates in its role as a grievance committee (Appendix 21). I won't bother to display it, nor will I particularly summarize it. What I would like to do is to put it into perspective for you and explain to you what it is we are trying to accomplish and why it is that we decided to go in this particular direction."

"Let me first give you a transparency showing who this proposal comes to you from (Appendix 22). These are the members of the Academic Freedom and Professional Status Committee. There's more on here there than you might think should be, and that's because we asked the faculty members who were rotating off to stay for awhile because the work on this proposal transcended the July 1st change of the Committee."

"With that let me tell you a little about Grievance Committees (Appendix 23). Let me just read you the contents of the boxes. What I am trying to do is describe to you in a schematic form exactly how the grievance procedure works. On the left hand side of this we have an organizational chart, a simplified organizational chart of the University, which you will recognize immediately. Namely there is the Provost who is the head of the academic part of the University. The University is divided into colleges and there's a Dean that's in charge of each college and then each college is divided into departments and there's a departmental chair that is in charge of a department. Here is a lone single faculty member down here. There are black arrows that go in both directions on this organizational chart to try to convey the feeling or the concept that each level communicates with the other in two directions. The one higher up on the scale supervises the person below that person and the person on the bottom reports to the person above.

"Let me tell a little about this. Cornell has a very elaborate grievance procedure. It's a very elaborate grievance procedure, which is not very often used. It's very wide and very shallow. Let me try to explain what goes on. Here we have a lone faculty member and this lone faculty member has a green arrow coming from his department chair to him. That green arrow represents something that he doesn't like. It could be a reprimand. It could be a raise he thinks is inadequate. It may be an office that is really a broom closet or something like that. As a matter of fact it can be almost anything. This green arrow can be almost anything with a certain number of exclusions. The policy says that any grievance that a faculty member has can be taken to a grievance committee with some exclusions. The exclusions are bad things that happen to you that are covered under other policies. For instance, you didn't get tenure. That's covered under another policy. Or, someone has discovered that you have been taking money out of the till. That's covered under another policy. You have been sexually harassing somebody. That's covered under another policy. I think that's all there are. I think those are the special cases. Those are not covered by the grievance procedure because there are other elaborate procedures that cover those.

"Suppose the green arrow was outside of those excluded classes, what does the faculty member do? What the faculty member does is the faculty member sends a blue arrow up to the grievance committee. On this side is the grievance procedure and there are essentially two committees there. The first is a college grievance committee and then

there's a University committee, which is the Academic Freedom and Professional Status Committee, which I happen to be the chair of at the moment.

"The grievance committees are individualized at each college. Each college has a different procedure for doing it. They range from simple to very elaborate procedures. Some colleges have ad hoc committees where the committee is formed to hear the particular grievance; other colleges have standing committees. The procedures for choosing the ad hoc committees when they are chosen, which is the more common procedure, are very carefully tailored to make sure that the grievance committee is as neutral as you can get from drawing a committee within this University. I think that I haven't heard anyone that has any complaint whatsoever with the way these ad hoc committees are formed.

"The AFPS is selected by the Nominations and Elections Committee as are the other Senate committees. Those committees as far as I know, I've never heard any complain about the composition of that committee. Obviously, the Nominations and Elections Committee tries to get a group of nine responsible people and I think they are generally successful.

"The grievance committees have no connection to each other. There are no black arrows going between these committees. There are no black arrows going anywhere because they don't report to anybody and nobody takes direction from them. They sort of float over here.

"Now the problem is a structural flaw that we saw in the system. It emerged as the result of consideration of a particular grievance that AFPS committee heard last year. This grievance, of course, is all very confidential so I can't tell you anything about it, but I am going to discuss it at some length. The discussion will be the flow of what happened without talking about the particulars in the case.

"In this particular case the faculty member felt aggrieved. The faculty member got a green arrow from his (I used the male pronoun) supervisor. The faculty member felt aggrieved. The faculty member then launched a blue arrow to the grievance committee in his college. The college grievance committee heard the case. The grievance committee spent a fair amount of time, wrote a rather thick report, had many conversations with many other people that were involved in this particular case and gave a finding. The finding that they gave was that the Department Chair had been in error in sending out this green arrow and that went to the dean and that represents another blue arrow. This is the blue arrow that the grievance shot out at the Dean. The dean then responds with an orange arrow. The orange arrow could say I agree with you or the orange arrow could say I don't agree with you. Well the Dean said he didn't agree with the report.

"Now in a certain sense the Dean here is responding to a decision that in some sense he has a conflict about. The reason he has a conflict about this is that the Department Chair reports to him. There is a relationship between the Department Chair and the dean. A lot of people see that to ask somebody to give a judgment on what their superior did that would be an enormous conflict and nobody would ever ask anyone to do that. People often don't see that there is the same kind of relationship going down.

But there is the same kind of relationship going down. Just to give you one example a couple of days ago I spent six lovely hours grading down the Physics 214 final with a whole bunch of TAs. We sat in the room in for six hours and graded these. The way we grade them is each TA has a question that they grade. The papers for all the students are passed around amongst the TAs. There's an issue and every time I have been involved in something like this, this issue is seen without even discussing by all TAs. The TAs will not grade their own sections because they understand that there's a conflict that they have a personal relationship with the people there and they feel that it's being unfair to the people in the other sections for them to grade students for whom they have some wish to see these students succeed. So we don't do that. I think that kind of relationship is clear in all kinds of these bi-directional relationships, namely people reward loyalty. If the department chair has carried out the functions that the dean asked very well, the dean develops a sense of loyalty. We consider that to be a structural flaw. In any case in this particular case the dean shot out a red arrow. The red arrow I chose with great care because the answer was no. That came back.

"The faculty member then, as was his right appealed to the academic freedom committee. The faculty member shot out a blue arrow there. The academic grievance committee had a long charge. By the way, I should say for both of these committees, I said that the grievance procedure is broad, but it's rather narrow too. The broadness, the breath of it is that it can cover anything. The narrowness of it is that the recommendation of the findings of the grievance committee is only a recommendation. That's said again, and again, and again in the policies. It's only a recommendation to the administrator that carries it out. It's unlike most judicial procedures, which generally have more force than a recommendation. What happened is the faculty member appealed to the AFPS committee. The AFPS committee heard the grievance, also did a great deal of work and spent essentially a semester doing it. It made a report that was forty or fifty pages long where it analyzed carefully acting in a certain sense following the model of the Appeal Court where it did not hear the evidence once again but just looked at the two conflicting documents, namely what the Grievance Committee had said and what the dean had said in rejecting the report of the Grievance Committee, trying to look to see whether the Grievance Committee made a good case, whether the dean made a good case in rejecting it.

"The AFPS committee came to the conclusion that the Dean's rejection was weak and that the Grievance Committee made a much stronger case for overruling this green arrow down there than the Dean made for letting the green arrow stand. And so they wrote a report to that affect and that report was sent two places. The policy we have at the moment says essentially that the report should be sent back to the Dean. It says also that we the committee can inform the Provost of our findings. The committee did that. The committee launched out two blue arrows here, one to the Dean and one to the Provost. What happened was that the Dean sent out a red arrow back to the AFPS committee saying he rejected it. What happens, if you look at this chart, you see that the dean has launched three red arrows all on the same issue. The question is will you reverse the decision you made or your subordinate made (the green arrow) or will you not? The Dean decided no when asked by the faculty member; no, when asked by the college grievance committee; and no when asked by the AFPS committee. If it stops at that point then you have to ask yourself was this procedure worth a whole lot. Is it worth two faculty committees that have spent a lot of time and a lot energy asking the

Dean to reverse a decision that he made, presumably in good faith, where the only obligation he has is to consider this recommendation. I'm not a psychologist but I have the feeling that the more times you ask a person to consider something they've done without any leverage towards making them change their mind, they will in fact, not change their mind. If you read the three letters that were written by the dean they are essentially the same letter.

"It seemed to us that this whole thing doesn't make any sense. It's just too much energy expended by faculty committees to get a result which is rather predictable. There is of course another thing, mainly that the AFPS also has the right to send out a blue arrow to the Provost. The arrow from the Provost has not been sent back yet, but we had a preliminary discussion with the Provost's office and the preliminary discussion led the committee unanimously to conclude that what was going to happen was that a red arrow was going to be sent out by the Provost's office."

Provost Martin: "The Provost has not been part of the conversation at this point."

Professor Stein: "No. I used the words Provost's office to make it clear."

Provost Martin: "I just want to say that when you voted unanimously about what the Provost was going to decide it wasn't based on any discussion with the Provost. I just want to clarify that."

Professor Stein: "This is a difficult problem to describe in this room. I used the words Provost's office and of course I don't know what the Provost is going to decide. But the committee in the discussion that they had concluded that that's what they thought was going to happen, okay? Again, I have said this many times, there is no assumptions of ill will, it's just what the committee thought was going to happen."

Provost Martin: "I was just trying to distinguish between reality and conjecture, not between ill will and good will."

Professor Stein: "That's right. I use the word Provost Office, okay. As we thought about this, we thought that this posed the same kind of problem as that of the Physics 214 TAs had assessed between themselves and their students, and we believe worked between the Dean and the Department Chair over here, that same dynamic exists between the Provost and the Deans. Namely, that there is a strong relationship there and the relationship between the faculty member to the department chair was weak, certainly from the faculty member to the Provost and the faculty member to the dean. Essentially to sum up we thought it was not a fair shake that the individual faculty member was getting. We did not think that this elaborate procedure, in fact, was worth pursuing, or worth keeping, for something that we felt did not give a level playing field to the person who was asking for it.

"What could we do? We thought there were two possible things that we could do. One, is to say we recommended to you that the AFPS get out of this business. Sorry, I left out another piece. I left out another piece of the pie, which I think is necessary to put in, that is what happened with the Provost's office. The Provost's office made it's own investigation of the case, which was completely parallel to what the other two

committees had done. So the committee felt rather unanimously that their work had really not resulted in anything and one could have told from the beginning that their work was unlikely to have resulted in anything, except to launch an investigation from the Provost's office.

"We thought there were two things that one could do. The first thing was to get out of the business of doing these appeals. It was a lot of effort to do that appeal for both of these two committees. The committees felt that there was very little result to show for what they did. The second is to change the procedure, so that in fact the recommendations of the AFPS committee were not quite so shallow as they are at the moment. Namely that they had more force, that they were more than just a recommendation. That's what we wrote down as a set of draft procedures; procedures that would have that characteristic to it. One thing is that in speaking to the Provost's office, the Provost's office was clear that the model the Provost's office was using for this particular relationship was that a Dean is essentially sovereign in his own college. That unless the Dean was violating some particular rule of the university or the college, that the Dean had a right to have his decisions be final. That concept is a reasonable concept, I suppose, but it's concept that doesn't fit very well with the grievance procedure. If the Dean's decisions are final and nobody can in fact overrule the Dean, then it doesn't seem appropriate to have something that's called a grievance procedure. The Dean in that case could ask for advice if he wanted but now a formal grievance where a faculty member could initiate it where in fact the presumption of right was with the dean. It did not seem like a good structure for a judicial system.

"What we thought we should do is to bring to you what our thoughts were. One is we thought that either one should get rid of this role of the AFPS or design something which took away the presumption of authority of the Dean in those cases where the dispute is between a faculty member and a Dean. You might ask how often does this happen. The answer is rarely.

Speaker Knuth: "Professor Stein if I might just say we have about seven minutes left if you wish to get comments from the members you should probably move on."

Professor Stein: "Yes, I do. I will stop."

Professor Ron Ehrenberg, ILR and Economics. "I find myself agreeing with Peter for the second time today. He was absolutely correct on the financial aid issue and he's also absolutely correct in terms of the problem relationships with Provosts and Deans. I was once involved in a situation (which I will mask) in which a faculty member's spouse was the executive assistant to the Dean. The Dean agreed to stay out of a tenure case. The department unanimously recommended against tenure for the candidate. The Dean appointed the ad hoc committee and then went along with recommendation. I went to the Provost who was a Provost who I had almost as much respect for as the current Provost and the Provost said to me I can not lose the Dean over a tenure decision. These issues do occur.

"Having said that, I disagree with the remedy that the committee has proposed because you know I have been on the inside and I'm sort of thinking that if we pass this proposal, the Provost's office brings it to the attorney's office, the attorney's office takes

one look at it and says 'are you out of your mind? You want to accede the authority of the University to an arbitration panel.' And the thing goes away. I would like the committee to think of an alternative proposal and that proposal is to some how involve at the level of grievances which involve deans a joint faculty administration committee; have the AFPS plus some administrative representatives appointed perhaps by the Provost. The reason for that is that it would give the Provost cover if a committee that included administrators made the recommendations to him or her. This is sort of an issue, which more broadly probably should be included in the committee that is going to be examining governance but that's a year down the road. I would just ask your committee to think about that."

Speaker Knuth: "I would just ask Provost Martin if she has any comment in response to that."

Provost Martin: "Yes. I have a couple of comments actually. I actually think Ron's suggestion is interesting. I will repeat what I said to this committee earlier today. There are about four points. I think faculty individual grievances for whatever reason are really serious business and that we should try to ensure that we have policies and procedures that protect faculty and ensure fairness. If these are not satisfactory we ought to fix them. I have a different idea from Ron's, but that's an interesting one too.

"What I feel we absolutely should not do is go outside the University. Not because Counsel's office won't like it. I don't like it. To say that universities can't govern themselves and would need to go beyond the boundaries of the university especially in this day and age where the effort of public figures is really to intrude on the autonomy of universities anyway strikes me as extraordinary. I understand the exasperation of this committee but let me make a couple of other points. One is we really are working with one single case anecdotally in order to draw conclusions backwards in retrospect to suggesting a structural problem. I don't entirely agree with a couple of the points. I do agree if you look at the graph then look at some of the experiences, there are improvements that need to be made in the grievance process. I want to say that. I don't agree that a Provost can't overturn a dean, and in fact the Provost does overturn deans. If you look at the history of the Provost's actions in response to FACTA, which is a Faculty Committee on Tenure, in overwhelming numbers the Provost has ruled with FACTA against deans. It simply isn't the case. Peter said to me the reason it works with FACTA but not in a grievance case is because maybe the dean wanted the Provost to overrule him or her in the tenure and just couldn't say so. I think that's very cynical. In fact is not my experience. When I have overturned deans on these tenure cases they have been enraged. Some have still not gotten over it.

"The larger point I want to make about that is this - deans can overrule department chairs and do so quite frequently. Provosts can overrule deans and do. Is it easy? No. Should there be some policies worked out that protect faculty members in cases of grievances because it can be hard? I would not be opposed to that. But if you start assuming that nobody in an institution like this who is in a position of authority can make a fair and just decision because of his or her relations with one another, then you start to unravel the structure of the institution. You start to say basically that nobody can make a fair and just decision if they have any relation at all to one another, whether it's upward or downward or sideways. We rely on the possibility that people have that

capacity. The institution is organized on the basis on the assumption that we have that capacity. While I think we should build better measures into this particular set of procedures, I think to start going outside the university as if implicitly saying we are not capable of governing ourselves is really a measure that I would hate to see this University take. I know of no peer university that resorts to outside measures, having thrown up its hands about the possibility - not the reality, because we don't have a record here, evidence - of not being able to deal with this. On the basis of what people perceive as a structural problem in this particular set of circumstances to say we've got to go outside the university, that to me - as I said this morning to the committee - would be very sad. I think to this university, very dangerous. That's my set of comments. Let me emphasize in ending that I don't argue, in saying all this, that what we have now is a perfect protection for individual faculty members. I think it probably isn't. But I've made my case."

Speaker Knuth: "I'm going to ask Professor Stein to make a brief comment and then take a question."

Professor Stein: "The brief comment I wanted to make is that going to an arbitrator may be a good idea, or may not be a good idea. I don't think it's as dangerous as people think, but I don't think that that's the essential feature. The central feature is to find some neutral way of resolving this, that does not depend necessarily on infinite good will.

"Number two, is that it's not quite as dangerous as you think, Ron, because it's not giving up all authority to an arbitrator. This is only giving up granting relief to a single marginal faculty member. In general the people that go this route are marginal to start with. It's allowing a marginal person to get justice for a very narrow grievance that that person has. That's the only thing that's going to an arbitrator. Corporations as you know go to arbitrators all the time for just this kind of thing. For things that are not central to their decision-making."

Speaker Knuth: "I need to step in here and take the one question who has been waiting."

Unidentified: "I presume from the discussion that the proposal that is presented here -- ---- I didn't hear what Peter mentioned, (unclear). I heard what the response was but I never heard what was the proposal was."

Professor Stein: "Essentially that was the case. The graph looks the same except that the changes that were made are that the AFPS conclusion is given the presumption of correctness. The Provost is charged with saying that the presumption is that the AFPS conclusion is the right conclusion compared to the dean. That's check number one. Number two is that if the Provost overrules it, then that particular case can go to an arbitrator if indeed the faculty member wants it. That's the guts of the proposal."

Speaker Knuth: "I am going to step in at this point because by the orders of our legislation we stand adjourned in thirty seconds. I'll remind the group that you've had information on this sent to you by Peter Stein through the Dean's office. Please read that. The purpose of today's discussion was to give feedback to the committee. Please

read their proposal and if you have feedback, please send it along to Professor Stein. And we stand adjourned.”

Provost Martin: “Can I just make one clarification? The thing that’s misleading about the arrows from the AFPS to the Provost - and this might be something you should fix - is, it doesn’t actually come to the Provost. I have no jurisdiction in these cases. As Peter said, the AFPS can send it to me as an informational matter. It can ask me to take extraordinary steps if it seems warranted. That might need to be changed because in fact when you heard from the Provost’s Office that the dean has a certain amount of authority over these cases, it’s because that’s embedded in the policy. Not because it’s a view of the Provost. In other words, do you see what I mean? It goes back to the dean and that’s the end of it, unless the Provost’s Office is told that this is an extraordinary measure and you should get involved. That might be part of the problem, too, because then it puts me in the position of having to say ‘is there enough evidence that there was an extraordinary error in this case?’ That should be taken into account.”

Speaker Knuth: “With that we really do stand adjourned.”

Meeting adjourned at 6:05 p.m.

Respectfully submitted,

Cynthia R. Farina
Associate Dean and Secretary of the University Faculty



Agenda

- ◆ Academic Priorities
- ◆ Campus Planning
 - Task Forces
 - Campaign Planning
 - Master Planning
- ◆ 2005-06 Budget Context
- ◆ Budget Planning Assumptions 2006-07
 - Investment Payout
 - Tuition and Financial Aid
 - Compensation



Distinctively Cornell

- ◆ Our founding vision as a university where “any person can find instruction in any study”
- ◆ Our unique identity as a private university with a public mission
- ◆ Our core academic values and enduring strengths
- ◆ Our openness and sense of community
- ◆ Our tradition of entrepreneurship and innovation



Goals for Cornell in 2015

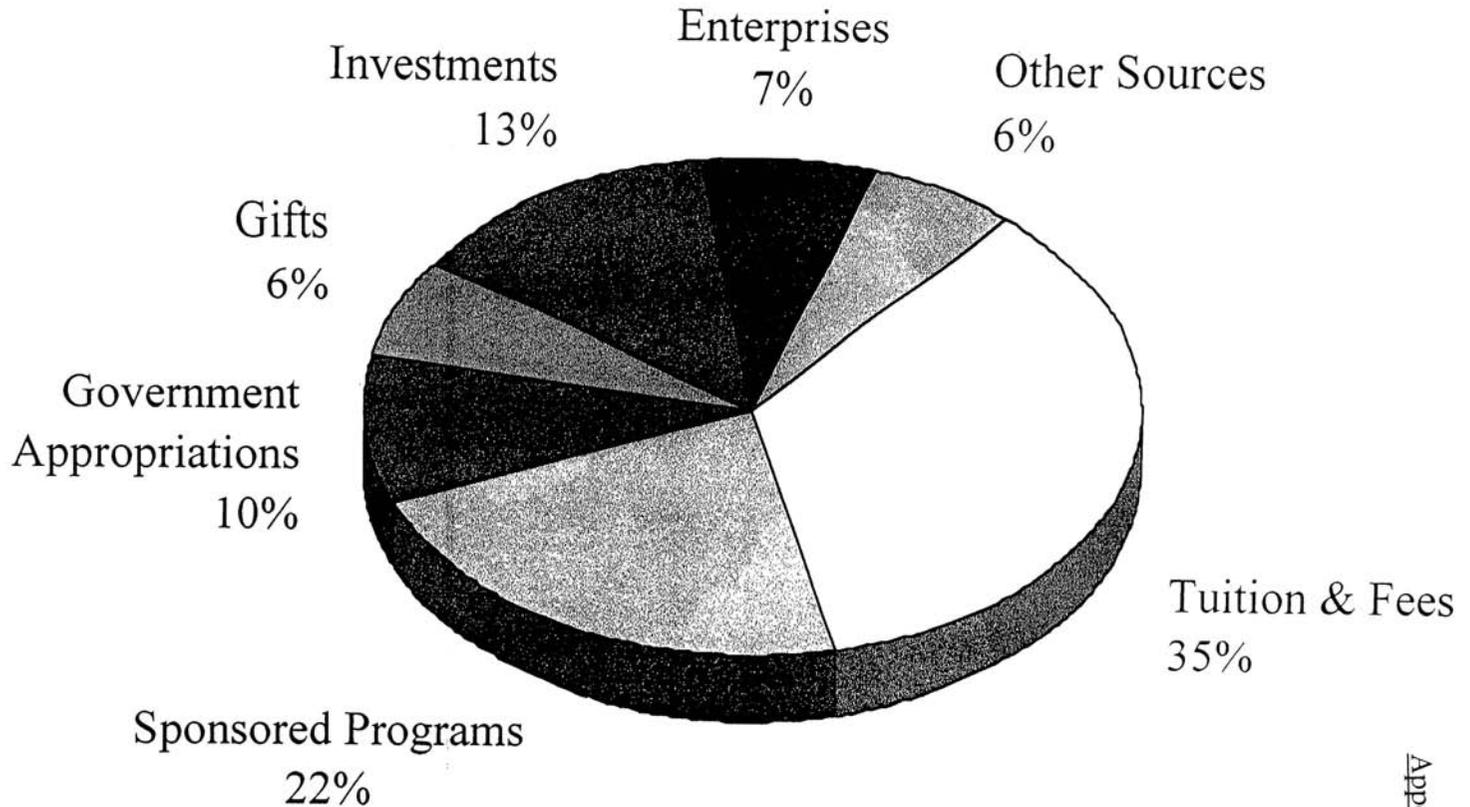
1. To rank in the **top ten** in faculty and program quality in **30 fields** and **every professional school**.
2. To be the best research university for **undergraduate education**.
3. To make transformative contributions in **interdisciplinary** areas of critical social importance.
4. To be the **land grant** institution for the world.

Planning Underway

Building from Academic Priorities:

- ◆ Campaign Planning: fundraising
- ◆ Ten Year Financial Planning: operating and capital
- ◆ Master Planning: integration of academic plans and physical space planning
- ◆ Annual Budget Planning : operating and capital

05-06 Ithaca Operating Plan Revenue



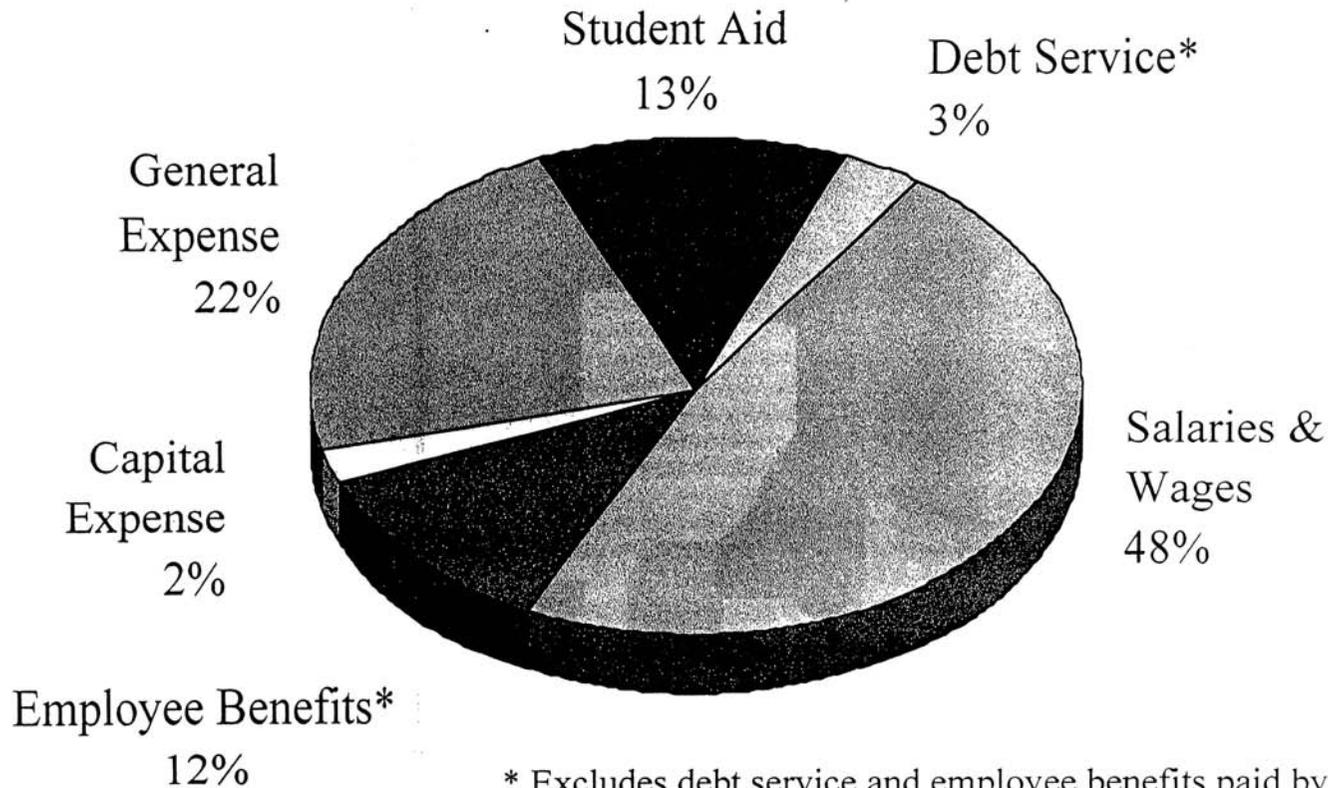
General Operating Revenue – Ithaca

(comparison of planned amounts)

(dollars in thousands)

	<u>75-76</u>	<u>% of Total</u>	<u>05-06</u>	<u>% of Total</u>
Tuition & Fees	\$48,338	25%	\$574,776	35%
Sponsored Programs	35,831	18%	361,615	22%
Government Appropriations	57,052	29%	160,388	10%
Gifts	9,537	5%	104,389	6%
Investments	10,362	5%	214,344	13%
Enterprises	20,372	11%	116,424	8%
Other Sources	13,402	7%	99,848	6%
Total	<u>194,894</u>	<u>100%</u>	<u>1,631,784</u>	<u>100%</u>

05-06 Ithaca Operating Plan Expense



* Excludes debt service and employee benefits paid by NYS on behalf of contract colleges.

General Operating Expense – Ithaca

(comparison of planned amounts)

(dollars in thousands)	<u>75-76</u>	<u>% of</u> <u>Total</u>	<u>05-06</u>	<u>% of</u> <u>Total</u>
Salaries & Wages	115,546	58%	\$745,685	48%
Employee Benefits	8,111	4%	181,204	12%
Capital Expense	7,288	4%	36,888	2%
General Expense	47,715	23%	348,076	22%
Student Aid	17,219	9%	203,868	13%
Debt Service	3,668	2%	51,380	3%
Total	<u>199,547</u>	<u>100%</u>	<u>1,567,101</u>	<u>100%</u>

2005-06 Budget Update

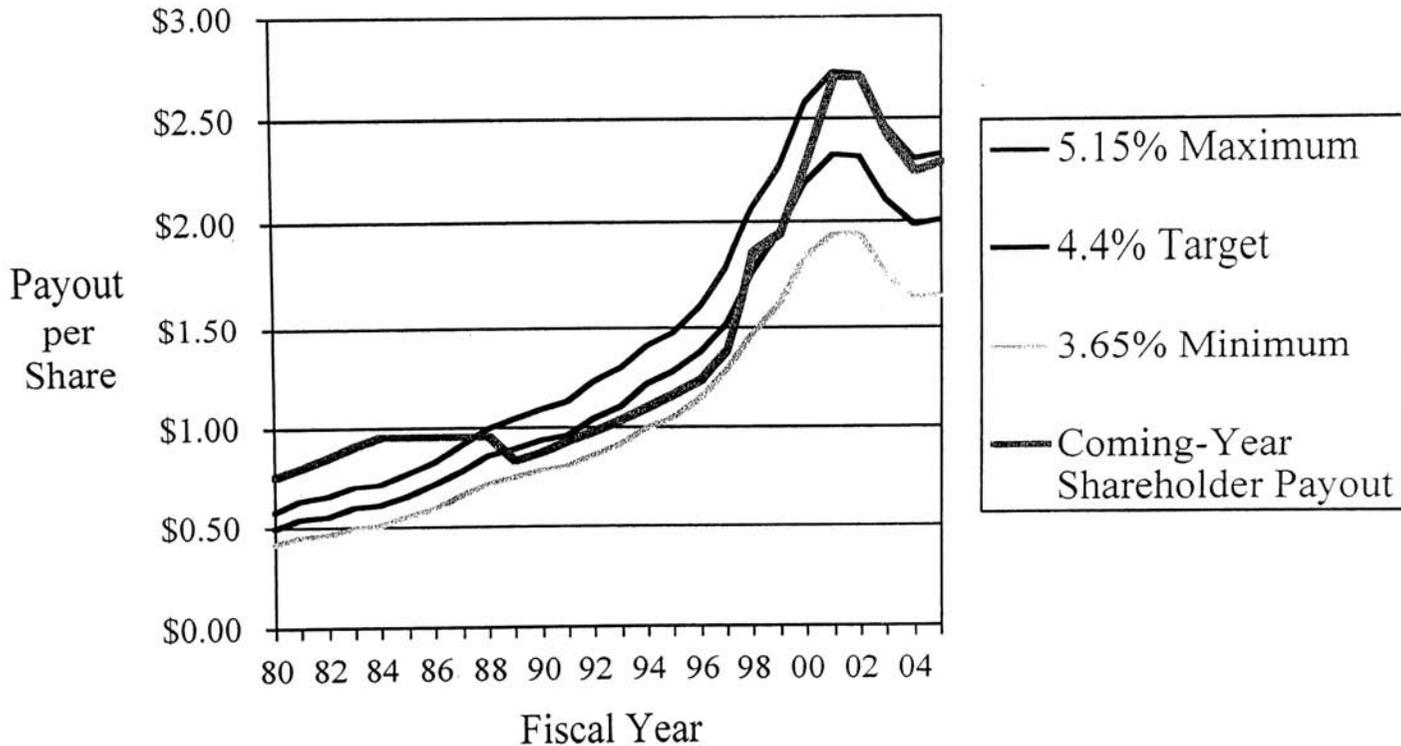
- ◆ Most budget elements are on track after first quarter.
- ◆ Contract colleges saw increases this fall in state funds for salaries and operations after several years of cuts.
- ◆ Electricity costs have increased substantially and we are forecasting to be \$7 million over budget.

Cornell Endowment Payout Policy

- ◆ *Goal:* Steady, predictable payout increase for operating budgets with sensitivity to changes in market value.
- ◆ *Calculation:* Increase payout rate for the coming year as long as it remains within a range of ± 75 basis points of a target calculated as 4.4% of a 12-quarter rolling average of unit share values (at market).

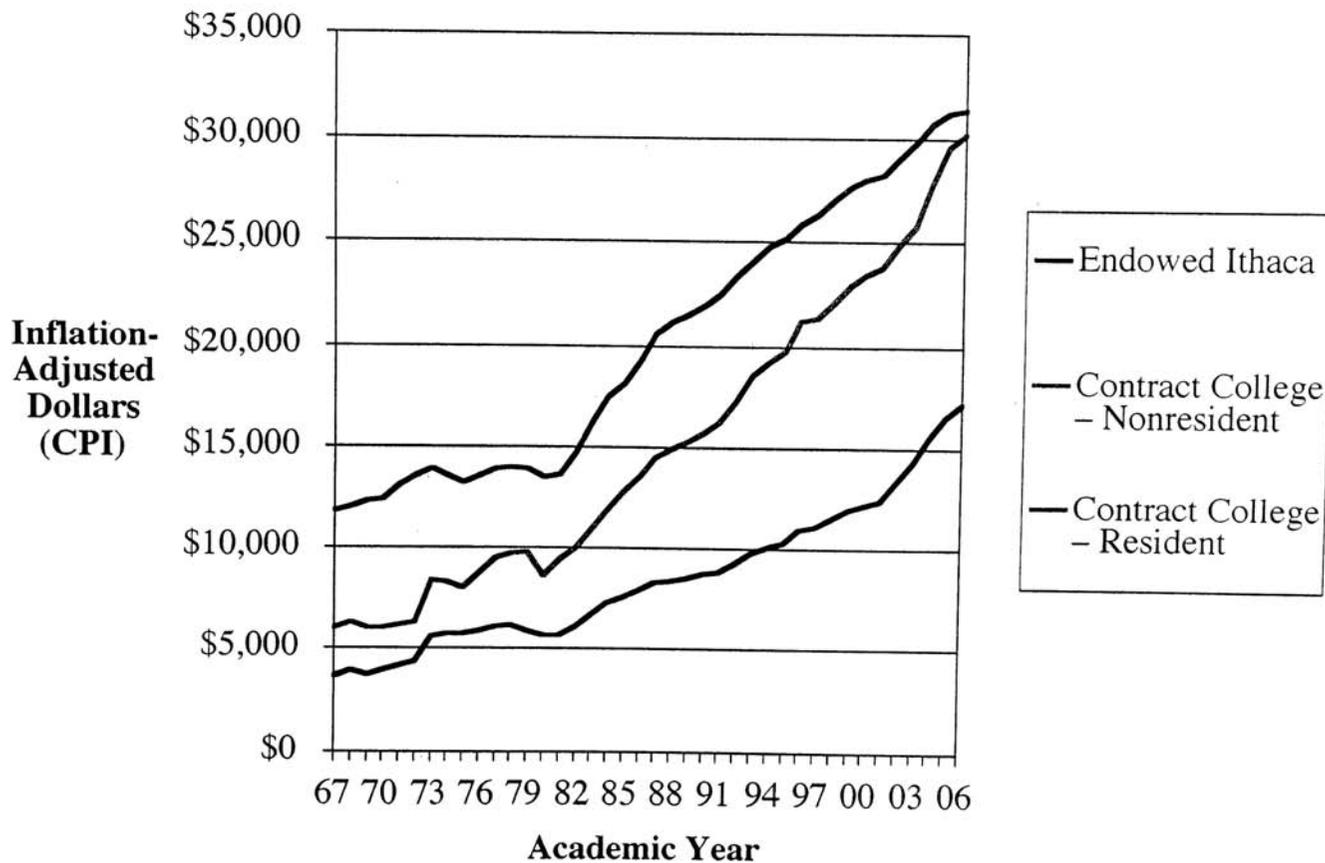


Investments





Undergraduate Tuition (2006 dollars)



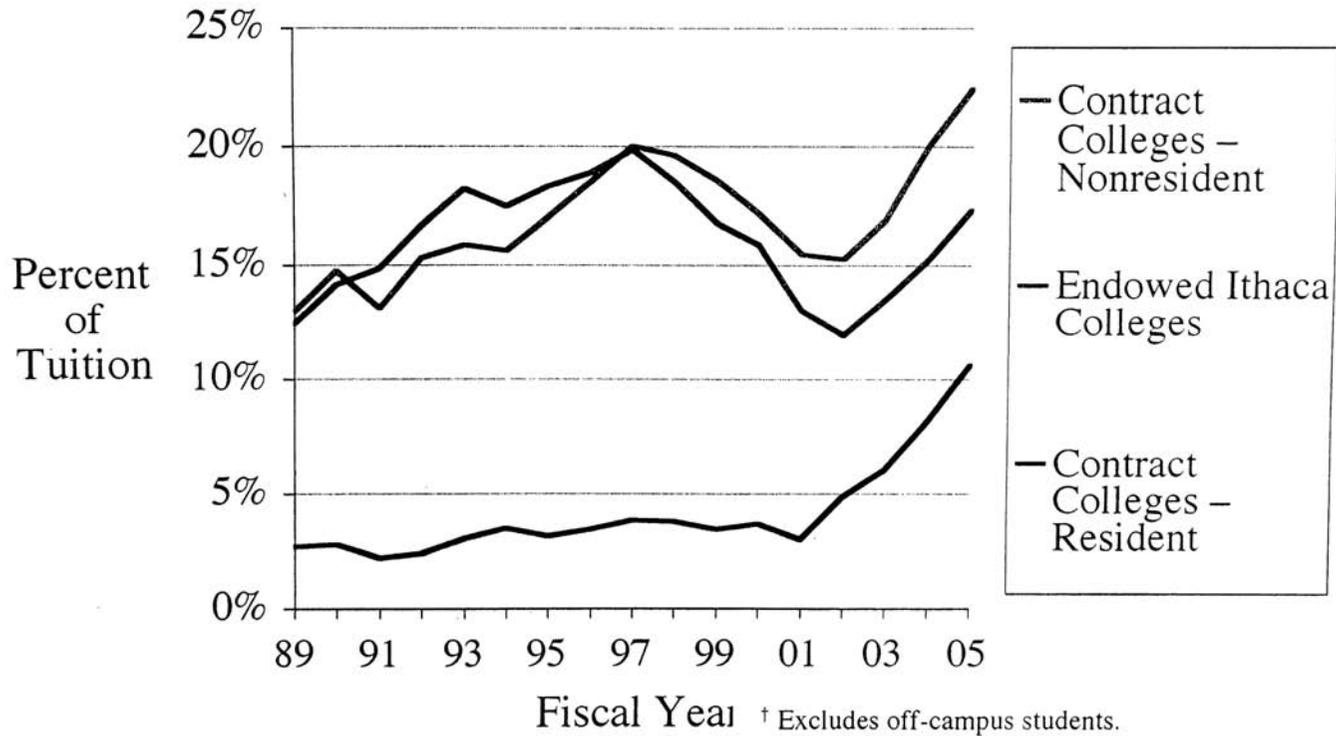


Tuition and Fees

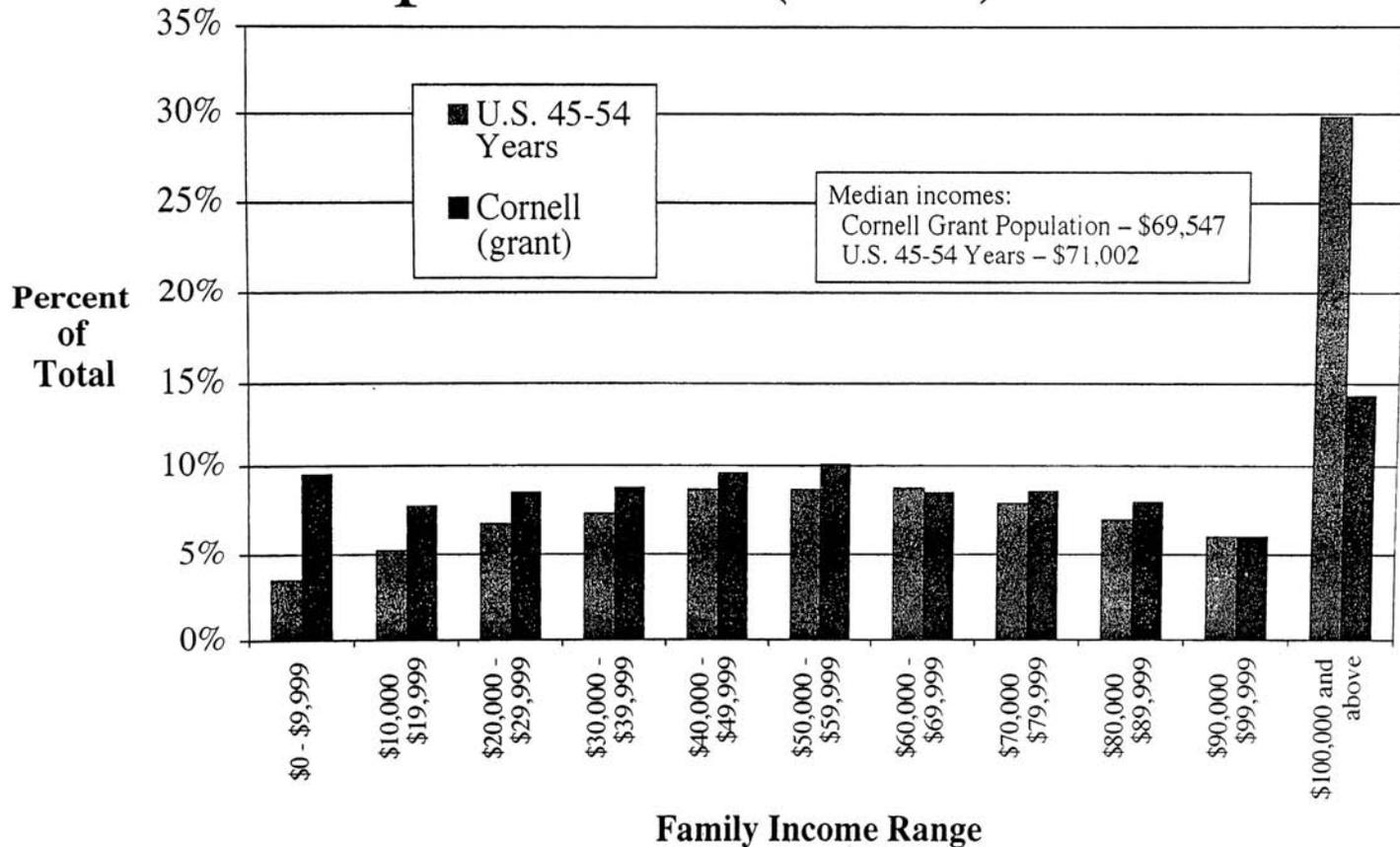
	<u>2004-05</u>	<u>2005-06</u>	<u>Change</u>
Columbia	31,472	33,246	5.6%
Brown	31,334	32,974	5.2%
University of Pennsylvania	30,716	32,364	5.4%
MIT	30,800	32,300	4.9%
University of Chicago	30,729	32,290	5.1%
Harvard	30,620	32,097	4.8%
Princeton	30,495	32,095	5.2%
Dartmouth	30,465	31,965	4.9%
Cornell (Endowed Ithaca)	30,167	31,467	4.3%
Yale	29,820	31,460	5.5%
Stanford	30,103	31,452	4.5%
Cornell (Contract Nonresident)	28,567	30,367	6.3%
University of Michigan (Nonresident)	26,027	27,601	6.0%
UC – Berkeley (Nonresident)	22,912	24,332	6.2%
University of Virginia (Nonresident)	22,890	24,290	6.1%
<hr/>			
Cornell (Contract Resident)	16,037	17,367	8.3%



Unrestricted Grant Aid as a Percent of Tuition †

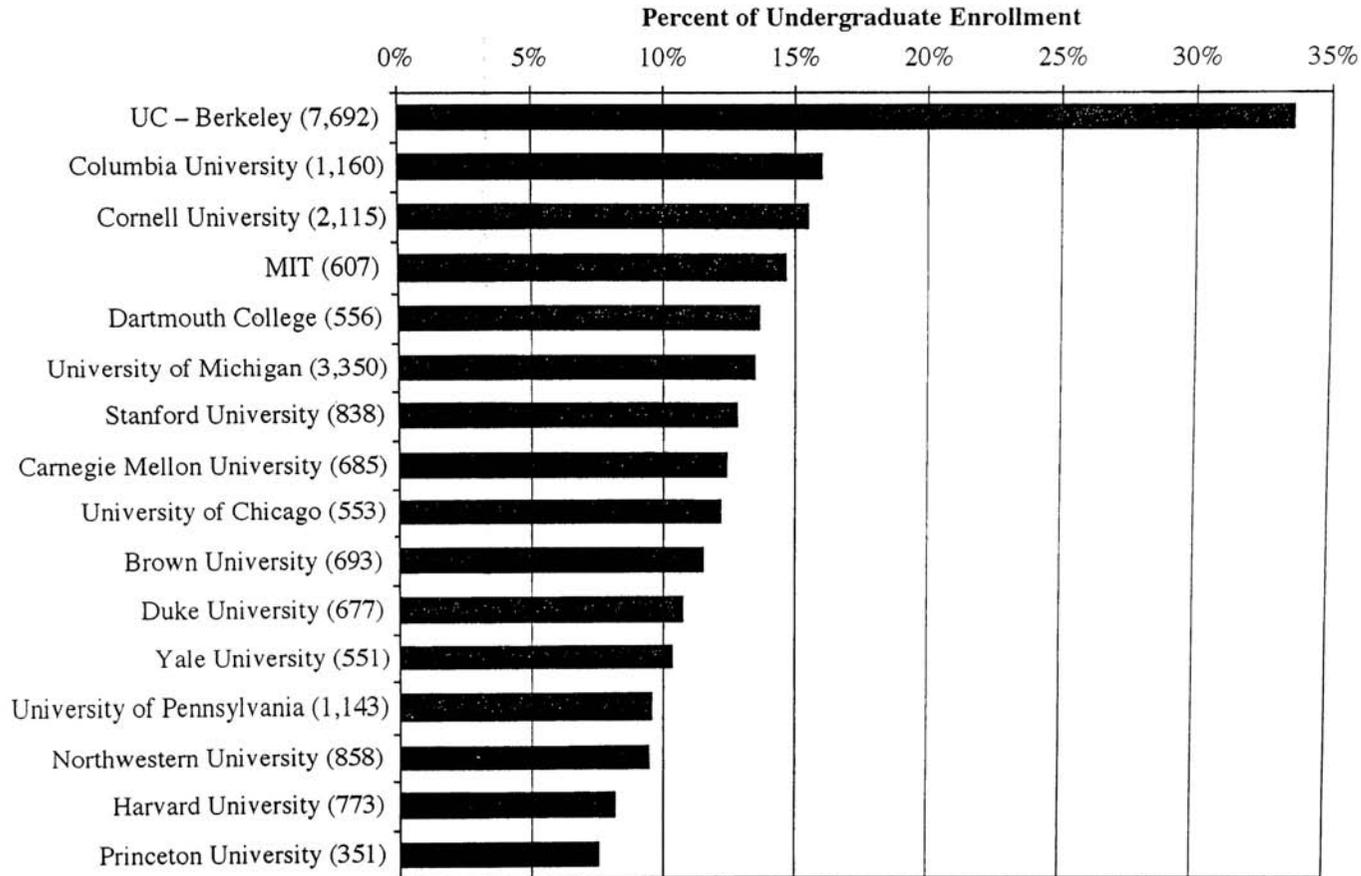


Cornell Grant Versus U.S. Family Income Populations (2004)





Distribution of Pell Grants (2004)





2006-07 Endowed and Contract Tuition

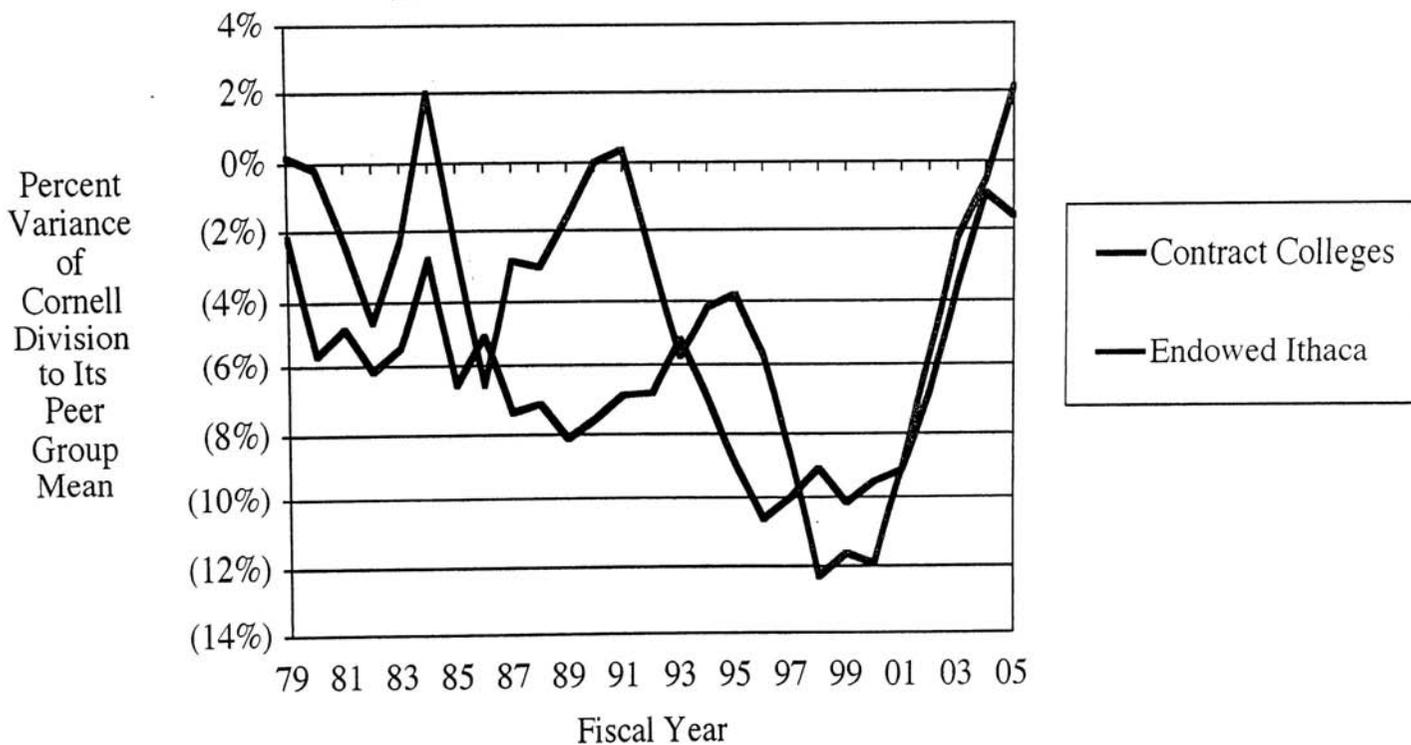
Endowed: Currently at \$31,300
Range considering 4.0% to 4.5%
Likely \$1,300 increase or 4.3%.

Contract In: Currently at \$17,200
Range considering 4.0% to 4.5%
Likely \$700 increase or 4.1%

Contract Out: Currently at \$30,200
Range considering 4.0% to 4.5%
Likely \$1,300 increase or 4.3%

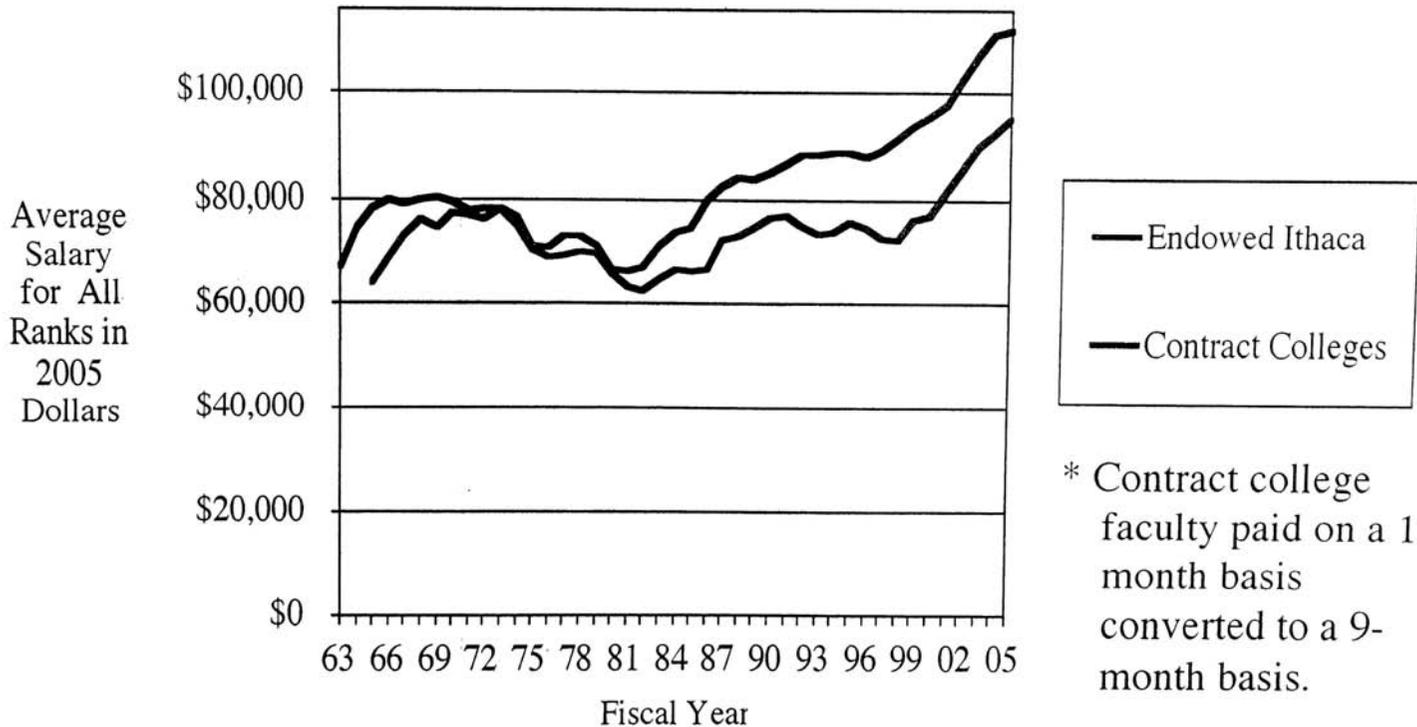


Ithaca Campus Faculty Salaries – Peer Group Means





Growth in Average Ithaca Campus Faculty Salaries*



* Contract college faculty paid on a 12-month basis converted to a 9-month basis.



Achieving our Goals

To achieve our goals for students, faculty and programs, we will need:

Financial aid and Graduate fellowships

Competitive salaries, **research** and **start-up funds**

Unrestricted resources to seed new ideas

State-of-the-art facilities that foster collaboration

Library resources and easy access to information

Flexible and responsive administrative structures and staff

Technical resources

Appendix 21

The AFPS Committee is currently the final step in the procedure by which faculty members can grieve a broad range of decisions made by their academic supervisors. The Committee has unanimously come to the conclusion that its role in the grievance procedure should be reconsidered.

The Committee has therefore drafted a substantial revision of its role in the grievance procedure, and brings it to the Senate to solicit the Senate's comments and advice before formally presenting it to the Senate for action.

**COMMITTEE ON ACADEMIC FREEDOM AND
PROFESSIONAL STATUS OF THE FACULTY**

PROPOSED REVISED POLICY

*Additions are in **bold font***

Charge to the Committee

A. Examine and make recommendations concerning issues and considerations in the following areas:

1. Academic Freedom and Responsibility
2. Freedom of Teaching and Learning, including but not limited to the special concerns of the faculty that teaching and learning at Cornell University be carried on freely and without disruption, interference, or intimidation.
3. The Professional Status of the Faculty, including but not limited to policies and procedures relating to faculty appointments, promotion, retirement, separation, tenure and other related matters.

B. Receive and review written complaints brought by or against a Faculty member with respect to matters involving academic freedom and responsibility and freedom of teaching and learning and any other matters that might affect his or her professional reputation, impair the execution of his or her professional and University responsibilities, adversely affect his or her economic status, lead to his or her dismissal, or otherwise alter terms of his or her employment.

1. It shall lie within the discretion of the Committee to determine whether it will or will not entertain a specific complaint brought to it. **If the complaint falls within the jurisdiction of the appropriate college grievance procedure or any other avenue of review within the University, the AFPS will not entertain the complaint until that review process has run its course. The Committee will not entertain complaints regarding decisions of another review process that forbids its decisions from being reviewed by the Committee.**

(a) When possible, the Committee should promulgate to the community any criteria it establishes (attached) that it will utilize in determining whether or not to entertain complaints.

(b) If the Committee determines it will not entertain a specific complaint, the individual or individuals advancing such complaint can appeal such decision to the University Faculty Committee. The University Faculty Committee can uphold the Committee's decision, direct the Committee to entertain the complaint or direct the Committee to entertain a portion of the issues raised in the complaint or the complaint in some modified form.

(c) Once a complaint has been accepted and adjudicated by the Committee, the complaint will not be subject to further appeal within the faculty governance system.

2. Procedures for reviewing complaints brought to it shall be established by the Committee, subject to the following limitations:

(a) Such procedures must

(i) Comport with the basic precepts of due process.

(ii) Maintain at all times strict confidence in the handling of individual cases unless otherwise agreed in writing by all parties involved. This rule of strict confidence includes the dissemination of any Committee reports except under the following terms and conditions:

(1) After reviewing a written complaint, the Committee shall prepare a written, draft report of its findings and any recommendations for action. Copies of this draft report shall be sent to the complainant, the other principals in the case (typically a department chair and dean), the University Faculty Committee of the Faculty Senate and the Dean of the Faculty. All recipients shall be enjoined to keep the draft report confidential and to return it promptly with comments or criticisms to the Committee. After reviewing these replies, the Committee shall prepare a final report which it shall send to the same people as the draft report and, when appropriate, to the President and Provost of the University. The

complainant shall not be enjoined to keep this report confidential but other recipients shall be requested to do so. However, if the complainant makes public a portion of the report, other recipients may make public the entire report. Moreover, if in the judgment of both the Committee and the University Faculty Committee, public release of a report, in whole or in part, either would clear any individual involved in the proceedings of charges damaging to his or her reputation or serve to clarify incorrect publicity, or provide guidance to the faculty or the University community because of the issues involved, this may be done. The complainant and others involved shall be advised that such a public release is a possibility.

(b) The Committee may utilize subcommittees of its own members to undertake the initial review of complaints brought to it, but all final decisions on any complaint must be by a majority vote of the Committee members attending a meeting of the Committee called to review the complaint.

(c) The Committee should make available the procedures it will utilize in reviewing a complaint to those involved prior to the undertaking of its review.

(d) The Committee's findings and recommendations arising out of the review of complaints, other than complaints that appeal the decisions resulting from other avenues of review, are solely advisory to the administrators to whom they are addressed.

(e) The review of complaints brought to the Committee appealing the decisions resulting from other avenues of review and the disposition of the Committee's findings and recommendations in those cases shall conform to the following special procedures:

(i) The Committee will base its decisions solely on written records of previous reviews, written records supplied by the parties to the dispute and oral and/or written testimony of the two parties.

(ii) When the Committee finds the previous reviews to have been inadequate or deficient either in terms of fact-finding or inferences from the facts, it shall have the authority to ask the prior review body to reopen its review, correct the inadequacies and deficiencies and re-examine its findings in the light of that reconsideration. The complainant may submit a new complaint to the Committee appealing the further actions of the prior review body.

(iii) The Committee will issue its draft report within 90 days of its first meeting to consider the complaint.

(iv) The Committee may establish reasonable time limits for receiving responses to the Committee's draft report from the opposing parties.

(v) The Committee's report will make recommendations to appropriate members of a college administration or the University administration regarding the disposition of the specific complaint(s) directed to the Committee.

(vi) In the normal course of events, the appropriate college or University administrator will accept and implement the recommendations of the Committee. If the administrator declines to do so, he or she will provide the Committee with a detailed written explanation stating the reasons for rejecting the Committee's recommendations. In coming to his or her decision whether to accept and implement the recommendations of the Committee, the administrator will refrain from carrying out a new investigation of the matter. The administrator(s) will come to a final conclusion on the disposition of the Committee's recommendations within 90 days of receipt of the Committee's final report.

(vii) If the administrator(s) declines wholly or partially to accept the Committee's recommendations, the complainant may, within 15 days of the receipt of the administrator's decision, advise the administrator(s), the Dean of the college, and the Committee of the complainant's decision to proceed to arbitration.

(viii) The selection of the arbitrator and the arbitration procedure shall be conducted in accordance with the National Rules for the Resolution of Employment Disputes of the American Arbitration Association, subject to the provisions below:

- 1. The scope of the arbitration will be limited to the issues of academic freedom and professional status raised in the original complaint and/or raised in the Committee's final report and recommendations.**
- 2. The decision of the arbitrator shall be final and binding upon the complainant and the University.**
- 3. The arbitration shall not be deemed a waiver of the complainant's right to pursue any legal claims related to the subject matter of the arbitration.**

The first \$500. of the costs of the arbitration, excluding advocate fees and witness expenses, shall be equally borne by the complainant and

the University. Costs in excess of \$500. (excluding advocate fees and witness expenses) shall be borne entirely by the University.

Composition of the Committee*

Nine members of the faculty appointed with the concurrence of the Faculty Senate by the Nominations and Elections Committee for three-year terms.

Two student members (of which at least one shall be an undergraduate) with voting privileges, selected annually by the Staffing Committee of the Student Assembly. Reselection of a student for a second year shall be permitted. Student members of the Committee shall not participate in the review process set forth in Subdivision B of the Committee's Charge.

*Except as noted specifically below the Committee shall be organized and operate under the Rules and Procedures governing standing committees of the Faculty Senate.

Adopted by the Faculty Council of Representatives, December 9, 1987, Records, pp. 6530-44C, Appendices A and B. Changes in nomenclature from FCR and Executive Committee to Faculty Senate and University Faculty Committee and to reflect amendments to the Organization and Procedures of the University Faculty, October 1995.

COMPLAINTS TO THE COMMITTEE ON ACADEMIC FREEDOM AND THE PROFESSIONAL STATUS OF THE FACULTY

This note is designed to help potential plaintiffs bring their concerns before this Committee. This note has been prepared by the Committee, and should be read in conjunction with the charge to the Committee from the Faculty Senate.

- 1. Complaints typically pass through grievance procedures within individual colleges before reaching this committee.*
- 2. Complaints must be in writing. Plaintiffs should not ask committee members to help in preparing a complaint. The Dean of the Faculty or the Ombudsman may be able to recommend someone willing to assist in this regard.*
- 3. Potential plaintiffs may ask the Committee chair or the Dean of the Faculty to clarify procedures, but lengthy discussion of a case's merits with these individuals is inappropriate.*
- 4. Complaints are confidential, but not from any Cornell officials who can clarify the facts of the case--including the respondents (those whose actions are the subject of the complaint).*
- 5. As mandated in the Faculty Senate's charge to the Committee, before issuing a final report the Committee allows plaintiffs and respondents to respond to a draft of that report. However, the Committee does not ordinarily reconsider a complaint after issuing a final report on that complaint.*

*The following is a **typical** sequence of action in response to a complaint.*

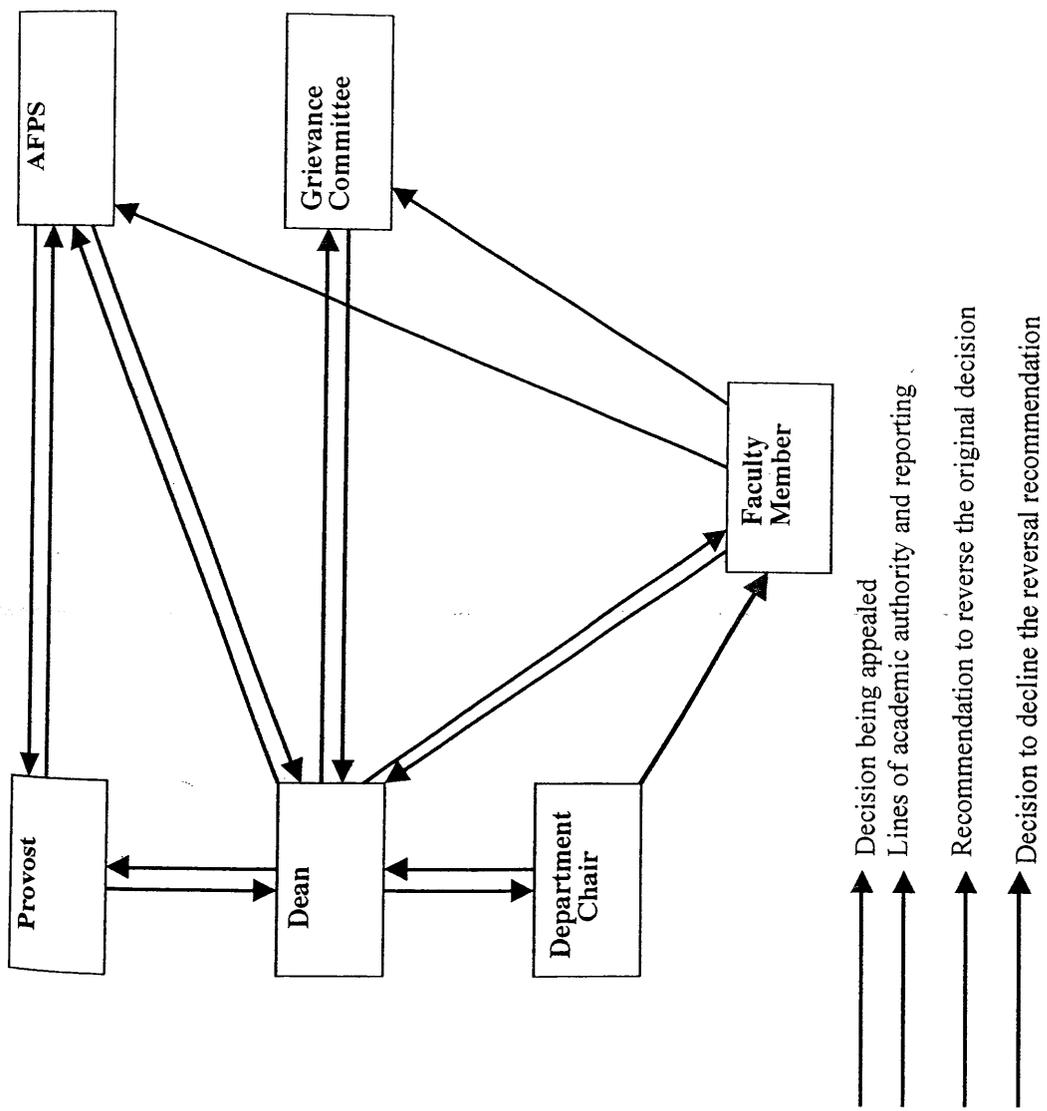
- 1. The Committee considers whether the complaint has passed through all appropriate preliminary grievance procedures.*
- 2. The Committee then considers whether the complaint alleges violations of the written or generally understood policies of Cornell University.*
- 3. The Committee finally addresses the merits of the complaint. The Committee may appoint subcommittees to collect and report facts, or to draw up written statements of the Committee's conclusions, but subcommittees do not formulate and submit recommendations. Recommendations on complaints are made only by the full Committee.*

Adopted 11/5/93. Changes in nomenclature from FCR to Faculty Senate, October 1995.

Appendix 22**AFPS MEMBERS 2004-2005 & 2005-2006**

Philippe Baveye	Agriculture & Life Sciences
Steven Beer	Agriculture & Life Sciences
Toby Berger	Engineering
Richard Booth	Architecture, Art & Planning
Barbara Correll	Arts & Sciences
Locksley Edmondson	Africana Studies & Research
Shelley Feldman	Agriculture & Life Sciences
Peter Kahn	Arts & Sciences
Risa Lieberwitz	Industrial & Labor Relations
Vicki Meyers-Wallen	Veterinary Medicine
Laurence Moore	Arts & Sciences
Peter Stein, Chair	Arts & Sciences

Appendix 23



MINUTES OF A MEETING OF THE FACULTY SENATE

March 8, 2006

Speaker Pro Tem Howard Howland called the meeting to order. "I would like to remind the body that no photos or tape recorders are allowed during the meeting. Please turn off your cell phones and please remember to identify yourselves when you speak. There are no Good and Welfare speakers at this time. I would like to begin by calling on Dean Charles Walcott for remarks."

Charles Walcott, Dean of Faculty: "Thank you Howie and particularly thank you for being willing to be Speaker Pro Pro Tem at least for today, for that we are grateful. I have only two items that I want to bring to your attention. The first of these is the timing of final examinations for this semester. We had this wonderful algorithm, which was going to spread out the final exams so that there would not be conflicts. It turned out that in the course of events examinations got scheduled for Friday evenings. This is of course something we endeavor to forestall ahead of time, but we were unsuccessful. The question is what to do about it. For this particular semester we are locked in position. We don't have very much wiggle room. For the fall, however, for the examinations that will come in December, there are two options that are available. One is to move the Friday evening examination to Wednesday evening, the Wednesday of Study Period. That would cope with most of the problems, if we did that.

"Another alternative is to keep them scheduled on Friday and simply go back to the old time schedule, which means that the exams are in the morning, the late morning, and the afternoon, and we are done prior to Friday evening. The Educational Policy Committee is going to be agonizing over this alternative and we will come to you with a recommendation. I just wanted to warn you that we have in fact noticed that there is this Friday evening problem.

"A second issue I want to bring up is that of the suspension policy. You may remember that last spring the Faculty Senate passed a policy for coping with faculty misconduct. This has now been discussed with the Deans and with the Provost. We have posted the most recent version on the Faculty Senate web site. I invite you to take a look at it. If you have comments, please send an e-mail to Professor Peter Stein, the Chair of the Academic Freedom and Professional Status of the Faculty Committee, who will be offering comments to the administration on this policy? I think we are getting very close to the end. I was very pleased that many of the suggestions the Faculty Senate made were incorporated. I am hopeful that we can get to a final resolution before too long. Thank you."

Speaker Howland: "Thank you Dean Walcott. While we are waiting to achieve a quorum, I'll jump ahead on the program and call on Provost Bidy Martin for remarks and to answer questions. We have almost an hour so Provost may speak for half an hour uninterrupted if she wishes and then take questions."

Provost Bidy Martin: "Thank you. This is unusual but you all asked for it. I'll do my best to comply. This is the only meeting that actually runs on time in the whole University. Just give me one of those "Howie" looks.

"I'm not going to take these in the order in which they were listed for me, if that's okay with you, because I have overheads for the Faculty Work Life Survey. I want to keep those until the end. I'll start with faculty/staff parking and Bailey Hall Plaza. Charlie, was this about faculty/staff parking in general or just about the Bailey Plaza?"

Dean Charles Walcott: "Most particularly about Bailey Plaza but faculty/staff parking in general as well."

Provost Martin: "Well I have less to say about faculty and staff parking in general, actually. I think perhaps the faculty will be engaging one another, if I understand it, on the larger issue of faculty and staff parking. What I think I should do, or what I can imagine you would like to have me do, is if you haven't been directly involved in the Bailey Plaza discussion is just explain where things stand there. Can I assume that everybody knows at least a little bit about the Bailey Plaza Project? No. That's what I figured.

"Well, while Bailey Hall was being renovated, and close to the point at which we saw finally an end of this actually wonderful state project to renovate Bailey Hall, we came up with the idea that we ought to address the access questions to the renovated Bailey Hall by creating a plaza in front of Bailey Hall that would do justice to this renovation - which is really going to be quite astonishing when you see it, I think. We wanted actually to try and enhance what we are doing in the music and the arts, and the aesthetics of the campus. So we asked a very well-known landscape architect, who is a graduate of Cornell's Landscape Architecture Department, to design a plaza. We have a beautiful design, which many of you have seen. At the point at which the design was being developed and considered, we were told by Transportation and Parking and our Facilities folks that they would be able to work out the circulation and parking issues that would arise as a result of the plaza, which would mean the plaza design getting rid of most of the parking in that area. I think what I would say now is that the Transportation and Parking staff came up with some legitimate ways to address the parking needs that would arise if we took a lot of parking spots out from the Bailey Hall/Bailey Plaza area, but not all of them. In addition we had concerns about service access to the Physical Sciences precinct that arose along with some questions about parking. Now these questions, which we ourselves also had, arose in the minds of faculty. Many of you in this room, and others who learned about the Bailey Plaza project, had questions, quite good ones, about what it would do to parking and how service access, in particular, over the next few years as the Physical Sciences project gets under way, how that access would be addressed. We have had Parking and Transportation continuing to work on this. I announced, at last week's university-wide chairs' meeting, that I favored a delay in beginning this project because it wasn't apparent that all the projects that are about to get underway and will be sustained through the summer make it very rational to add the Bailey Plaza project to the rest of them.

"We have since gotten a letter from Kathy Gleason's committee, that was established in the wake of the Red Bud Woods controversy this past summer, urging us to forge ahead on the Bailey Plaza project. We have a meeting of the Capital Facilities and Projects Group on Monday to consider what we really ought to do in light of our own concerns, various faculty concerns, on both sides of the issue, of whether parking for faculty and staff really needs to be preserved in that area with as much proximity as we currently have - or whether it would be more appropriate actually to do what we had in mind which is to build a beautiful plaza and open the area that would accommodate the very, very significant amount of pedestrian traffic we have in the Bailey area, and also continue to allow for circulation access to Bailey Hall for events and also access to the Physical Sciences precinct as well as to the edges of where Martha Van and the College of Human Ecology have their loading docks as well. That is a sort of up to the minute report as to where things stand with Bailey Plaza.

"I happen to know that there are people here who want to speak about this. I think as much to one another as to me. I guess, as Charlie suggested, that I will wait until I finish reporting on everything to give you a shot, if those of you who are anxious to talk about this can just be patient for a little bit and then say what you would like to say about Bailey Plaza and about parking in general. I really don't have any comments on parking for faculty and staff in general. I really do think actually this is an issue that you the faculty need to decide in the context of ongoing discussions and at least decide with us. I'll be very interested in your discussion later.

"The Suspension Policy, as Charlie just told you, is up on the web and our most recent version of our proposal, which does in deed take many of the proposals and suggestions and policy ideas of the Senate into account, and also tries to bring in some of the deans' concerns and ideas. It is something of a compromise and we're still in discussion about it, so I'm not going to cover that as Charlie suggested I not do.

"Racial tensions and the recent campus incident. Can I assume that everybody here knows at least the basics about the recent incident? You can say no. Anybody want to say no? You know the stabbing incident occurred and you know that Charles Holiday, who is the victim of this crime, is a Union College student. He's back at Union College. He's taking classes. He had a very serious wound. His lung was punctured and he lost a lot of blood. He's weak. I talked to the President of Union College just a few days ago, who informed me that Charles would probably drop a class for this quarter. But, he is doing well, as well as can be expected under the circumstances. If you go to the Union College website you can read about this young man who is, according to the President of Union, and everything that I have read about him, a really lovely young person. And in fact since many of the staff in Susan Murphy's shop and in other offices on campus got to know him a little bit and who tried to support him and his family, you know that he seems to be a very lovely human being.

"The student in ILR who is alleged to have committed the crime, Nathan Poffenbarger, is temporarily suspended from Cornell University and faces charges down town. He has been declared *persona non grata* by the police. He is not allowed on campus except for very specific kinds of consultations or events, and then he has to come on campus supervised by someone, whoever is appropriate for the particular meeting that he would need to attend on campus. Those are the facts. The D.A. has been on campus

several times at several of the forums that were called by various administrators or students. The DA has given very lengthy and detailed explanations to the community on where things stand in the city. I think the student groups, the representatives of whom I have been meeting with regularly, are quite satisfied by the information that they have been given by the DA. On campus, as many of you know, the first meeting, a general community meeting that I attended, was on Sunday after the crime occurred and that was called by the Director of the Africana Center. Many of us attended, a lot of faculty, students, and community members. That meeting was followed by a forum on the west campus for discussion there of the incident and what it implied and how we have responded to it. There was a forum that was organized by Hunter Rawlings open to anyone in the community who wished to attend. It was very well attended. It was a quite remarkable discussion, the details of which are extremely interesting. There were students and community members there who had a wide range of political views on race and racism on campus and what this incident represented or did not represent. It was a very lively discussion, it lasted about two hours. On Friday of last week Hunter and I met with three students who represent a twenty-student group large coalition, which increasingly, apparently, also includes faculty and community members according to the students. We had a very good meeting, very cordial, very productive. I invited the students to the Provost's staff meeting this past Monday. They attended. I invited them to the deans' meeting yesterday, which they also attended, although a slightly different composition of students. But they attended and listened to the deans' talk about the implications of a required course and what alternatives might be possible or might be at least possible, to have the faculty consider. We have explained to the students that curricular decisions and decisions about curricular requirements are made by the faculty in each college, not by the administration. The question I think the students have, is whether the Deans and the faculty from the different colleges are willing to work with them on, if not as they originally proposed, a single course that would be required of all students on diversity, a series of courses or alternatives to courses. They are still asking for - 'insisting on,' I think, is the language they used yesterday at the Deans' meeting - some kind of requirement that would actually ensure that every student who comes to Cornell graduates from Cornell with the ability to analyze critically and rigorously issues of race, gender, sexuality and structural inequality of other kinds. That's their aim. They had already changed their demand from last week, when they wanted one single course for all students and they wanted it right away. They had changed their approach, understanding as Hunter and I had tried to help them understand, that these things take a long time if they were ever to be instituted, and in response to our having said that they actually got two sophomores. The people with whom we met last Friday included a graduate student and two seniors. After we explained how long these things take they actually brought two sophomores to the Deans' meeting and explained that they are really committed to succession planning in a way that we could learn from, actually, here at the University. In any case they are quite serious students and delightful students. You probably, in one forum or the other, will be meeting with some subset of them, I would think, in your colleges, departments, or at University-wide forums. They know that neither Hunter nor I support the idea of one requirement for all students - or perhaps any requirement at all - and we leave it to the colleges. We do support the idea that the faculty of the various colleges should take up the issues and think a little bit about what it is that you think students who graduate from Cornell University ought to be able to discuss and think about intelligently and critically when they graduate. That seems fair

enough to me for students to ask us to do whatever the outcome of those discussions might be. That's where things stand as far as our interaction with the students. There is a coalition now, as I said, and it's composed of at least 20 student groups and faculty and community members that aims to keep this discussion going. If you have any questions about it we can talk about it after the rest of this presentation.

"President Skorton's Transition. I don't know what the questions are here. I'll try to anticipate them. I have heard some people say they thought they would see him more by now. You must remember that he is the President of the University of Iowa and that's what he is being paid to do. It's a big job; particularly right now out in Iowa. He hasn't been here since the announcement. He was supposed to come last week for two days of meetings and lunches and dinners with various groups on campus, but he has been suffering from a quite bad case of bronchitis and was unable to come. He will be here next week for one day. He'll be here in April for three and a half days and he'll be here in May for three and a half to four days on campus. We're planning a range of events for him so that he gets to meet a wide variety of people. What you probably would have no way to realize is he actually hasn't even met yet with all members of the senior staff. He hasn't met with all the people who report directly to him, nor has he met all the Deans. We're just getting underway. It's going to be a slow process as these transitions are. If you have any specific questions about what we're planning or how it will go, or what the implications of this pace of transition might be or anything else going on at the University, feel free to ask. I don't see any significant implications. David Skorton is completely on board with the campaign launch in the fall, so launching the public phase of our capital campaign depends on feasibility not on David's transition. He's happy with that timing.

"And as I hope you know by now - I think I succeeded in ensuring that an e-mail went out - the inauguration for David Skorton will occur on September 7th. No? So I didn't succeed. It will come. Now you know from me. September 7th will be the inauguration, as late in the afternoon as is reasonable to have it. We don't intend to cancel classes. We haven't cancelled classes for the other inaugurations. I think Jeff's was one or two in the afternoon. We are hoping to make this one more like three or so, so that as many people as possible are out of class and can attend. You now have that piece of information. Please put it on your calendars. That's the update on the transition, I think as far the date is concerned.

"Work Life Survey. I think I have gotten to that. Let me just show you some slides. This is all preliminary. You will remember the goals of the Work Life Survey (Appendix 1), which many, many of you actually filled out. We had a very, very long and complicated survey. The survey, as many of you know because you filled it out, had six sections (Appendix 2). Let me remind you of what I told you last year, and that is that - unlike the surveys that were done at many of our peer institutions - we decided not to confine ourselves to the sciences. The surveys that have now become very well known - the MIT survey, the Duke survey, and several of the other university surveys on the experiences of women or gender in general - actually were focused on the sciences. We decided to do it university-wide without regard to discipline and include everything. We also had many more items than the other surveys, and it's taking quite a long time to analyze the data as you can imagine.

"I think you will remember that the survey ran from September 15th to October 24th (Appendix 3). We had a 65% response rate, which as you know is quite extraordinarily high. Seventy-four percent of women and 62% of men responded and you see the equation by rank. Seven hundred thirty seven faculty also contributed responses to the open-ended questions. The graph (Appendix 4) shows responses by gender. You understand that women composed 27 percent of the respondents, which is a little bit higher than our representation on faculty. Women represent 24% of the Cornell University faculty, so 24% of the faculty, 27% of the respondents. I'll show you the response by rank (Appendix 5) although I've already given you that information, just so you see it a little more clearly. Obviously assistant professors responded a little more heavily than faculty in other ranks.

"The only data that we have that we can actually show, not show even, but say something about, has to do with satisfaction. You probably remember that you were asked on a scale how satisfied you were as a faculty member at Cornell. The one thing we realized was very important was to think about non-respondents as well as respondents. Here is the information (Appendix 6) that we have been able to gather and analyze when it comes to what the distinctions might have been, or could have been, between respondents and non-respondents. The demographics are the same virtually for respondents and non-respondents, and the predicted satisfaction rate therefore is basically equivalent.

"Overall satisfaction. What you see here (Appendix 7) is that Cornell faculty, both men and women, are generally satisfied with their positions at Cornell, with being a faculty member at Cornell. These are two Ivy peers. What they did, was fail to give us the actual relationship between somewhat satisfied and very satisfied. So we don't have that information for them. But, if you were to look at ours and take out that distinction between the very satisfied and the somewhat satisfied, you will see that at least in comparison to these two Ivy peers, we are in the middle.

"Satisfaction by gender. I'll just let you look at that (Appendix 8).

Peter Stein, Professor, Physics: "Excuse me what were the headings of the previous slide (Appendix 7). I couldn't read them.

Provost Martin: "What were the headings?"

Professor Stein: "What did they represent?"

Provost Martin: "I'll show it to you again."

Unidentified: "We can't read it in the back."

Provost Martin: "Okay. This is Ivy A and Ivy B. These are the peers for which we have information. This shows the faculty who responded said that they were either somewhat satisfied or very satisfied. As I said, these peers did not give us the breakdown between somewhat satisfied and very satisfied. So we don't know how we compare when it comes to that breakdown."

Professor Peter Stein: "What's the dark and the light on the first part of the slide?"

Provost Martin: "Here the very satisfied is dark and somewhat satisfied is the lighter. Up here is neither, neither satisfied nor dissatisfied, which is odd.

Unidentified: "Why doesn't it go to 100%?"

Unidentified: "They are dissatisfied."

Provost Martin: "Can you see this? (Appendix 8.) It is essentially the same. I'll read the bottom, 'satisfaction being a faculty member at Cornell'. This is the breakdown between men and women. You can see that men and women generally are quite satisfied. But, there is a significant difference between men and women if you break it down by gender.

"This is Life Outside Cornell. This is the level of satisfaction about one's life outside of Cornell. Over here is the men and women's satisfaction on the ways that their work lives and their lives outside of Cornell fit together. Is that clear enough?"

"Let me also mention something that is very significant and that is that we did not take rank or age into account yet. So there is going to be a less significant difference once we take rank into account because we have so many more women, proportionately speaking, at the junior ranks than we do at the full professor rank. It's still going to be significant, we predict. The institutional researchers who are analyzing the data predict that women are going to come out differently, in a significant way, on these satisfaction measures. Again bearing in mind that the majority of men and women said they are either somewhat satisfied or very satisfied but there is going to be a significant difference even when we take rank and age into account. Is that clear? We believe, anyway.

"Aspects of Work. (Appendix 9.) Can you see the stars? Can you see what's starred? You can't read the labels? Let me read them to you.

"These are the satisfaction measures. The satisfaction measures of being a faculty member at Cornell. It's starred because there is a statistically significant difference in the way women and men responded. I'll just read all the labels.

Satisfaction with various aspects of our appointments.

Current rank.

Current salary.

Benefits.

Office space.

Clerical support.

Library.

Computer resources.

Access to graduate students.

Advising responsibilities.

Committee responsibilities.

Let me summarize. Where there is no statistically significant gender difference, there's no difference in satisfaction with rank, salary, benefits or office space. Shall I read that again? No statistically significant gender difference in responses about satisfaction with rank, salary, benefits or office space. We know there are no statistically significant differences by gender in salary because we have been tracking it for years based on the regression analysis developed by a faculty committee. And I meet with every Dean, every year, to go over the results of the regression analysis we do based on the previous year's salary improvement.

"Men are more satisfied than women with clerical support and computer resources. I have no idea why. I could guess with the clerical support, but computer resources I don't understand. We'll find out more. There are a lot of other measures. There are about forty measures total. This is just a very small set of the measures that we actually used in the survey and therefore this information is preliminary at best, but I thought you would want to see some of what we have.

"Number of Courses Taught. (Appendix 10.) This one is extremely interesting and not so much simply because of gender differences, but just in general. Look at the number of courses taught, the mean number of courses taught in 04/05. Can you see what it says? Without the survey we really didn't have this information on the mean number of courses taught by faculty who are here. I'm surprised at how low the mean number of courses taught by faculty is. Some of us in the humanities teach four courses a year and so we're wondering how the mean ends up where it is. But that's okay because we aren't going to have humanities complaining today about this, at least not now. In any case you see that women report they teach more courses outside of their research interests than men report.

Professor Peter Stein: "What is the x-axis?"

Provost Martin: "The mean number of courses taught in 04/05."

Professor Peter Stein: "But what are the numbers? I can't see them."

Provost Martin: ".5, 1, 1.5, 2."

Unidentified: "Bidly, is that corrected for people who have extension/research appointments? I answered it, and I put zero because I'm extension."

Provost Martin: "It is not corrected for that."

Unidentified: "There's a big number."

Provost Martin: "You know what, there are a lot of results that I am showing you that aren't corrected for a lot of things for which they'll be corrected. I gave examples before of the difference by gender and satisfaction that doesn't take rank into account. Once you take rank into account, it's going to make a difference in the difference. There are a lot of things of that sort. That's why I said, and perhaps I should emphasize even more, this is very preliminary. It's kind of hot off the press and perhaps not even ultimately

that interesting. I think it's sort of interesting. But, we have to realize that anything we say about it is part conjecture at this point. Number of courses taught I showed you.

"Course Enrollment. (Appendix 11) Men report larger class sizes than women. Can you see that well enough? It's mean course enrollment. Classes taught in 05/06.

"What we can already tell from the data we've analyzed, and a lot of it is not here, and this is not surprising, but one very significant factor in reported satisfaction for men and women is department climate. (Appendix 12.) This is, by the way, mean score on the one to five continuums. Can you read the labels here? Not easily? On this side we have 'collegial,' 'cooperative,' 'conciliatory,' 'seeks the collective good,' 'cohesive' as a set of descriptors. On the other side we have 'contentious,' 'competitive,' 'aggressive,' 'seeks individual advantage,' 'fragmented.' Then you have, the dots are the responses of women, their perceptions of the department climate and the diamonds are the men's perceptions of the department climate. As I said, what we know, is that for both their perception of department climate is closely aligned with their overall satisfaction with their role as a faculty member. Some people have already asked me about this binary picture here. We have collegial, cooperative, conciliatory on the one hand and contentious, competitive, aggressive on the other. It is problematic and the reason that we went with these terms is really because we wanted to be able to compare our survey to the other surveys out there and so we didn't mess much with what was out there for that reason. I, myself, would say this is a very interesting and provocative one because it's going to be hard to excel if you are not competitive and aggressive at least in certain kinds of ways, and are these really binary opposites? Can you align one set with the good and the other with the less good? Well, those are the kinds of things that we have to discuss. We can't do it now I'm almost done and I'm going to be within by thirty minutes. These are the next steps with the Work Life Survey and its analysis (Appendix 13).

"The staff of Institutional Research are working day and night on this really. We'll have more results and a set of suggested ways of going about acting on any significant information that we think we have gotten within the next few months.

"That's the end of what I have to say on my own, but I would be happy to answer any questions you have."

Susan Suarez, Professor, Biomedical Sciences: "I am Chair of the General Committee from the Faculty of the College of Veterinary Medicine. The members of the General Committee are elected. I would like to read a statement concerning the policies on job-related faculty misconduct. 'Clinical privileges in the Cornell University Hospital for Animals should not be exempt from coverage by this policy. If, in the future, a separate Cornell University Hospital for Animals clinical privileges policy is developed that is reviewed by the College of Veterinary faculty, it should conform to University policy. We agree with the Provost that the current policy for the hospital needs revision. Existing groups of CVM Faculty are interested in advancing the policy and would be delighted to work with the Provost and administrators to develop a clinical privileges policy for the CUHA.'"

Provost Martin: "Good. Thank you."

Dorothy Ainsworth, Professor, Department of Clinical Sciences: "I would like to also speak to the policy, which would really exclude the clinical privileges under the job related policy. "

Professor Peter Stein: "Point of Order. The Academic Freedom Committee is considering this and I could not hear the statement that Susan Suarez made and I cannot hear the one that Professor Ainsworth is reading."

Provost Martin: "While I'm going to get her to shout and Susan's going to give you a written of that. For those of you who are not up to date and haven't yet read the latest version of the Misconduct Policy, the Suspension Policy, what's being addressed here is a decision that we should for the moment exempt the suspension of clinical privileges from our discussion of suspension policy more generally because of the quite specific nature of clinical privileges, and we should go to the Vet School and work with the faculty on a policy that makes sense because I, in any case, believe that the current policy does not. The idea is not to exclude clinical privileges from a wrong university policy but to first find out what makes good sense and then work it into our policies."

Professor Ainsworth: "Absolutely and perhaps you'll think differently after I give my statement."

Provost Martin: "I might."

Professor Ainsworth: "I'll speak as loud as I can though, Professor Stein. It's unclear to me why Cornell University should embrace a policy that fails to provide due process for all of its faculty. We agree that the existing clinical privileges policy that was implemented at the College of Veterinary Medicine without a department or a college-wide faculty vote is indeed seriously flawed. This policy, which was designed to grant and remove the privilege of teaching and practicing veterinary medicine in the Cornell University Hospital of Animals, fails to conform to the general principals of the university faculty disciplinary and appeal process.

1. The policy fails to specify the relevant decisional criteria that are the bases of appointment or reappointment (i.e. granting of clinical privileges) for the faculty member.
2. The policy fails to specify the grounds for an appeal of an adverse decision. For example, if reappointment is not granted, no appeal process is outlined.
3. In situations in which the clinical privileges of an individual are being rescinded, the hospital policy fails to establish independent and impartial review of the decision.

Given the serious limitations of the existing CUHA policy, it is inappropriate to have the CVM clinical faculty remain under its authority even for a short time.

"Now it is true that the actions of clinical faculty directly impact upon an animal's health and upon the livelihood and the well-being of the owner and whether that

animal is a beloved canine companion or a high-production dairy cow. It doesn't matter. None of us with clinical appointments take these duties and responsibilities to patients and clients lightly. But the responsibilities of clinical faculty are not that much different than the responsibilities of other faculty at the University. For example, our colleagues at the Law School who practice law and our colleagues at the CALS, through their extension appointments, all provide advice and recommendations that impact upon their client's livelihood and well being. Yet, these colleagues are all covered under the policy under discussion.

"Should an emergency condition regarding the health of an animal be necessary it could simply fall under the emergency sanction policy that is being discussed. I strongly recommend that the clinical faculty of the College of Veterinary Medicine be included in the new CU Policy on job-related faculty misconduct and not excluded as is being proposed."

Provost Martin: "Sure, thank you. Dorothy, can you please send me that?"

Richard Miller, Professor, Philosophy: "By the way this is about the Work Load Survey, I defer to anyone who wants to pursue the questions that have just been raised."

Risa Lieberwitz, Associate Professor, ILR: "I just wanted to say something also about the Suspension Policy. I guess it's called the Policy on Job Related Faculty Misconduct. There are a couple of things. One is that it seems to me to make good sense, the comments that were made about having everybody who could be affected by suspension under the policy. If at some time it makes sense to have certain schools treated differently because of the nature of their work, then that can be done. It seems to be that there's a minimum level of due process that is called for. So, I think it makes good sense.

"The other thing I wanted to do is just to mention that it sounds like from what Charlie said earlier that the revised version that the Provost created is on the web for people to comment on. Is that right?"

Provost Martin: "Yes."

Professor Lieberwitz: "What I wanted to recommend for people that they do comment on it, and to note that the version that the Provost has created does restrict in significant ways the number of hearings and full hearings that would take place. I was on the Academic Freedom and Professional Status Committee during much of the time that this was being worked on, and one of our intentions was to create hearings where people would have the opportunity to bring forth evidence, question witnesses, to have a real full-blown kind of evidentiary hearing given the importance of a suspension. If people are going to comment on this, I think one of the things to pay attention to is the difference between what the Faculty Senate had proposed initially and the revised version now, because I would recommend really going with the more detailed and full hearing. I guess one question also is to make sure that both versions are easily available for people to look at."

Provost Martin: "Well what I was going to say was that my version, if it can be called that, actually specifies what the differences are between the recommendations are of your committee and what the deans' have proposed and then take some position on it. That doesn't mean that you don't need to compare all the documents yourselves if you wish to do that. You are welcome to do it. But we tried to provide that for you. I believe, unless somebody tells me differently, that that's been accepted as more or less accurate about what the distinctions are.

"Do what you will, but we tried to provide a very clear indication of what the differences were in the versions, and explain why I went the way I did. What we have to take into account, of course, are the rights of the faculty to due process and the obligations and responsibility of the Deans and other academic administrators to ensure that our students are safe. As for the animals in the vet school, we should discuss this a little further."

Dean of Faculty, Charles Walcott: "I just would like to say that I urge those of you who have comments and thoughtful critiques to please send them to Peter Stein, Chair of the AFPS, who will try and coordinate all of this and make a commentary, which we will try and address in some good useful kind of way. I think to bring them up in detail at this meeting is probably not useful at the moment. But, please direct them all to Peter so that they get taken care of and considered."

Provost Martin: "I'd be happy to talk about it in as much detail as you want. The only thing is you asked me to address six or seven different issues, and I know there are people here who would like to ask questions or say something about the others. It might be good just to get a sense of what people are interested in talking about and we can allocate more time at a subsequent meeting or something."

Professor Stein: "I would just like to take a second to respond to the two comments from the faculty at the Veterinary School. This policy has been a long time a brewing. The AFPS committee has been working on it now for four years, I believe. I believe it was four years ago that Dean Cooke first asked the committee to look into this and draft a policy.

"In the course of that, I won't go through this back and forth discussion with the academic deans and committee, but the issue of should the Vet College faculty be excluded from the policy or not is not new. That was brought up to us during the negotiations between the committee and the academic deans. Our feeling was that there might well be circumstances when one college or one department had a situation that was so different than others that it required special procedures, but that we believe that every attempt should be made to make the faculty member at Ithaca go through the same set of procedures defined by the same amount of due process unless it could be really strongly demonstrated that that process was not applicable to the particular faculty involved. The arguments that were presented to us for excluding the College of Veterinary Medicine we did not feel demonstrated that urgency for a separate procedure to the extent where the people believed that they should be excluded. Anyway, we discussed this once before."

Professor Miller, Philosophy: "This is on the Work Load Survey. I have a request and maybe it's unnecessary because it's going to be done and also a comment on why I think this is so terribly important. The request is that as soon as possible a tabulation of the results be released. I don't mean a statistical analysis, so that's fine. Every statistical analysis I have read has been misleading on important questions to me, though not necessarily intentional, in some cases intentionally, not this case. I would hope the tabulations would involve not just gender, though that is important, not just rank but the finest grain institutional breakdown that's possible without violating confidentiality - down to college, and down to disciplines, I would hope within colleges. It's already arisen - as the Provost mentioned it, people mentioned it from the audience - how important it is to apply institutional good sense. From my perspective in the humanities, and knowing what life is like in the social sciences in the Arts College, these work-load issues are the big burden on retention of faculty. We are very vulnerable. I think the 'somewhat satisfied' ought to be very alarming. We are a geographically isolated university, which has a lot of departments that are good, but not tops. Those are great departments to steal young people from. I think the work-load issue means that Cornell does not play a part in the public life in the United States that it should for the great university it is. I know the work-load issues make it hard, in my part of the university, to be a good parent, which has to raise gender issues. In your last very informative annual report, you mentioned progress in salary, which in my corner of the university is not a problem because of the local low cost of living. Increase in the student body, no increase in the number of faculty, and a commitment to increase the richness of the teaching we provide and increase our greatness as a research university: that's impossible to do all at once. I think it's the mission of the Senate to offer the faculty view of the trade offs involved, and I think the wonderful work that has been done in data gathering can only inform us. As a result, a tabulation, and I would hope at least that some form of description of those many, many open-ended comments. Perhaps it can't be verbatim for privacy reason. It can be described."

Provost Martin: "We're working on those. We're working are all kinds of analyses of those open-ended responses and also we'll make some of that available to you. You put your finger on part of the problem in getting very fine grained and that is that there are so very few women in certain parts of the university that breaking it down by department and college does in fact breach confidentiality. We are going to do the best we can. We are going to work with you all. We'll work with the Deans and we'll do the best we can. I certainly agree with you more information is better. But we really can't breach confidentiality of individual faculty members.

"We do not intend to increase the number of students while keeping the number of faculty constant. We haven't increased the number of students for years, and we don't want to increase the number of students precisely because of the faculty/student ratio issues that you raised. That doesn't mean we don't have work-load issues. One of the things that emerges from this study is the concern people have about committee responsibilities and administrative work. You all are Senators, so you have already signed on to do a certain amount of administrative work and you care about it. This was a quite significant response on the part of faculty that the amount of committee work and administrative work seemed quite heavy.

“On course load we do have to do much more analysis, although you’re right when you look at the mean overall, and think about some of the course loads in some colleges, and how disparate they seem from the mean that you saw, I am sure it raises concerns. But we have to bear in mind many, many things so this requires a lot of discussion. I joked about the humanities, but it’s also the case that in the sciences, people’s teaching takes other forms. We need to discuss these things when we have time to discuss them in more depth. But as to your overall point - please give us more, rather than less, data and don’t make it all statistical – yes, I agree and we’ll do our absolute best.”

C.C. Chu, Professor, Human Ecology: “I wonder whether you could post the raw data and let the faculty draw their own conclusion in addition to the administrators’ statistical analysis. That would probably be more objective for faculty to see the raw data and draw their own conclusions.”

Provost Martin: “It’s a huge amount of data in the absolute raw. You really don’t want to see it. You would never get through it. I think some amount of summary and analysis is required. You don’t want to look at all the surveys. We can give you more rather than less information. We can give you tabulations and statistics on a lot of measures. You come see us and look at it and see, CC, if you really think that’s what you want. I don’t think you do. I really don’t. I think you can trust me on that one.”

Brad Anton, Associate Professor, Chemical and Biomolecular Engineering: “I’m getting a little older all the time and my memory gets worse and worse, but it seems to me some of this, some data similar to these, were collected many years ago when Hunter Rawlings first arrived as President, weren’t they? Wasn’t there some sort of survey done that produced a bunch of red books that looked at faculty work loads and teaching loads in various colleges?”

Provost Martin: “Work loads? I thought you meant gender analysis.”

Professor Anton: “I don’t know if they had gender-specific data in them or not. I thought perhaps they did. I just wondered if there were any old data to compare these new data to.”

Provost Martin: “I don’t know. Carolyn? I’m not aware of them?”

Professor Anton: “Does anyone remember this?”

Susan Murphy, Vice President Student and Academic Services: “I think there was a faculty survey that was collecting data in Frank Rhodes’ last year, as part of the Strategic Planning, and there was a campus-wide survey back then, and the data were collected in red books.”

Provost Martin: “That was before my time. I don’t know. Should I go look at the red books? We have them. We’ll look at them.”

Christopher Klyne, Courtesy Professor, Naval Science: “Is the inauguration planning to have a procession and end up in Barton Hall? “

Provost Martin: "It is."

Professor Klyne: "I only want to remind the Provost that Barton Hall is not air conditioned and in early September, let's say the environment can be pungent."

Provost Martin: "We unfortunately don't have a lot of choice of venue."

Professor Klyne: "I'll have all my guys bring one of those things that you hang from your rear view mirror, those pine trees."

Provost Martin: "Well that's not a bad idea. There was this suggestion, which I love, that it be held on the Arts Quad, outdoors. But we would have to, even if that were a good idea, we'd have to have to a back up plan."

Professor Klyne: "I'm not saying Barton isn't great."

Provost Martin: "Well it isn't great in my opinion. You make good use of it. But I don't think it's great. I just think we don't have an alternative for that many people. Now bear in mind that we do put four thousand, over four thousand, people there for the Book Project every year at the end of August, and it has really not been unpleasant."

Sharon Center, Professor, Clinical Sciences: "I want to ask a question and hopefully it's not going to be too difficult to answer."

Provost Martin: "You're scaring me by taking off your scarf."

Professor Center: "I'm very concerned about the Vet School not being included in the Cornell University policy. I think we should be. I think it's very important that the faculty be absolutely represented under all circumstances. I'm fascinated Professor Stein by your committee's recommendation that the Vet School not be excluded. Where in the process was it decided that the Vet School would be excluded? If it was discussed with our Dean, is it not the Dean's responsibility to bring it to the faculty and discuss it with the faculty? Because, that never happened. Could you clarify how that process is supposed to occur on this university?"

Provost Martin: "Those are two different questions. One easy and the other difficult I guess. Well, not difficult but maybe more time consuming. Where in the process was the decision made that the Vet School should be exempt for now until they get a policy on clinical privileges and the suspension thereof?"

Professor Center: "In the recognition that the clinical privileges document was in fact something valid to enforce here, because many faculty members really have a problem with that and there was no venue for discussion."

Provost Martin: "Well there's still discussion as we see. That's all to the good. What I have proposed is still under discussion. But I don't know the right answer to this. I hear what those of you who are here today say. Where it happened in the process is a recommendation from the Dean, and therefore the Deans as a group who worked on this set of policies, and our research to see whether the suspension of clinical privileges

is treated differently in the medical context, and the decision that it really ought to be exempt for now while we look at a policy in the Vet School that makes sense that's protective of the animals but therefore also of the welfare of the veterinary college.

"The question about whether the Dean should engage the faculty in a discussion of this is a good one, and I don't want to say yes or no because I don't really know what the Dean undertook in the way of consultation and advice on this. I think it wouldn't be appropriate for me to say 'by all means' or 'he did and you were absent,' or 'he did and he shouldn't have,' I wouldn't want to do that here. I think in general the deans are quite consultative with faculty and do I think they should be, yes."

Professor Center: "Then until we have a recommendation made from campus, what is the Vet School going to do in the interim?"

Provost Marin: "Well right now I believe you are governed by your own policies and procedures. The ones that are in effect."

John Siliciano, Professor, Law School and Vice Provost: "I have some dealings with these, both the Vet School question and the policy. I just want to clarify one thing that I think is getting lost in discussion. The proposal of the Provost which was based on, as she said, an effort to deal with the Deans' concerns and the Senate committee's concerns, in no way excludes the faculty of the Vet School from the scope of the policy. That simply isn't true. The vet faculty, if the policy is finally adopted, are as covered as all the other faculty. What it does exclude is a certain kind of suspension, which is the suspension of clinical privileges within the two animal hospitals of the Vet School. It doesn't deal with any of the other teaching functions or any of the other faculty functions of the Vet College. It deals with a particular kind of clinical privilege context. The reasoning is that there is an existing policy, as the Provost said, it's a core policy by wide recognition, I think of everybody. But, it is in place. It recognizes that there's special considerations that apply in this context that may not apply in other context. It's a concern that applying that we need to think through these carefully in the context of the school.

"I heard in your other suggestion that we simply use in the vet context the emergency provisions. I'm not sure they are protective enough of the faculty. So what we want is simply an opportunity to think these through carefully with the faculty of the college in the context of clinical privileges in those two animal hospitals. It's really much narrower than I think the conversation is suggesting, which sounds at times like the Vet College faculty was simply pushed off."

Provost Martin: "I think Susan and Dorothy, you understood that? I really think it's probably better."

Professor Center: "There's a melding of your scholarly activity with your clinical responsibilities. There are people that work at the Vet College that their academic appointment is to teach, do research, to perform in a clinical context and so those people are exempted from protection by Cornell University if we are going to have a really special document drawn up. So I implore you to broaden your perspective of actually what the academic responsibility is to someone that has clinical responsibilities."

Provost Martin: "You wouldn't be excluded. You'd be split."

Professor Center: "... but there needs to be faculty involvement in the derivation of this document. We're hoping that our General Committee will be very much involved with that."

Provost Martin: "Well, yes. That is actually a condition that is set in the document that I sent out, that the suspension of clinical privileges and policies the pertaining thereto will be now a matter of discussion by the Vet faculty. That's absolutely in place. That's not an issue at all."

Richard Durst, Professor, Food Science and Technology: "I just had a question on the diversity course that you had discussed. You indicated that these courses have to be generated at the college level through their curricular committees. It would make sense it seems that there would be a university-wide course on this. Is there any intention of trying to consolidate the various college activities in that regard?"

Provost Martin: "Did everybody hear the question? No. The question that Dick asked is, 'I had said I didn't favor a university-wide diversity course and that it was the prerogative of the faculty in the individual colleges to make decisions about curricular requirements. But he suggested it would make sense actually to join forces and offer something that was university-wide that all students could take and was there an effort, or would there be an effort to meld or join forces across the colleges in this effort? My quick response is no because I really do think that it's a faculty prerogative to decide what students should be required to take. I don't think that's something we want to abridge. What I said to the students at the large forum we held with them was they don't want us to tell the faculty what should be taught because they might like what Biddy Martin would ask the faculty to teach or require, but they might not like what the next Provost would want to have them teach. Actually they wouldn't even like what I would want but that's another matter entirely. I thought it was a good argument at the time. The point is - the faculty really have to make those decisions. What Hunter and I told the students, as I said, is that we would encourage faculty not just to think about this particular issue, but to think broadly obviously, about what we think our students ought to be able to do and what they ought to know when they graduate from Cornell. And do I think that race and racism constitute among the most serious problems in our society and across the world, yes. Do I think that every student that graduates from Cornell ought to have the kind of exposure, not just the sort of touch/feely we all want to get along, sort of exposure, but for some of us who actually have made scholarly careers studying some of these issues, I think we care that the students come out of here having the analytical and critical skills and the knowledge base to be able to think and talk with others in a way that's serious and rigorous and not just diversity training in the more superficial sense in which people sometimes seem to mean or to think is adequate. I think it's perfectly legitimate for us to ask the faculty to think about what you think students ought to graduate being able to think critically and rigorously about. What follows from that is nonetheless up to the faculties of the colleges. That's my view and I'm sticking to it."

Francis Kallfelz, Professor, Clinical Sciences: "I would just like to concur with comments made by Professor Center, and not concur with the comments made by Vice Provost Siliciano that the decision to exclude clinical service in the policy is a very narrow exclusion, because, as Professor Center said, clinical faculty are teaching through clinical service and doing research through clinical service so suspension of their clinical privileges denies them the opportunity to teach or to do research. Therefore, in my view, it falls under the general category that other faculty fall in this policy."

Provost Martin: "What I want to say to all of you who have spoken is that I hear you. I think what we need to discuss is simply the other side and then what the best and wisest way forward is. The other side is what needs to be done in particular to assure the safety of animals. As in other medical studies we have specific approaches to clinical privileges to protect human beings and what those measures need to be. Or, perhaps what you are arguing is that there doesn't need to be any other than those that govern suspension in general for other things. Let's just talk more about it. I hear you, as they say, and I appreciate you bringing it and discussing it with me. You can be assured that the discussion of this will certainly come back to you as a faculty."

Speaker Howland: "You're out of time."

Provost Martin: "We didn't get to parking, which really disappoints me."

Unidentified: "I have a question as to whether there are maps available of the plan to Bailey Plaza? Is there a web site where the current plans are available?"

Speaker Howland: "Don't leave yet folks. We have two little motions we have to get through. I'm sorry to interrupt you, sir. We have to get to other items while we still have our quorum."

Provost Martin: "There are currently no pictures of the Bailey Plaza design on the web. We could put them on."

Speaker Howard: "Thank you very much. I would like to turn back now to the items that we could not handle because we did not have a quorum."

"I'd ask for a unanimous approval of the minutes of December 14th. Are there any objections? No objections. The minutes are approved by a unanimous consent."

"I'd like to call on Cynthia Farina, Associate Dean and Secretary of the Faculty and Chair of the Nominations and Elections Committee for a committee report."

Dean Walcott for Cynthia Farina. "Cynthia sadly had to leave early to attend an important athletic engagement for her children. So I have been nominated as substitute. I would simply like to report the various appointments, which you have in your handout. These are things of the various faculty committees."

March 8, 2006

Affirmative Action and Minority Education Committees

Herbert Gottfried, CALS
Quinetta Roberson, ILR
Melissa Thomas-Hunt, JGSM

Codes and Judicial Committee

Deborah Streeter, CALS

Committee to Review Faculty Governance

Brad Anton, ENGR

Institutional Biosafety Committee

Walter De Jong, CALS
Paul Jennette, VET
John Parker, VET
Keith Perry, CALS

Nominations and Elections Committee

Josephine Allen, CHE

University Committee on Conflicts

Jan de Roos, Hotel

However, this is slightly more interesting. This is the slate of candidates for the various important elected positions; the Faculty Trustee, the Associate Dean and Secretary of the Faculty. I would like to comment that I am having difficulty soliciting nominations for the Associate Dean and Secretary of the Faculty. If anybody is interested in volunteering I would be happy to talk with them. The at-large member of the Faculty Senate, there are two vacancies and the at-large member of Nominations and Elections and the University Faculty Committee. This is the slate that is being proposed and you will have the opportunity in these cases and the ones I just showed you to vote on them in due course. I think a motion is in order to approve the slate and to approve the appointment to committees.

SLATE OF CANDIDATES

(All terms commence July 1, 2006)

FACULTY TRUSTEE (1 vacancy, 4-year term)

Ronald Ehrenberg, Professor, Industrial & Labor Relations
Ronald Hoy, Professor, Neurobiology & Behavior
Bruce Lewenstein, Associate Professor, Communication
Christine Shoemaker, Professor, Civil & Environmental Engineering

ASSOCIATE DEAN AND SECRETARY OF THE FACULTY (3-year term)

A. Brad Anton, Associate Professor, Chemical & Biomolecular Engineering

AT-LARGE MEMBER, FACULTY SENATE (tenured)

(2 vacancies, 3-year terms)

Abigail Cohn, Associate Professor, Linguistics
Rodney Dietert, Professor, Microbiology & Immunology
Risa Lieberwitz, Associate Professor, Industrial & Labor Relations
Jane Mt Pleasant, Associate Professor, Horticulture

AT-LARGE MEMBER, FACULTY SENATE (untenured)

(1 vacancy, 3-year term)

Andre Kessler, Assistant Professor, Ecology & Evolutionary Biology
Suman Seth, Assistant Professor, Science & Technology Studies

NOMINATIONS AND ELECTIONS COMMITTEE (2 vacancies, 3-year terms)

Elizabeth Adkins-Regan, Professor, Psychology
Robert Buhrman, Professor, Applied & Engineering Physics
Kerry Cook, Professor, Earth & Atmospheric Sciences
John Smillie, Professor, Mathematics

UNIVERSITY FACULTY COMMITTEE (3 vacancies, 3-year terms)

Frederick Gouldin, Professor, Mechanical & Aerospace Engineering
Peter Hinkle, Professor, Molecular Biology & Genetics
Ellis Loew, Professor, Biomedical Sciences
Kathryn March, Professor, Anthropology
Carol Rosen, Professor, Linguistics

Speaker Howard: "Exactly. I ask for unanimous consent for approval of this slate. Hearing no dissent, it's approved."

Speaker Howard: "The chair will now call on Professor Risa Lieberwitz, the Chair of the Committee to Review Faculty Governance, for a report."

Professor Lieberwitz: "I just have a couple of minutes of things. As you just heard I am the Chair of the Committee to Review Faculty Governance or as we like to call it the Faculty Governance Committee. I don't know why, but we do call it that.

"One of the things we wanted to do is to urge you to take a look at the Cornell University Faculty website where we have a new link on the main page. If you go to the section that's labeled "Active Forums and Discussions," you'll see that there is a link to the Committee to Review Faculty Governance. If you go on there you'll see that there are various pieces of information including the charge to the committee, which you can remind yourself of in terms of what was voted on when the committee was established in October of 2005, asking the committee to review the history for the last ten years of the Faculty Governance and make various recommendations.

"We also have on there very importantly a link, which will be an e-mail to all of the faculty committee members and so we invite you, and invite you on the web site as well, to please give us your input. We very much want to hear what you have to say as Faculty Senators. Also, please urge your department that you represent to give input on the charge to the committee as well any other information that you think is relevant with regard to faculty governance. That was one item.

"The other thing I just wanted to mention was that we are hard at work, the Faculty Governance Committee, and as you know the Faculty Senate resolution instructed the Faculty Governance Committee to report back to the Faculty Senate in May 2006. I just wanted to inform you that consistent with the Faculty Senate discussion in October of last year when the Faculty Governance Committee was created, that the committee anticipates making an interim report in May, either orally or in writing with regard to our progress at that point. Given the scope of the kind of work that we are doing on this Faculty Governance Committee and the scope of the charge, the committee is prepared after giving you that interim progress report to continue our work into the next academic year. That's all I have."

Speaker Howland: "Thank you very much Professor Lieberwitz."

"The Chair now calls on University Faculty Committee for a UFC/Faculty Senate discussion and the Chair of that happens to be Dean Walcott."

Dean of Faculty, Charles Walcott: "Members of the UFC are scattered throughout you here in the audience. Would the UFC members please put up their hands? I would normally pull a bunch of chairs up front and put them in front for you to shoot at, but since our time is brief I think the question is does anybody have any comments or suggestions that they would like to share with the UFC at this time?"

Abby Cohn, Professor, Linguistics: "Charlie, I was wondering if there are plans in place to continue some of the things that were discussed in the fall, for example, regular meetings between the UFC and some members of the Board of Trustees?"

Dean Walcott: "That is a very good question. I can report that we were a few minutes late to this meeting because we had a meeting with the UFC and with the leadership of the Board of Trustees. About half a dozen Trustees met with the UFC and we had a very good discussion about a number of items, intellectual property rights, for example, problems in renewing the faculty, and so on. It was a very good discussion, a very pleasant one. That is in fact ongoing. The Trustees have indicated a willingness to do this at least once or twice a year."

Professor Cohn: "Might I reiterate a suggestion that I had made to you, which is that, and I think that's terrific, but I think it would also be good if we put in place a discussion like the one we're having right now between the Senate and the UFC before such meetings. And, if there were a formal mechanism for reporting after such meetings?"

Speaker Howland: "Are there any further questions or comments to the UFC? "Well, I think we are done. We have completed our agenda. There are no items for Good and Welfare. I declare the meeting adjourned. "

Meeting adjourned at 5:47 PM.

Respectfully submitted,
Cynthia R. Farina
Associate Dean and Secretary of the University Faculty



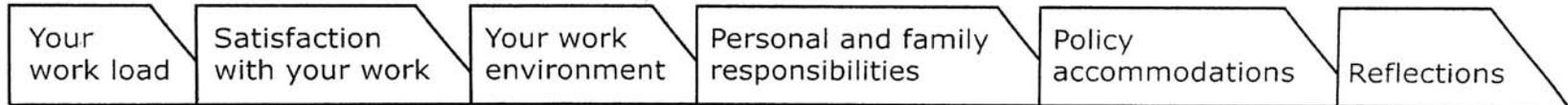
Provost's Advisory Committee on Faculty Work Life

- To examine the tenured and tenure-track faculty work life and working climate, with a special emphasis on the experiences of women faculty
- To develop appropriate initiatives to address significant concerns



Survey Instrument

- **Six sections**



- **Perhaps 400 items**
 - **~10% longer than very long instrument used by Duke/MIT**

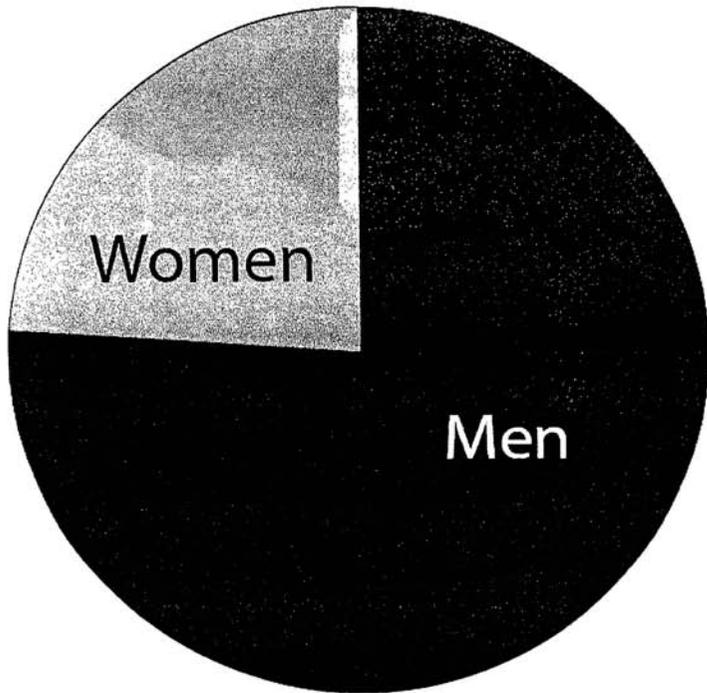


Response

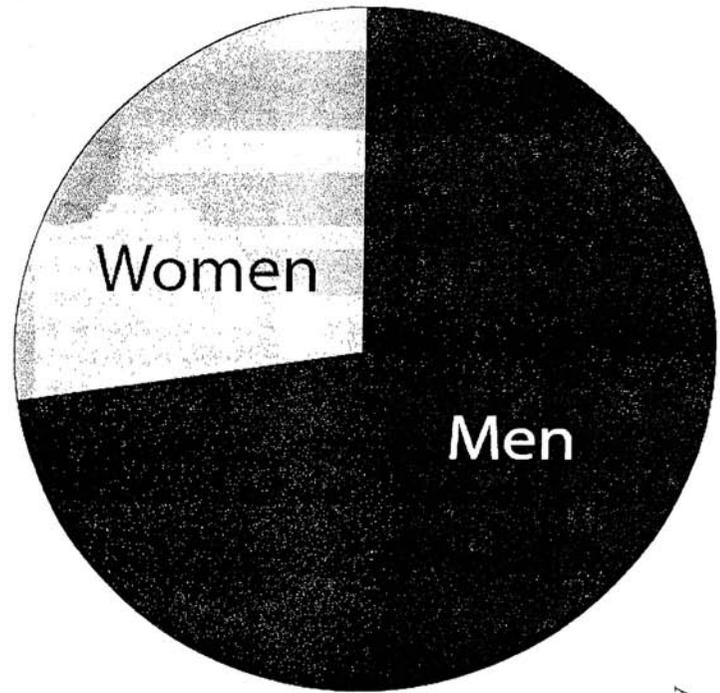
- **Survey ran Sept 15th – Oct 24th**
- **962 faculty responded (65%)**
 - **74% of women & 62% of men**
 - **75% of assistant professors, 68% of associate professors, & 61% of full professors**
- **737 faculty (50% of population) also contributed open-ended comments**



Response and Gender



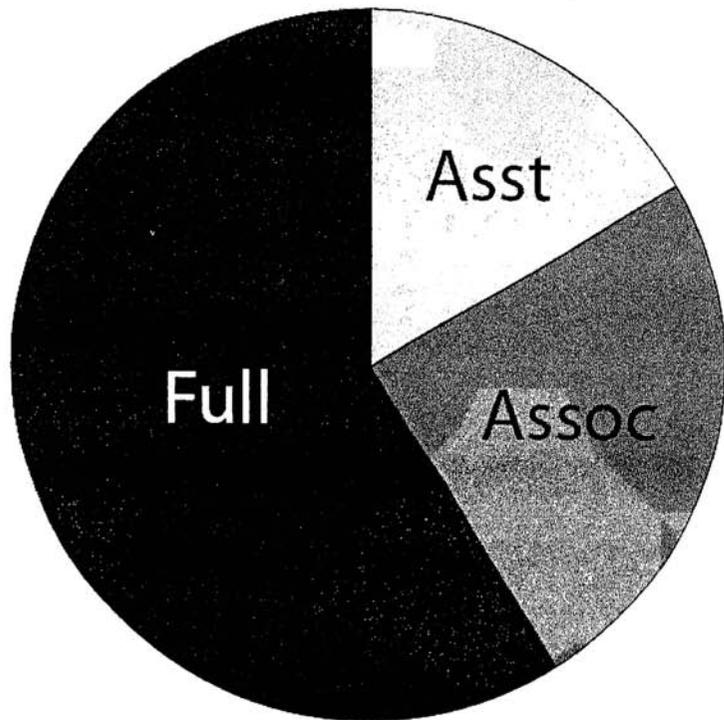
Faculty Population



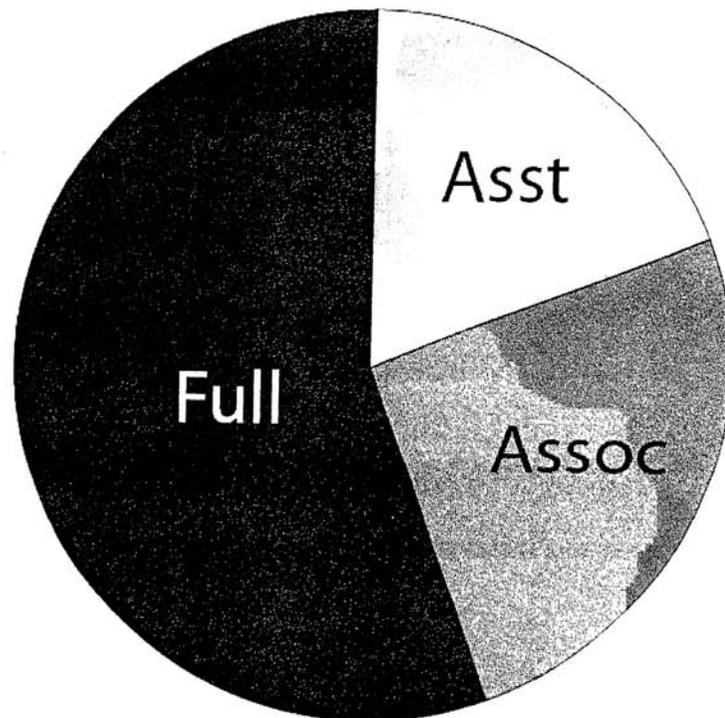
Respondents



Response and Rank



Faculty Population



Respondents

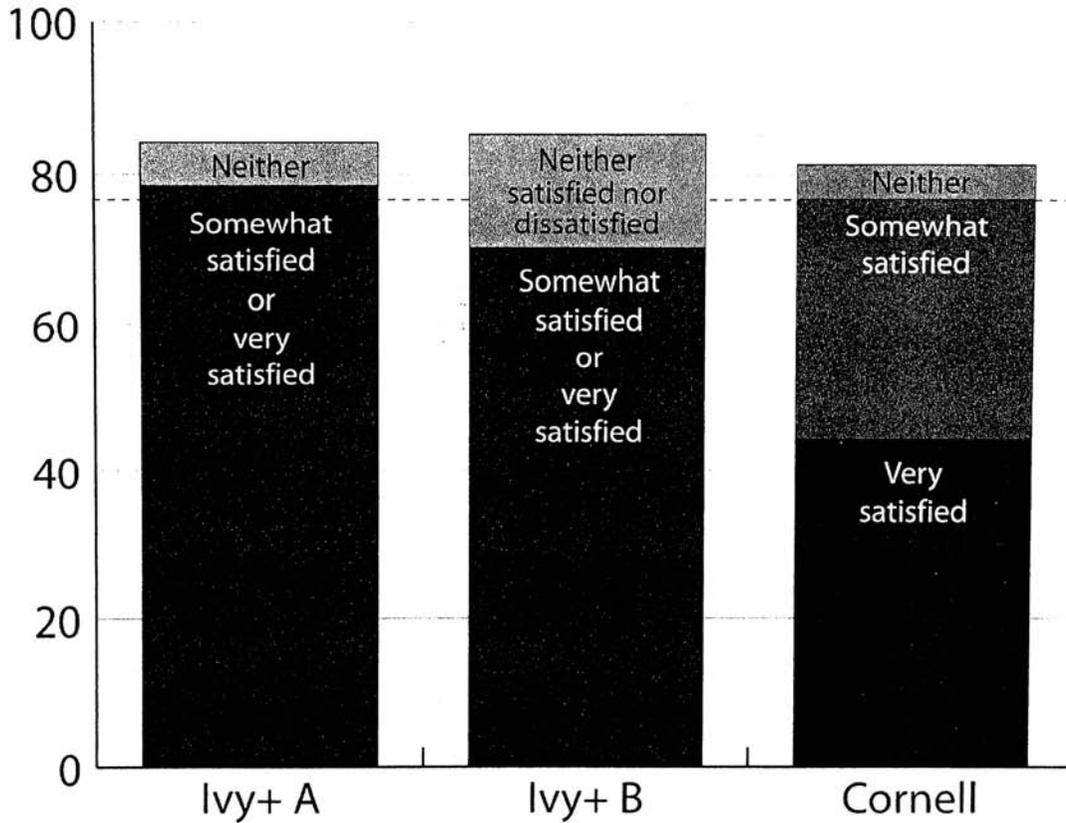


Response and Satisfaction

- **No apparent relationship between timeliness of survey response and overall satisfaction with being a faculty member**
- **“Predicted” satisfaction (based on gender, rank, salary, etc.) for nonrespondents equivalent to the mean satisfaction reported by respondents**

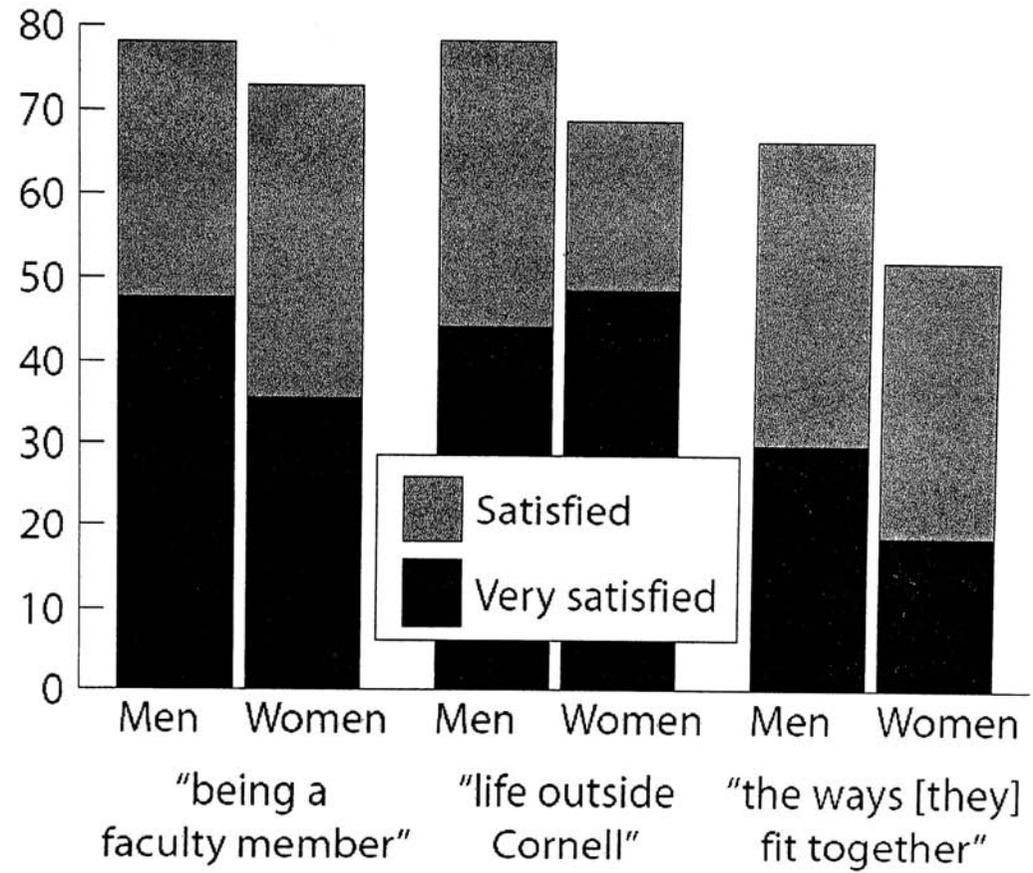


Overall Satisfaction





Satisfaction





Aspect of Work

Being a faculty member

Aspects of appointment:

Current rank

Current salary

Benefits

Office space

Clerical support

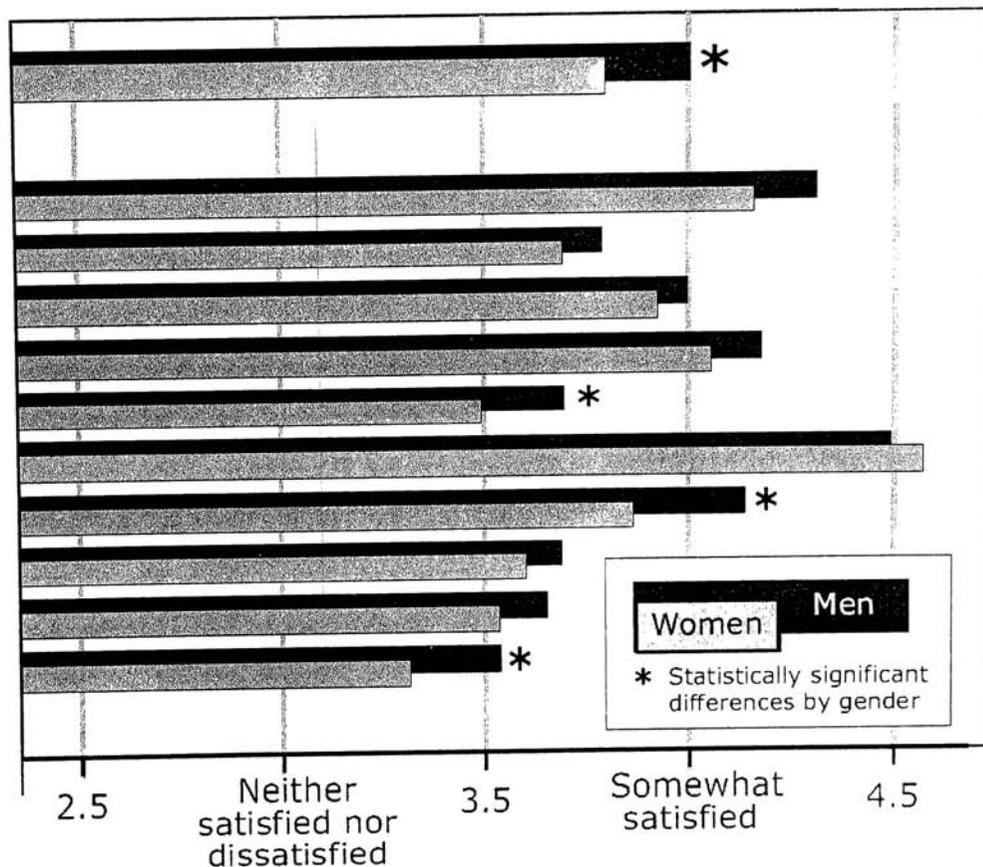
Library

Computer resources

Access to grads

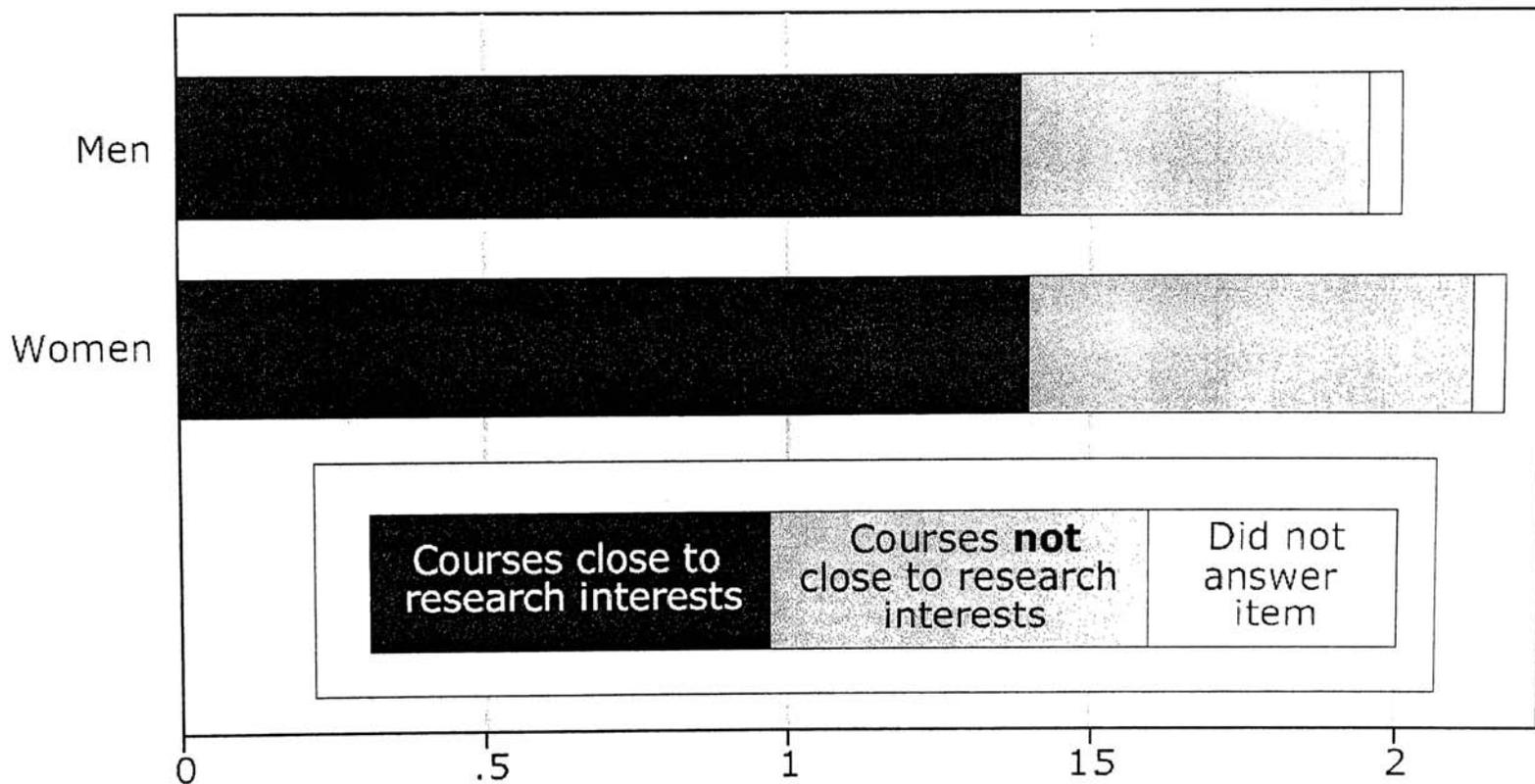
Advising responsibilities

Committee responsibilities





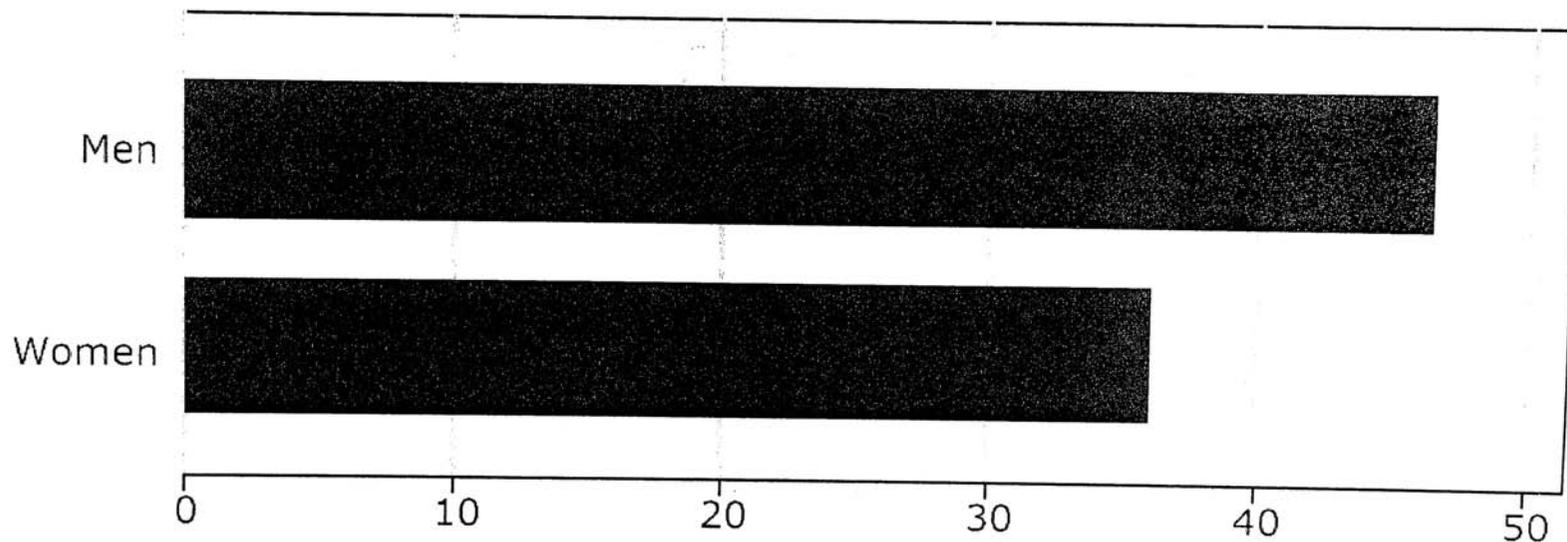
Number of courses taught



Mean number of classes taught in AY '04-'05



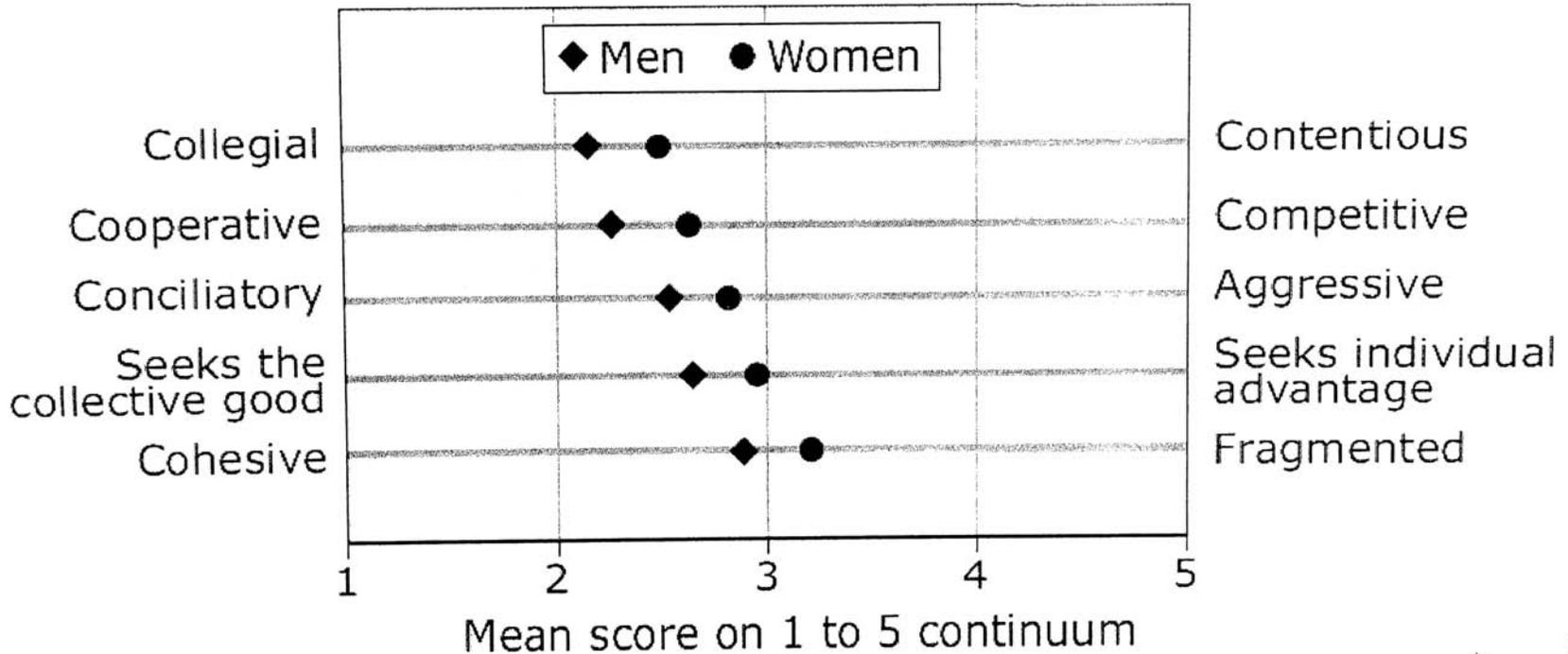
Course enrollment



Mean course enrollment, classes taught in AY '04-'05



Departmental climate





Next Steps

- **Complete analysis of survey data including identification of department attributes that result in statistically different perceptions of climate**
- **Discuss results and next steps with Faculty Work Life Committee**
 - **Identify areas of interest and concern for broader campus discussion, analysis and action**

MINUTES OF A MEETING OF THE FACULTY SENATE

April 12, 2006

Speaker Barbara Knuth called the meeting to order. "We do not yet quite have a quorum but it is happening slowly as people come in. We are going to proceed with the meeting. I'll begin with some of the routine announcements that you hear every meeting. Please remember that no tapes, tape recorders or photos are allowed during the meeting. Please be sure to turn off all your cell phones. When you speak, please stand and project your voice so that everybody can hear you. To my knowledge we have no Good and Welfare speakers, so we will not have that component of the agenda. We also will not have the first item on our agenda, which usually are comments from the Provost. Provost Martin is ill today. So our first agenda item will be to call on Dean Charles Walcott who will give us some announcements."

Charles Walcott, Dean of the University Faculty: "I just have a very brief announcement. You should have received a ballot for various functionaries in the Senate, the committees and all those good things. You will have noted that the ballot for Associate Dean and Secretary of the University Faculty contains but one name. This was not due to lack of effort in trying to find additional candidates, but we were not successful. People who were willing to do it intended to go on sabbatical and other inconvenient things and so we were left with only one candidate. That is why you will notice that there are two boxes underneath the candidate's name: approve, disapprove. I personally hope very much that you will check the approve box, but that's just a personal statement. I just wanted to explain why that is. That's all the announcements I have."

Speaker Knuth: "Thank you Professor Walcott. While we count for a quorum we are going to skip the next agenda item for a moment, I hope, which is approving the minutes of the meeting. I would like to call on Professor Stein. Sorry to pull that on you, Peter. I would like to call on Professor Stein to move forward with a report on the status of the University Club. You may recall that the agenda listed this as an item for ten minutes of attention and I would like to allocate, if Professor Stein needs, up to fifteen minutes of attention, we can do that. I will also ask Professor Stein to let me know if you would like to have Senate input or if this is solely comments from you, so I can watch the time."

Professor Peter Stein, Physics: "I was taken in such shock. I was about to have my cookies."

Speaker Knuth: "Shall I give you a five minute warning or so?"

Professor Stein: "There's a handout (Appendix 1) on the table there, which is a resolution that got passed overwhelmingly by the Senate three years ago, almost exactly three years ago. There are a bunch of whereases, which you may or may not have read, but the action item is the last paragraph down there - 'Therefore Be it Resolved that the Senate strongly supports the recommendation of the University Club Task Force that Cornell establish a University Club with the following mission and with the following

characteristics and capabilities.' If you are interested, the mission and capabilities are on the handout.

"This is an effort that started some four years ago by a group of people, namely the people who are on the board of the Statler Club, of which I was one, who were thinking once again about how to make the Statler Club a little bit better than it was. Some people around the table said, 'well it is so far from what we think Cornell should have as a faculty club that we really ought to look into not how we could improve the Statler Club by a small amount, but what we could do to actually have in our lifetimes a real functioning University Club.' We approached the administration and asked the administration to support a notion of appointing a task force, which would look into how we could in fact go about doing that. In fact, this Senate endorsed that resolution three years ago. I think I was looking at the date when the Iraq war started, anyway that was a long time ago and the Senate did support a resolution asking the administration to appoint the task force. That task force then met and I was the chair of it. We produced a report and we brought the report to the President. We also brought the report to the Senate because the Senate had urged the President to appoint the task force and the Senate overwhelmingly endorsed the goals there, which were that we construct a University Club, like most of our peers have somewhere on the campus.

"It's now been three years since it started, two years since that resolution, and at various times either I, or both Dean Walcott and I, have reported to this group that we were having encouraging discussions with the administration, but we never described what those encouraging discussions were. I said I was modestly optimistic and Charlie said something perhaps somewhat stronger, that he was optimistic. I thought it was now time because it now seems to come to a conclusion. But, nothing ever actually ever comes to a final conclusion at Cornell, as you probably know. You know the great poem, it's very dangerous to quote poetry, but, 'this is the way the world ends: not with a bang, but a whimper.' Well this sort of describes the University Club.

"We brought it to the administration, first to President Rawlings and President Rawlings essentially said he was on his way out and he said that he would leave it for the next President. We then made a presentation to the next President, Jeff Lehman. He was quite enthusiastic about it. We got back a proposal from him, which was not what we asked for. It was not for an independent, self-standing Faculty Club or Faculty and Staff Club; it was unlike any other that we had seen in the investigations we made. But, we thought it had some possibilities. It was essentially was for an upgraded Statler Club that would be in the same facility, but it somehow would be bigger and better and cost more for the University to support. We started to engage in a discussion with the President and the Provost about this. We felt that the Statler Club as it's presently constructed does serve a need on the campus but it does not serve the need that we wrote down in the mission of this Club, namely to be a social center, a place that would be the center of all celebrations at Cornell, a place where one could bring a guest to with a certain amount of pride, a place that one would get some feeling of what it meant to be a faculty member at Cornell. There are a lot of places around that we visited, that in fact had clubs like that, who did to some degree or other fulfill that particular mission.

"We did not see that the Statler Club given its location, given the constraints on what it can do, given the constraints on how it could expand, could ever do that but we

searched for a way that it might somehow be the nucleus from which such a club could emerge. We then had further discussions with the administration and we could not agree on (a) that the goal would be to emerge at some future time with a full fledged University Club, or (b) what they were suggesting for the Statler Club, could in fact turn into it. While we never had a rejection, and we had a series of discussions of possible things that we might do, it became increasingly clear that the current administration does not believe that this University Club has a high enough priority, is of important enough interest to members of the faculty and staff on the campus, to merit such a club, to merit either the space or the expense of building it. Therefore, it looks like it's not going to happen, at least in this administration. However, we are going to have a new President, and it's possible that the new President, will in fact see this as an opportunity to develop the social cohesiveness that we on the task force thought was so deeply lacking at Cornell, and that the attempt to establish a center like that at the price tag that we felt that it could be accomplished with, was a worthwhile endeavor. However, I think that the current administration does not see it that way.

"If nothing else had happened, I probably would not have and reported to you. What has now happened is that Charlie and I had a meeting with Carolyn Ainslie, who is the Vice President for Planning and Budget. The Statler Club as currently configured, serves about 60 people for lunch on an average day, at a modest price, serves a very limited buffet and soup and rolls. It has a membership of some 200 people on the campus, and as I say roughly 60 people eat there each day. It is housed by the School of Hotel Administration and the University pays the School of Hotel Administration a substantial amount of money to carry on that activity. The School of Hotel Administration finds that work to be, what shall I say, hosting that activity in their facility makes a significant 'lost opportunity cost' for them. That is to say, if they weren't hosting that they could do something else. They feel that the lost opportunity cost is inconsistent with the amount of money they are getting. They have asked for what I think might be a reasonable increase in the amount of money that they get. However, it turns out that that money is a lot of money. At the current time, I figured it out and it would mean that the University is subsidizing each of those lunches, each of those 60 lunches, by a faculty member to the tune of something like \$15 to \$20. It's not clear that that is a justifiable expense. I don't want to go through all the details. It seems to me, that if I could read the tea leaves right, that the administration believes that it can no longer in good conscience carry on this subsidy, which by the way has to do not with what another Faculty or University Club would cost but what it would cost to run it in that building with its fixed costs and its obligations and its lost opportunity costs. I have the feeling that it may well close in the not too distant future. It's not a decision, but that's my sense of what the meeting was like. Charlie was that your sense of what the meeting was like?"

Dean Walcott: "That is very much my sense."

Professor Stein: "So it seemed to me, that it was important to convey that to you. I was deeply disappointed. You know I have had a lot of disappointments in my life, and some of them were worse than not having a University Club at Cornell, but I must say I was disappointed by the fact that the overwhelming vote of this body, as a representative of the faculty, was not considered of significant interest. It became clear to me in my discussion that there had not been the kind of interest that justified going

to the expense and difficulty of having such a club on the campus, that the almost unanimous voice of this body was not considered to be a significant voice. I find that very distressing, and even more distressing than the fact that we probably will not have at least under this administration a University Club. That finishes what I have to say."

Speaker Knuth: "Any brief questions for Professor Stein."

Associate Professor Brad Anton, Chemical & Biomolecular Engineering: "Have they ever given any consideration to including this in the big capital campaign, as something to sell to an alum, a named faculty club, like the Pete Meinig Faculty Club, or something like this?"

Professor Stein: "I think that in my experience it goes the other way. It's a combination of things. When there's a significant interest, the question is, who decides what goes into that campaign? There's a group that decides it, and the Senate is not a member of that group. That group writes down what the priorities are and then they go to the fundraiser and they say, 'do you think you can sell this? do you think you sell that? is this something that's apt to be funded or not?' That's the normal way it happens, but if nobody thinks it's worth doing then, in fact, it doesn't go on the list of things that are examined for funding possibilities. I believe that is the place where it failed: in whatever group of people it is that make the decision of what is examined for possible funding. It didn't make it onto that list. It has to be on that priority list. We estimated the cost, maybe four years ago, of this facility as being eight million dollars or something like that, so it's probably ten million dollars by now. I can't believe that the social center of Cornell for ten million dollars would be a hard sell. There are a lot of alumni. I think the problem is that it didn't get to that stage. People also said, by the way, where would you put it? Our response was, you have to charge somebody in the Architect's Office to go and look at the campus in the same way that they do for other buildings - where could it be and so forth? But it didn't make it that far."

Speaker Knuth: "I think we need to conclude discussion but thank you for rendering your report."

"We'll return now to an agenda item that we skipped over. We do have a quorum. Our next item is to approve the minutes from March 8th, 2006 Faculty Senate meeting. You may recall that the minutes were available to you via the Senate web site. I would like to ask for approval of these by unanimous consent. Are there corrections to the minutes that should be noted? Seeing no corrections indicated and no objections, I'll declare the minutes approved."

"We will move on to our next item, which is the major item for this agenda and that is to ask Professor Lemley to come forward as Chair of the Educational Policy Committee. Professor Lemley will be introducing five different resolutions. I will ask that you introduce each resolution one at a time. We will take discussion on the first one and then move on to the next one. Just as a point of information, there is no second needed because they are coming from a Senate Committee. Then we will vote on each one."

Professor Ann Lemley, Textiles & Apparel, Chair, Educational Policy Committee:
"After we discuss all five?"

Speaker Knuth: "Is it necessary to do that?"

Professor Lemley: "No, on each one is fine."

Speaker Knuth: "What you have is roughly ten minutes for presentation and discussion on each."

Professor Lemley: "Thanks Barb. I decided we had talked long enough in EPC on a number of items, and so for the agenda for one meeting I decided it was time to make a decision for action on these items. I couldn't believe that at the end of the meeting, I had five resolutions. I ask you to bear with me. My reading of these is that they get a little more controversial toward the end. Let me preface this by saying that we brought some of these here because we knew that there would be discussion. My feelings won't be hurt, the committees' feelings won't be hurt, if you have some strong opinions either way. If you have friendly amendments to change things, we are trying to bring these out. We already have had a significant amount of discussion on all of them. We are only a small group. We have talked to some other people but we didn't do massive campus surveys because I think none of us have had time for that."

Speaker Knuth: "Excuse me a minute. Just in terms of a friendly amendment, the rules of the Faculty Senate are, that minor wording changes that don't change the substance of the resolution can be introduced. Any substantive amendment, substantive wording changes, need to be submitted in advance of the meeting. We cannot take substantive changes at this point."

Professor Lemley: "Well there was one suggested to me earlier, which may fit into the allowed.

"This first resolution (Appendix 2) goes back to the original Faculty Senate resolution that was passed saying that median grades should be on the transcript and they should also be on the Web. It reads,

'Whereas the Faculty Senate resolved that median grades should be posted on the student transcripts and the web, and

'Whereas, the median grades are now posted on the web, but not on the student transcripts because of delays due to adoption of a new Student Information System which depends on new Oracle software, and

'Whereas, students shop for easier courses based on posted median grades,

'Therefore, Be it Resolved that the Senate instructs the Registrar to remove median grades from the web until such time as median grades can be posted on student transcripts, and to report to the Dean of Faculty:

- 1) the date by which removal can be accomplished;
- 2) the fact of removal, when it has been accomplished; and
- 3) the date by which posting on transcripts can be accomplished.'

"I know if any of you who have been involved in, or anyone who is an Associate Dean in a college, can tell you that there are some significant issues with the Student Information System. For a whole bunch of technical reasons, and the take over of one computer company by another, the Student Information System has been pushed back. There are economic reasons for delaying it. A lot of faculty outside of our committee felt very, very strongly that having this information on the web and not having it on the transcripts is a serious problem.

"There are other faculty who have asked me to talk about eventually reopening the question of whether it should belong on the transcript. We may come back to you with that discussion.

"I open the floor for discussion. Is that appropriate now?"

Associate Professor Mike Shapiro, Communication: "What evidence do we have that students are using this to find courses? My experience with this is that at least the on-line posting has the potential to create discussion within departments. I presume that the purpose of this is to discourage grade inflation, and that when it's posted like that it at least has the potential to create discussion within departments about, well why does your class - as so many classes do, not just in our department - have a median grade of A or A minus? I really think that the benefit far outweighs the few students who are looking for gut courses."

Professor Lemley: "Where is my friend Rich Galik from Physics? He is one of the people who felt very strongly. He is not here today. I ask you to ask yourselves how many of you have had discussions in your departments based on the posting of the median grades on the web. I actually never look at courses on the web. I still use my hard cover 'Course Enroll' and I think our students are faster at it than the rest of you. Anybody else have any other opinions on this? The strong sense, both from our committee and from some people who asked for this, is that it's accomplishing the opposite even though that might not have been the intention. Other thoughts? There was one in front of Mike and then we'll move around the room. Do you have something, the person in front of Mike Shapiro?"

Professor Kevin Clinton, Classics: "We have had this discussion in my department."

Professor Steven Beer, Plant Pathology: "I don't understand the linkage between the median grades appearing on the web and on transcripts. Why?"

Professor Lemley: "Some of you who can remember that was the Faculty Senate Resolution. I think we are going to get some history from Peter."

Professor Stein: "Kevin Clinton and I are probably the only people in this room who remember that discussion. There was a lengthy debate in the Senate. It was an early Senate and it went over three meetings. It was very hotly contested and a lot of issues were raised. Frankly, I think it was the best discussion of an issue that I have heard since I have been here. I felt really good about it.

“At that meeting, the logic of the linking of the two was that the idea was not to oppose grade inflation; that was never it. It was truth in grading. The sense was that nobody knew what these letters meant, A, B, C. They meant a whole lot of different things at different places. Why not tell the world when we give a grade, if they are suppose to make sense out of it, why not tell the world what it is we are doing with grades? That was the notion of the median grade. That was hotly debated. But then people said, well if we believe in truth, why not tell the students? Why not give that information? We don’t want to hide this information, so we’ll tell students what the grading practices are. Since we are telling the world also, why not tell the students? That’s why they were linked. Then the University Registrar’s Office said, well we can’t do it immediately but we’ll do in a couple of years. That was ten years ago. People said shouldn’t we wait until then to post it on the web? And the answer was no, why wait because we thought there were these two effects. One is the students would look for the easy courses and the other was that people would be embarrassed to make it public knowledge that they gave all As in their courses. It wasn’t clear what the effect was. Those were the arguments.

“I find it distressing, frankly. I mean I’m distressed about a lot of things including the University Club, but why in the world has it taken ten years for the decision that this body made where its decision is the University decision. Why has it taken ten years? That’s a long time, to institute this decision. I believe that there has to be some answer to that question.”

Speaker Knuth: “I’m not totally defending it, but I address that in terms of software issues so we won’t go into the details of that here. Let’s stick to talking about the resolution.”

Professor Lemley: “I can’t defend it, or not defend it but I gather there is some reason.”

Professor Rich Burkhauser, Policy Analysis & Management: “I would like to take this rare opportunity to completely agree with Peter Stein. I think this really is an issue of truth in advertising. It’s really an issue of opening the light of day to what we do in our class rooms. I like that idea. I like this original resolution and I think we should do both. I see no reason to take the true information out of the market place - let people know what’s going on and let them make their decision.”

Assistant Professor Sergio Servetto, Electrical & Computer Engineering: “There is something I don’t understand. What is the coupling between having the grades on the web and on the transcript? What is the rationale for moving now to put them on the web and then putting them off again once they become available?”

Professor Lemley: “I think it goes back to Peter’s point that they were originally linked in that it would tell the world with the transcript and then all the faculty know about it. The point is, and what we are trying to correct here, is that if it is only on the web and for whatever reason it can’t be gotten on the transcript for several more years, with it just on the web the students are shopping for easy courses and it never shows up on their transcript that they might have taken a bunch of easy courses. That was a very strong feeling from quite a few faculty. Once it’s able to be on the transcript you can

have it both places. That was the very strong feeling and there were a lot of other faculty who don't seem to be here who felt that way."

Professor Gregory Lawler, Mathematics: "I just want to make the obvious statement and just a small comment. This information can be made available to departments and faculty without posting it directly on the web. If the reason is the faculty can have the information, it can be given to faculty in other means."

Professor Lemley: "And department chairs can have a discussion if they wish to."

Dan Shawhan, Graduate and Professional Students Association: "There was a question earlier about whether we know that the students are shopping for grades. There was an econometric study by a colleague of ours who is a professor in Economics. I didn't look at it in preparation for this meeting but I recall seeing it about a year ago and taking a quick look. His conclusion was that there appears to be a relationship between the introduction of the median grade postings on the web, and either median grades at Cornell or enrollments. I don't recall exactly. Maybe someone else has seen it."

Professor David Levitsky, Division of Nutritional Sciences: "This is not the only source of information students use in finding the easy courses. I don't see what advantage there is to taking the information away from students. It seems that the more open we are, the better everybody is."

Speaker Knuth: "We'll have to take a final comment. Is there is anybody who would like to make a comment who hasn't had a chance?"

Professor Anton: "I fear if we take it off the web that it will remove the pressure on the Registrar's Office to solve the problem of getting it on the transcripts, in which case this will never happen."

Professor Lemley: "I respond to that in one sense. Actually, EPC did approve last year a version of the transcript with the median grade. It really isn't that at this stage that they don't want to put it on the transcript. It has to do with the shift over of the Student Information System. It really has to do with that. We had it all ready to go and they were ready with the new Student Information System, but then Oracle took over PeopleSoft and there is a whole bunch of things on hold. This is only one of them. I just wanted to say that the resolution also says that we have to have the date by which it can be accomplished. That is as factually as we can come up with it."

Speaker Knuth: "I would like to proceed with the vote at this point. You have the resolution (Appendix 2) before you. We won't reread it because I believe you can see it. I would like to ask for all those in favor of this resolution to please say aye. All those opposed say nay. I think I'll ask for a standing vote. All those in favor, please stand. You can sit down. We would like the no's to stand. Thank you very much, you can all sit down now."

Motion failed.

Speaker Knuth: "We will move on to the second resolution."

Professor Lemley: "This one (Appendix 3) has to do with the fact that we are not following our own rules. We would like to have a time period where we might collect some data, so that if we need to change the faculty rules, we can. The current rule for final exam does not allow for exceptions. It says each course should require a final examination or some equivalent exercise to be conducted or due during the period set aside for final examinations. There are courses that are not following this rule and, I will parenthetically state, perhaps for good reason, perhaps because of the nature of their course structure. They have cumulative final projects and you could add some other things to that.

"Therefore, be it resolved that an addition be made to the end of this rule that states, "unless there is a written approval from the Dean of the Faculty," ' and that the Dean of the Faculty be encouraged to publicize this rule and that an annual summary of the exemption requests be shared with EPC. The point being that if we need to change the rule, we should have some information over time to change it. We would like to add this exception right now and the current Dean of the Faculty has indicated that enforcement will be perfectly reasonable. I'll throw that in as a little bit of background. We had discussions from people who teach lots of different kinds of courses. We felt that if it's widely not followed, we need to do something and we weren't really prepared to say what all the options are. I'll open the floor to discussion based on that."

Professor Anton: "I have a question. What distinguishes some equivalent exercise in the first paragraph from a cumulative final project? What triggers the need for an exemption?"

Professor Lemley: "Actually, maybe we can clarify this. It has to do with the fact of when it is. The equivalent exercise has to be during the time period set aside for final examinations."

Professor Anton: "So it's a due date?"

Professor Lemley: "It's a time thing. Sometimes they have a final cumulative project due in the last week. That's the only way."

Professor Anton: "If I understand correctly, then you would need a letter from the Dean of the Faculty to have a final project that was due outside of the final exam period?"

Professor Lemley: "That's a big part of it. Let me let David speak to this."

Professor David Delchamps, Electrical and Computer Engineering: "In our department, and in several of the other engineering departments, there are a lot of courses that have cumulative final projects. Some of them are due during finals period, some are due the last week of classes. They are group things. They are not necessarily cumulative final exercises. There are other things, like a design project. So it's a new kind of animal, different from traditional final exams. Also, in Architecture, Art and Planning there are studio courses that have huge numbers of students in them. There's not way to shoe horn all presentations of the studio work into the final exam period. It is partly a

unique problem and it's partly a nature of the work problem. Having Charlie report, as the Dean of the Faculty, this list of exceptions and letting the EPC look at the information, say maybe in the year 2006, we might then need to rethink the final exam rules. That's my take on the resolution."

Professor Beer: "On what basis does the Dean of the Faculty decide on these petitions? Is the Educational Policy Committee prepared to offer him guidelines?"

Professor Lemley: "Good question. I think what we discussed was that there were a lot of these that already are being done in violation, and the kind that David just spoke about, seem to make sense. Charlie, did you want to give anything else to that?"

Charles Walcott: "No, I don't think so. I think it is some of the obvious things but we honestly don't know what's going on except that we do know there are lot of courses that are not following the rules. At least this is some way of discovering what their practices are in some of these various departments."

Professor Lemley: "I think it would also be if it makes sense that they really can't do it. They can't follow the rules. There is a good academic reason. Perhaps that's the best way to say it, if there's a good academic reason they can't follow the rules."

Professor Lisa Earle, Plant Breeding and Genetics: "Is this intended to apply only to undergraduate courses or across the board to all courses?"

Professor Lemley: "That's a difficult question because one of our discussions was that we have a feeling that there's lots of things that are violated with respect to graduate courses. Theoretically, I think the rules apply to all and I think it should apply to all. The rule already applies to all so any change that we make applies to all. If you are violating with graduate courses, which we probably do, maybe people want to bring to us the topic of changing it. I think the rule already applies so we don't change that."

Associate Professor Kim Weedon, Sociology: "In my department, I would say there is probably one of maybe fifteen courses that actually follows this rule, because it's just not appropriate for our particular discipline. What I really want to say though, is that if you really want this as an exercise of gathering information might I respectfully suggest that having the Dean of Faculty collect self identified people who are breaking the rules is perhaps not the best way to get the information. You are going to have a lot of people who say, that's me and I'm not even going to bother to contact the Dean of Faculty. I'm just going to do it. So if what you really want is a count of what percentage of courses are breaking the rules, this method is not going to give you the appropriate count."

Professor Lynne Abel, Classics: "I was going to suggest something along the same line. I don't know what the forms for course approvals look like in colleges other than Arts and Sciences. I am speaking only for Arts and Sciences. When we propose courses we have to say what work is required, how many pages of writing, how many exams. We have to say all that on the form. Our course is approved with a certain set of assumptions about what we as instructors have said we are going require. I don't think it would be very complicated to collect that information from the secretary of our

college's educational policy committee. If that's true in other colleges, it would be a better way to gather information."

Professor Lemley: "Yes, my college would do that too. However, I've often wondered if people are still teaching the way they wrote the proposal. David is on the committee so I want to give him a minute."

Professor David Henderson, Mathematics: "I want to talk about other examples. One of them is, that there seemed to be cases where it was purely a matter of the faculty member wanting to leave campus early at the end of classes. There are other cases in some departments where final papers are not due the last week of classes or the exam period, but into the next semester, often the beginning of the following semester. That's also an issue. If it makes sense, sometime that should be brought up. I want to point out that it's not just the case of whether or not the students are getting their whole academic benefit or something like that, but it interferes with other courses. I often have students in my courses from various parts of campus, some graduates, some undergraduates. When they have all of their stuff due in the last week of their courses, they are not working in my course. That interferes with what's happening in my course. Sometimes they can't even attend class because they have a design project due the last week and they can't attend my course."

Professor Dick Miller, Philosophy: "This strikes me as a bad rule. I think that's why it's not being followed in a great many courses. Experience in my department, like the one that Professor Weeden reported in Sociology - I can't imagine advance courses, primarily for graduate students, you can almost imagine, the vast, vast majority do not obey this rule and it would be irresponsible of them to do so considering the nature of the subject matter that we want to encourage people to concentrate on. In particular a long, written project. There are other courses, which are fairly advanced and the vast majority do not conform to this. Often a project is due before the exam period. I can't imagine how the EPC would be able to form judgments on the exception requests, without a burden on themselves and the people describing what they are doing, which I think would be bureaucratically too heavy and also inappropriate. You just can't judge. You are going to be highly discriminating in most of these cases. I think the rule should be rewritten to express the substance that the EPC would like to convey, subject to discretion, which will inevitably be occasionally abused. But, I do think at least those gross misuses should be made illegal under the rule."

Professor Lemley: "Let me have one response to that. The spirit of this and I think even the letter of it is, if you vote for the resolution you are opening this topic so Charlie can at least capture some information. There's nothing that says EPC can't look for other information. The point is, I think, if you vote in favor of it you are saying that the rule isn't being followed, sometimes for good reason and sometimes for not good reason, and we should move ahead and figure this out. This doesn't say that this is the only thing we could do."

Professor Martin Hatch, Music: "May I suggest that there are many courses, of the one or two credit variety let's say, that are finished basically before the exam period and there's no allowance in this resolution for that kind of course. I'm thinking of my

department, of our musical ensembles. If this passes, one has to request exceptions for these courses or deferments for the courses."

Speaker Knuth: "If I may, let me just make a clarification here: the standing policy is that all courses are required to have something going on during the final exam period. There are many instances currently in violation. What this resolution is trying to do, is at least allow a mechanism for those to no longer be in violation."

Professor Hatch: "What I guess I'm suggesting, is it seems like there's better things to do than to say, 'you are in violation of the law and now explain why.' There may be other guidelines or changes in the rules that accomplish what is needed."

Professor Charles Greene, Earth and Atmospheric Sciences: "I understand the reasoning behind what you are trying to do with this resolution but it seems to me that the issue is enforcement. It seems that rather than the Dean of the Faculty, you are much more likely to do it if you require written approval from the chairman of the department. The chairman of the department knows in each instance whether it's appropriate or not, as was pointed out."

Professor Lemley: "As I say, I don't think we are trying to enforce, I think we are trying to eventually change the rule if it needs changing, so we want to gather information. But that's a point."

Professor Greene: "But I guess the point was raised before that people will just say why report it. Why should they report it?"

Speaker Knuth: "Let's limit this to new people or new comments."

Professor Servetto: "I cannot imagine how Dean Walcott would want to, or even be able to, make an informed assessment as to whether in my course I should have an exam the last week of classes during exam week. It should be up to the instructor."

Professor Lemley: "I think the spirit of this rule is to try to make life reasonably fair for the students. If every instructor does everything they want, things can be very difficult for the students. I'm sure that is why it was instituted."

Professor Rebecca Schneider, Natural Resources: "It's become clear that two things that come out of this discussion. Your intent is a good one, to try to gather information, but from what people have said it's pretty apparent that this happens in a lot of departments. What you propose is a rather confrontational and an attacking kind of way that would create a lot of negative feelings by faculty, like you broke the rule and you have to petition as to why you should be allowed to break the rule. And so I don't think that's the best way for us to be trying to get information and get people on board. I would suggest a method that other people have mentioned, or perhaps the chairs taking inventory in the department and get people to give you a quick statement of what they do their final week would be a less adversarial way to get faculty on board to this issue instead of this confrontational way."

Professor Lemley: "It was certainly not meant to be confrontational. Who else hasn't been heard on this?"

Professor Michael _____, Mathematics: "Just a point. If the purpose of this resolution is to get the information as to whether or not, or how much is being violated, you have already gotten that information. It's being violated by many people in many different departments."

Professor Lemley: "It's much broader than we had thought."

Professor Michael _____: "We can question whether or not the rule ought to be there, but I don't think you need this resolution for to know the rule is not being followed."

Speaker Knuth: "We'll take one last comment."

Professor Beer: "Did the committee actually consider the possible wisdom of the existing rule?"

Professor Lemley: "Yes. I think we did. We certainly did. But we had enough good examples of where we thought there should be an exception and we had a feeling that there were probably some others. The cumulative design projects that David talked about and graduate courses. We thought that this was a very, very sweeping rule and that life has changed. While at the same time we are trying to protect the people teaching the other classes and the students and their schedules toward the end of the semester. We were trying to come up with a way to balance all of these things and we don't have the answer yet of how to balance all of these things. This was an attempt to get there."

Speaker Knuth: "Given that, I am going to call for a vote on this resolution (Appendix 3), the rule on final exams, which you see before you. We'll try this by voice vote first. All those in favor of this resolution please indicate by saying aye. All those opposed say no. Would the no's please stand. My judgment is that the no's have it.

"The motion fails."

Professor Lemley: "And I said the first three would be easy. This is fine. We wanted to get this kind of conversation out.

"This third one (Appendix 4) has to do with follow-up to one that we brought to you last year regarding the final exam schedule and to give the students some more time between exams. We stretched the timing out so that the third period during final exams is an evening exam. At that time many of you indicated that Friday evening was going to be a problem, and indeed it is.

"The new final exam schedule has two Friday nights. One is for make up and that can be relatively easily handled. But one of those two Friday nights has exams on it and it creates a problem for large numbers of students who have religious observances. This is

being done at the request of the University Registrar, and others who have concern. I'm sure that others who help students know that there is a problem.

"'Be it resolved that the Senate instructs the registrar that starting next fall' - we can't do it in time for this spring - 'that starting next fall that exams that were to be scheduled (the first Friday), be moved to the Wednesday evening of study week at 7:00 p.m.'. We maintain the same schedule but we do not do that Friday evening schedule.

"The floor is open for discussion on this one."

Professor Shapiro: "More of a question here, what do you consider evening? I'll point out why I am asking that question. Sundown in Ithaca in December actually comes quite early. The three to five period for students who might get home before sundown actually can be a problem."

Professor Lemley: "Is that the second period now in the new schedule?"

Professor Shapiro: "I think it's three to five, something like that. So that's an issue. And then for Muslims students, is Friday all day a problem?"

Professor Lemley: "I don't know the answer to that question."

Dean Walcott: "One point of information, Diane tells me it starts at 2:00 in the afternoon. That's a little better, but still might be a problem."

Professor Philip Nicholson, Astronomy: "A point of information, starting on the Wednesday evening, that means the regular exams start Thursday. Is this moving everything up one evening?"

Professor Lemley: "One evening by when regular exams start. Instead of Thursday morning, they will start Wednesday evening."

Professor Stein: "It seems to me that if you are going to make an exception based on religious grounds, you have to make an exception based on all religious grounds. If there's an equivalent problem for Muslim students then it seems to me that should be addressed as well."

Professor Lemley: "I think that the issue is that when we have had Friday exams in the past, evidently there hasn't been an outcry. Moving exams to Friday nights scheduled this past fall and this spring has created a very significant problem. It's a practical response rather than a response on principle. You have Saturday morning language exams. I never understood how they worked. The big problem that got us is the Friday night exam. It's just reality. That's what we are told and that's what the students are complaining about."

Associate Professor Susan Piliero, Education: "I have a question about what you did with the Student Assembly when you decided to make those changes. Certainly this is not the first time changes to the exam schedule has been discussed, nor will it be the last. One of the models that was discussed in the EPC about five years ago was to move

the final exams so that they would start on Wednesday and it was floated to the Student Assembly. There was a near revolution. Their rationale for being upset was, 'this is just one more example of how the faculty is screwing the students in order to accommodate their own personal schedules'."

Professor Lemley: "This does not shift the whole exam period to start on Wednesday."

Professor Piliero: "It doesn't shift it to start on Wednesday morning, but it is starting on Wednesday night."

Professor Lemley: "But it doesn't change the end point. One cannot use the argument that you use, but that's a valid point. The whole idea with doing evenings was done with the Student Assembly wanting it done. I do not know if they went back to them with this Friday night, other than responding to a very significant outcry."

Professor Piliero: "So in response to that, my sense is that while I think there's some merit to the resolution, before the Senate votes on it if, I wonder if we ought to consider tabling it and seeing if the Student Assembly would also care about that now, or if you would end up opening up a can of worms."

Professor Lemley: "If you table it, it can't be done for next fall and we're going to have enormous, enormous, enormous numbers of make ups. That's reality. I don't know how you want to deal with that."

Professor David Henderson: "I just want to point out it's not a question, there's a University policy already to take into account religious observances of the students. I will be teaching calculus text fall and I will do that for all of the exams, no matter what the religious observance is. The question is to try and minimize the disruption."

Professor Lemley: "That is a good point. It's practicality. There's just a large number which makes it very difficult to deal with it."

Professor Richard Schuler, Economics, and Civil & Environmental Engineering: "Just a question. What is proposed to be done with the Friday night make-ups? That's not addressed in here. Is that planned to be continued to be offered?"

Professor Lemley: "I think the idea is that we continue that and then one can make the individual exceptions. It's not as difficult if you don't have a whole bunch of them scheduled. It was felt that that could be handled."

Speaker Knuth: "Are there any new comments? I think we are ready for a vote on this one. You have the resolution before you on the final exam schedule. All those in favor of this resolution (Appendix 4), please indicate by saying aye. All those opposed, please say nay."

Motion passed.

Professor Lemley: "This resolution (Appendix 5) comes to us from the Faculty Advisory Committee on Athletics and Physical Education (FACAPE). In extensive

conversations with Athletics, issues came up with respect to whether practice times weren't shifting into the academic day, and there were many discussions about the number of venues for practicing and sharing venues. There has been a lot of negotiating back and forth. The one thing that the Athletics people asked FACAPE, and they agreed, and then proposed to EPC, was that evening prelims be changed to start at 8:00 rather than 7:30 in order to allow the student athletes time to shower, eat and get to prelims on time. Keep in mind that practices are somewhat constrained by the amount of facilities we have. Students would not have time if they are let out at 7:00 to shower and change and get to prelim promptly, so they were asking that as of fall 2006, evening prelims shall begin no earlier than 8:00 PM. I'm going to call on Doug Fitchen as the first person to speak because he e-mailed in advance about this."

Professor Douglas Fitchen, Physics: "Physics has a number of large introductory courses using the evening prelims so that all the students can take the same examination, even though they can't come to the same lecture. I have been involved in some of those courses over the years and they seem to work all right, so this resolution was a surprise. I talked to some of my colleagues who were teaching these big courses now and asked whether they had been contacted by the EPC and what their reaction was to this proposal. None of them had been contacted, though it clearly has an effect on the way the course runs. None of them was in favor of the proposal of shifting back to 8:00 p.m.. The feeling was that none of these people had had problems with student athletes. If the student comes and says, I have a conflict, can I start the exam late? We typically have a significant number of students doing that, and that may have been what has been used by some athletes in the past. People do it for performance reasons and there are other situations that are handled informally with ad hoc arrangements. Students with disabilities who need to have extra time to finish, sometimes they will start early; sometimes they will start late. Athletes who are involved in away games have special arrangements made for them. The reaction of the people involved in teaching the courses was that this will actually make for a later evening. Most of the students in the course and the TAs and faculty who were administering the exam, and in some cases to grade it afterwards. It just didn't seem like a real problem that had to be solved in this way. I later heard that there is, in fact, a part of the faculty handbook that says under scheduling afternoon and evening activities that there are three hours that can't be scheduled anything, between 4:30 and 7:30, but after that it's okay. The other thing then is that this proposal is sort of a change in that policy and so the question was should we re-examine that statement if there really is a problem. But the reaction of my colleagues was that they didn't really think there was a problem."

Professor Delchamps: "Is there anyone from FACAPE here who can recount the discussion that they had with Athletics on this issue?"

Dean Walcott: "I'm not a member of FACAPE but I sit with them and I can tell you that we had representatives from some of the various teams. I think it was actually the football team and some of the coaches who said that this is a significant problem because it means that students have to get out of practice early to be prepared to get to the examination. They like to take a shower, maybe, and maybe have something to eat before they take the exam. The amount of time in between the end of practice at 7:00 or 7:30 and the beginning of exams is just awfully tight for them to do this. That was the basis of the argument, fundamentally. It is true. I have also taught a big class, Biology

101, and I simply let the kids come later and carry on a little bit later because we always had to give extra time to some students and so we were going to be around anyway. I agree with Doug that that's a possible solution but there are other courses apparently, which are not quite so generous in their start times and tell students that they really have to be there right at the beginning of the exam."

Professor Burkhauser: "I teach 450 students in Econ 101 and what I do is give it at two times, 5:30 to 7:30 and then 7:30 to 9:30 and you are allowed to do that as long you offer the exam at a time after 7:30. This way we get around the problem of making 8:00 the dominant course by offering it at 6:00 to 8:00 for usual students or an 8:00 to 10:00, which is probably what I would do if we choose to do this. It would impact on some graduate students. I would flip and instead of the 5:30 – 7:30 be the exception for people who couldn't do it at 7:30 – 9:30, I would just switch it the other way. I don't see this as a major problem for very large classes. It might be actually a bigger problem for smaller classes."

Professor Stein: "I realize I can't offer amendments, even if I were a member of this body, and I'm not, but it seems to me that the solution that my colleague Doug Fitchen proposed indeed solves the problem. It solves the problem if people are told that they should make an option for student athletes. Would not that solve the whole problem? If this body said, 'student athletes with good reason because of outside extra curricular activities could start late and the faculty member is strongly encouraged or possibly even required to adapt, by offering or by allowing the student to come to the exam late.'"

Professor Lemley: "I think one could encourage that without having that be a resolution and I think that the Dean of the Faculty in e-mails to faculty in the beginning of the year could do that. I thank you Doug for checking with folks because I kind of ran out of steam and there's a limit to how much surveying we can do on some of these things. I appreciate that and so I think that is a very possible solution, some encouragement to those who aren't doing it."

Professor David Williamson, Operations Research and Industrial Engineering: "The sense in talking to some of my colleagues is that the three hour window that we are supposed to allow between 4:30 and 7:30 should be sufficient for athletic activities as it stands.

"Also I was asked to read this statement from Steve Vavasis who is the Faculty Senate person from Computer Science. He says that, 'The Computer Science faculty is unanimously against the later start for evening prelims. One big disadvantage of the later start time is that students will be even more tired in their Wednesday and Friday classes following prelims. The second drawback is that our graders, undergraduate and graduate students who usually work in the grading sessions starting immediately after exam until all the grading is done, would have to stay awake until very late at night and then walk home well past midnight.' "

Professor Lemley: "Well I was a TA in large chemistry class when I was a graduate student here and I've done those marathon grading so I can appreciate that."

Assistant Professor Phoebe Sengers, Science and Technology Studies. “Maybe I’m totally off base, but I just don’t see the big deal for a football player, or a baseball player or whoever, who must occasionally leave practice 15 minutes early. I don’t see that it’s worth forcing all the other students to stay up late, to work late, when they might not be so fresh and ready to do a good job, just so that these people don’t have to miss any of their practices.”

Professor Lemley: “If you still want to say something fine, but I think we can get the vote on this one without spending any more time.”

Speaker Knuth: “We’ll move forward on the vote on this resolution. All those in favor of the resolution on evening prelim times (Appendix 5), please indicate by saying aye. All those opposed, please say no.”

Amendment not approved.

Professor Lemley: “I do appreciate your input because I think it does give us the option that perhaps might encourage people to be willing to be flexible in accommodating students.

“We all learned something about giving two exams as long as you can do one in the legitimate time. I knew you were clever.

“I had a little bit of earlier discussion on maybe some of the wording on this last resolution (Appendix 6) but let me see if we can discuss it. The concept is that a student can be found guilty, in a hearing in his or her college, of academic misconduct and then in some colleges just drop the course so that the only punishment for that is a note in a file somewhere, which may never get anywhere else. So that’s the easy way out. Therefore the resolution is that we make this addition to the Cornell Code of Academic Integrity that a student who is found guilty of academic misconduct in an official University hearing may not drop the course in which the transgression took place. I will also add this would not preclude that if there were some negotiations before, between the instructor and student before it got to the hearing and a guilty verdict at a hearing, that dropping the course is certainly still an option.

“Lynne Abel has some concerns regarding academic integrity. May I call on Lynne to be the first person to speak because she has some thoughts on this.”

Professor Abel: “What I would like to do is to propose, what you all have to determine is either a friendly or a substantive amendment. It is the following: ‘Therefore be it resolved that a student who is found guilty of violation of academic integrity or of academic misconduct...’ In other words, the insertion of those three words ‘of academic integrity ... in an official University hearing...’ and then do it the same way. That is my suggestion and I would like to explain why. In the Code of Academic Integrity, ‘academic misconduct,’ on page 2 for those know this intimately, ‘academic misconduct’ is defined rather specifically and in particular in section B it says academic misconduct is not violation of academic integrity. The student may however seek the review of so forth and so on... If you voted for this, a student who was found guilty of academic misconduct, which means talking during exams or sharing notes in some sort

illegal way, or reproducing something, they are examples, could not drop a course but a student who outright plagiarized or outright violated the Code of Academic Integrity and had been found guilty, could still drop a course. So I am in favor of the spirit of this, but I think that if you insert those words you are getting what the committee meant.”

Speaker Knuth: “Just so I understand this, we are saying that if a student is found guilty of violation of *academic integrity* or of academic misconduct. Let me just ask if there is unanimous consent to make this change.

Unidentified: “Objection.”

Speaker Knuth: “Given that there is an objection, I don’t feel that I can accept that as non-substantive wording.”

Professor Abel: “I think it is myself; I think it is an important substantive change.”

Professor Delchamps: “Since I do agree that it’s the committee’s intent that everything in that yellow book is covered by this motion, and if it’s viewed as a substantive amendment that we should table the motion and send it back to the committee.”

Professor Lemley: “That could be one outcome here.”

Speaker Knuth: “Are you offering a motion to table?”

Professor Delchamps: “Yes, if that’s fair to do.”

Speaker Knuth: “Let me just indicate it, as I understand, you are offering a motion to table this to the next meeting, correct?”

Professor Stein: “Point of order. Allowing one to make language that is clarifying, differentiating that from a substantive amendment, surely includes this. What Professor Delchamps said is that what Lynn Abel offered was the original intent of the committee, so it is really clarifying language.”

Speaker Knuth: “I’ll offer two points of clarification, one we have a motion to table that has been made that has not yet been seconded, so before it’s seconded I will offer further clarification. If the body would like to overrule my ruling that because of an objection to be considered substantive wording, the body can do that. I believe it’s a two thirds majority vote to overrule me. Before we go forward with that, there has been a motion made to table to the next meeting. Is there a second for that tabling?”

Professor Delchamps: “I withdraw the motion.”

Speaker Knuth: “If there’s a motion to overrule my decision?”

Unidentified: “I’ll make that motion.”

Professor Stein: “Point of order. Roberts says it’s a majority vote to overrule.”

Speaker Knuth: "I'll stand corrected on that because I don't have Roberts Rules with me. So the motion that's on the floor, that has been seconded, is to treat as a non-substantive change the insertion of the wording regarding violation of academic integrity."

Professor Alan McAdams, Johnson School: "Can we have discussion? I object. Maybe I misunderstood Prof. Abel's comment, but it seems to me that you are raising the danger to the people who have the lesser problems when you throw them in here with these people. Is that what you are intending? Please explain why it's the other way around if that's what you are saying."

Professor Lemley: "I think the point was that we perhaps left out inadvertently the people who were guilty of the larger or major infractions."

Professor McAdams: "Which is the major infraction?"

Professor Lemley: "Integrity. Misconduct could be a low level one."

Professor McAdams: "I don't like misconduct being in there at all given what you said."

Professor Lemley: "Misconduct can also be, bringing unauthorized materials into the examination room; it could be disruptive behavior in the classroom. The intent was really much more the academic integrity, but there are things within the misconduct too. A lot of this misconduct has to be pretty bad before it's taken to a hearing and found guilty."

Professor McAdams: "There's a lot of minor stuff there."

Professor Lemley: "Yes, but very little of that goes to a hearing in the college."

Professor McAdams: "It seems to me if it's the integrity you are adding now that is pretty substantive. It should not be just thrown in."

Professor Lemley: "It was the intent."

Professor McAdams: "How do we know that by looking at it?"

Professor Henderson: "It certainly was the intent. I had no idea there was a difference in these two terms when I was discussing in the EPC."

Professor Steve Shiffrin, Law School: "It seems to me that it is clarifying in the sense that you would have to get up very early in the morning to figure out why somebody would want misconduct in there, but not integrity."

Speaker Knuth: "Are there any other comments on the motion to overrule the speaker's interpretation about the substantiveness?"

Professor Williamson: "The question is, did the committee intend the 'and' of misconduct and integrity, or just integrity in place of misconduct."

Professor Delchamps: "My recollection or my impression when I discussed and voted on this motion, and by the way this was tweaked because there was dissent from other versions, as David Henderson said, we were trying to cover everything in the Code of Academic Integrity and that includes the page 2 definition of misconduct and as Ann pointed out getting to a hearing with that kind of thing is a lot harder than getting to a hearing for academic integrity. I was thinking cheating the whole time, but I was I was intending to cover the whole yellow book."

Speaker Knuth: "I'm going to call for a vote. If you vote yes, that's indicating that you consider to be non-substantive the change, to include the wording 'of academic integrity.' Those in favor of the motion to consider non-substantive the insertion of the violation of academic integrity wording, please indicate by saying aye. Those opposed please indicate by saying no."

Ayes have it.

"We can move ahead with further discussion of this and I am including the nonsubstantive wording additions. Any further issues?"

Professor Sengers: "I think that this rule has the potential of straight-jacketing students inappropriately in courses that they might drop for reasons that are not related to their academic misconduct. I had a student last semester who cheated on one homework because she was having so much trouble in the class. It was not really intentional. It was definitely a violation, but it was one of those things - students work themselves into corners sometimes and they get themselves stuck in these bad situations where they should have used better judgment but didn't. The student also had problems in subsequent exams and home works and I think it would have been reasonable for her if she wanted to, to drop the class just because she couldn't cover it. With this she would have been stuck as soon as I found her guilty."

Professor Lemley: "Did you have an official hearing?"

Professor Sengers: "We had an official hearing. It went through the whole thing."

Professor Bob Kay, Earth & Atmospheric Sciences: "How long does it take to get a judgment out of the various levels of committees and appeals, etc? It seems to me it will take a long time to get this whole machinery done. By that time, there's no question of dropping a course."

Professor Delchamps: "One hearing is enough. The primary hearing counts as the governing hearing."

Professor Carol Rosen, Linguistics: "In the case where it goes through a hearing, the first hearing that is, and found guilty, and doesn't appeal, and is informed that the penalty will be a failing grade in the course, the student can then certainly stop

attending and stop working in the course. I'm saying this in response to your remark that it would then be the equivalent to dropping the course."

Professor Fred Gouldin, Mechanical & Aerospace Engineering: "Just a point of clarification - if I understand it, if a student is found guilty at a first hearing, then they are subject to this rule even if they are exonerated at a later date. Is that true? So they really didn't commit a crime but working under duress and the pressures associated with being accused, their performance in the course could go to heck."

Professor Lemley: "And that's balanced by students who are found guilty and just drop the course and that's the way out."

Professor Gouldin: "But my point is that in the end they are not guilty and yet by the way I read the rule, they still can't drop the course because they were found guilty in a preliminary hearing. Did I misunderstand that?"

Professor Cynthia Farina, Law and Associate Dean and Secretary of the University Faculty: "I actually think that would be an unreasonable reading of the rule. It's one thing to say it comes into effect once there has been a hearing. I think it's another thing to say, if then that judgment is reversed the rule continues in effect nevertheless. I think it would be very strange to read this rule to say that. In other words, there is a period of time until the original decision is reversed when you can't drop the course. But once that decision is reversed, then the rule no longer controls what happens."

Professor Abel: "Just to complicate things further - I think that something like this is extremely important. In my previous life as Associate Dean, what I know is that practices in colleges widely differ. In some colleges, students as soon as they are found guilty - whether the penalty is an F on a paper or on an exam or an F in a course - the student without the instructor's permission would just simply through the normal machinery go online and drop the course. This does seem to me to be not good faith, that the instructor that had to deal with the academic integrity issue and all the pedagogic and other issues involved, is simply out of the loop. Again, colleges differ. In Arts and Sciences we decided we didn't like it that there was no university ruling to govern dropping courses after such a situation, so we actually in our own college's Educational Policy Committee passed a resolution that said, 'that a student who is found guilty of academic integrity may not drop a course unless the instructor approves.' And it's again in Courses of Study and it says that adding and dropping, well we say after the third week, but that's when you have to petition, 'that the conditions for dropping the course are the instructor approves, the adviser approves, the advising dean approves, the drop does not result in fewer than 12 credits and no issue of academic integrity is at stake.' We say pretty much this, but if you are in a situation where it makes no sense, particularly if academic misconduct is there, and some of the academic misconduct has been rudeness to the instructor or obstructing class or something where you would really like to get that student out of class, you would actually like to have the possibility of dropping as long as the instructor who has dealt with this is not out of the loop and feels that it is not a miscarriage of justice in any way. I don't want something like this not to pass because I think it's real important."

Speaker Knuth: "I have to intervene here. Thank you and excuse me. By the orders of the Senate we need to adjourn by 6:00 PM unless there's a motion to extend. So unless I hear a motion to extend with a second and voted upon, I'm going to go ahead and call for a vote on this particular motion. Hearing no other motions to extend, I'm going to ask for a vote on this resolution on academic misconduct and dropping courses as revised (Appendix 7). All those in favor of the motion, please indicate by saying aye. All those opposed, please say no. Can the aye's stand please? Will the aye's please sit and the no's please stand? Thank you very much. The aye's have it.

The motion carries.

"Given the time, we stand adjourned. – 6:00 PM"

Respectfully submitted,

Cynthia R. Farina
Associate Dean and Secretary of the University Faculty

Appendix 1**Resolution to Establish a University Club**

Whereas, the Provost, with the approval of the Senate, charged the University Club Task Force to " ... develop a plan for a more vital and appealing university club on the campus", and

Whereas, the Task Force found thriving clubs on 16 of the 19 peer campuses Cornell uses for faculty salary comparisons, and

Whereas, the Task Force has visited and examined the characteristics of a successful clubs at a number of Universities, and based on its findings, has presented to the administration a plan to establish a self-supporting club at Cornell,

Therefore be it resolved that the Senate strongly supports the recommendation of the University Club Task Force that Cornell establish a University Club with the following mission and with the following characteristics and capabilities.

Mission of the Cornell University Club

In 1921, president Nicholas Murray Butler of Columbia University created the Columbia Faculty House to provide a place and a setting that would bring together "scholars having diverse intellectual interests ... in a social unity that will both increase their satisfactions and add to their influence in the community as individuals or as a group The Faculty House ... is as much a part of the equipment of the University as is a library or laboratory". Because Cornell in 2003 is far more complex, broad and diverse than Columbia was when those words were written, the goal of a university club, to forge a social unity and increase the satisfaction, effectiveness and cohesiveness of its faculty and staff, is even more vital to Cornell's well-being today than it was to Columbia's in 1921.

A Cornell University Club that fulfills its purpose will be far more than a good restaurant. Its aim will be to become a symbol of what Cornell is, a place whose appearance, style, ambiance and programs will foster and reinforce a sense of fellowship between the men and women whose joint and separate labors make Cornell great.

The Cornell University Club will be a key element of the University. Faculty and staff will find it a convenient and attractive hub for meeting, talking and dining with friends and colleagues from across the campus. Its dining facilities will present opportunities for scholarly discourse, administrative matters and social interactions. It will make a major contribution to building a sense of community and fostering pride in and allegiance to Cornell. It will serve as the University's premier venue to welcome and entertain visiting scholars, corporate leaders, recruiters, alumni and donors. It will contribute to the intellectual climate and work of Cornell by hosting lectures of general interest to faculty and staff, receptions, and departmental retreats.

Faculty and staff will find it a welcoming place in which to conduct business or to honor special occasions and accomplishments. New faculty and staff, initially in a social void, will acclimate to the Cornell community through its congeniality. The Cornell University Club will further provide faculty and staff a convenient opportunity to bring their spouses and children into the university environment, and in so doing, demonstrate Cornell's commitment to family.

In summary, the Cornell University Club will be a cornerstone of the Cornell community.

Characteristics and Capabilities of the Cornell University Club

The club will be a membership organization open to all faculty and staff, housed in a rent-free architecturally significant facility, located no more than a five minute walk from Bailey Circle (the geographical center of the Cornell faculty). The club will be a self-governing unit within Cornell, with responsibility for its financial affairs. It will not receive financial support from Cornell beyond in-kind contributions for major structural repairs and utilities. It will have the capability to provide distinctive, high quality food and beverage service, maintain a comfortable and up-scale ambience, and attract a substantial special function revenue from its members. In its appearance and programs, it will visibly demonstrate alignment with Cornell's quality, traditions and character. It will occupy roughly 12,000 net square feet, and will have a maximum seating capacity of 250 diners.

University Club Task Force
3/31/03

Appendix 2

RESOLUTION ON WEB POSTING OF MEDIAN GRADES

WHEREAS, the Faculty Senate resolved that median grades should be posted on student transcripts and on the web, and

WHEREAS, the median grades are now posted on the web, but not on the student transcripts because of delays due to adoption of a new Student Information System which depends on new Oracle software, and

WHEREAS, students shop for easier courses based on posted median grades,

THEREFORE, BE IT RESOLVED that the Senate instructs the Registrar to remove median grades from the web until such time as median grades can be posted on student transcripts, and to report to the Dean of Faculty:

- 1) the date by which removal can be accomplished;
- 2) the fact of removal, when it has been accomplished; and
- 3) the date by which posting on transcripts can be accomplished.

Educational Policy Committee
4/3/06

(not passed)

Appendix 3

RESOLUTION ON RULE ON FINAL EXAMS

WHEREAS, the current rule for final exams does not allow for exceptions, "...each course should require a final examination or some equivalent exercise ... to be conducted or due during the period set aside for final examinations." (2002 Faculty Handbook, \ p. 81), and

WHEREAS, some courses are not following this rule in practice because of the nature of their cumulative final projects,

THEREFORE, BE IT RESOLVED that an addition be made to the end of this rule that states, 'unless there is a written approval from the Dean of the Faculty,' and

BE IT FURTHER RESOLVED that the Dean of the Faculty be encouraged to publicize this rule and that an annual summary of the exemption requests be shared with EPC.

Educational Policy Committee
4/3/06

(not passed)

Appendix 4

RESOLUTION ON FINAL EXAM SCHEDULE

WHEREAS, the new final exam schedule (effective Fall 2005) has exams on two Friday nights (first one for scheduled exams and the second one for make-ups), and thus creates a problem for large numbers of students who have religious observances on Friday nights,

THEREFORE, BE IT RESOLVED that the Senate instructs the University Registrar, that starting Fall 2006, exams that are scheduled on the first Friday evening be moved to the Wednesday evening of study week at 7:00 PM.

Educational Policy Committee
April 3, 2006

Faculty Senate Approval
April 12, 2006

Appendix 5

RESOLUTION ON EVENING PRELIM TIMES

WHEREAS, the Faculty Advisory Committee on Athletics and Physical Education (FACAPE) has suggested that evening prelims be changed to start no earlier than 8:00 p.m. in order to allow student athletes to have time if they are let out of practice at 7:00 to shower, change and get to the prelim promptly,

THEREFORE, BE IT RESOLVED that effective Fall 2006, evening prelims should begin no earlier than 8:00 p.m.

Educational Policy Committee
April 3, 2006

(not passed)

Appendix 6

RESOLUTION ON ACADEMIC MISCONDUCT AND DROPPING COURSES

WHEREAS, a student found guilty of academic misconduct can currently drop the course in which the misconduct occurred and suffer no consequences,

THEREFORE, BE IT RESOLVED that the following be added to the Cornell University Code of Academic Integrity, Section II, B. 4 c., "A student who is found guilty of academic misconduct in an official University hearing may not drop the course in which the transgression took place."

Educational Policy Committee
April 3, 2006

(This original resolution was not approved – a modified resolution was approved.)

Appendix 7

RESOLUTION ON
ACADEMIC MISCONDUCT AND DROPPING COURSES

WHEREAS, a student found guilty of academic misconduct can currently drop the course in which the misconduct occurred and suffer no consequences,

THEREFORE, BE IT RESOLVED that the following be added to the Cornell University Code of Academic Integrity, Section II, B. 4 c., "A student who is found guilty of academic integrity or of academic misconduct in an official University hearing may not drop the course in which the transgression took place."

Educational Policy Committee
April 3, 2006

Faculty Senate Approval
April 12, 2006

Special Note: Motion revised to correct wording, 9/13/06 Senate Meeting

UNOFFICIAL TRANSCRIPT OF A MEETING OF THE FACULTY SENATE
May 10, 2006
(no quorum)

Speaker Barbara Knuth: "I would like to call to order this meeting of the Faculty Senate. We are still waiting for a quorum to arrive, but we have a number of reports and a question and answer period, so we will move forward with our meeting. Just the usual announcements to begin; please remember that no photos or tape recorders are allowed during the meeting. Please make sure that your cell phones are turned off and when you speak, please stand so that everybody can hear you and please identify yourself and the unit you are with. We have no Good and Welfare speakers that have identified themselves, so we are going to take the ten minutes that had been allocated to that and reallocate to our first agenda item, which is Provost Martin. So I will move on to our first item of business, which is to hear from the Provost. I believe you have a report to give and then also we will take some questions, is that correct? You will have a total of twenty-five minutes.

Provost Biddy Martin: "I want to give you a faculty salary update. In fact this is the final faculty salary update. The good news is that our faculty salary program is successful, and the bad news is we are not having any more salary increases.

All right, you remember what the goals were, which we set in 2001 and 2002. We set some before, that but that's when we started our program. We wanted to reach the average of our peers in the endowed and contract colleges, and there we are. We reached the average of our peers (Appendix 1). This includes the period for which we set the goals. Here are the endowed salary results (Appendix 2). Our five-year average change is 5.2% for all faculty for the purposes of the survey, and for continuing faculty the five-year average change for salary is 6.4% on the endowed side.

Now some of you have heard many times the difference between these two graphs. Do you need hear it again? Would it be helpful? You don't know. Well, I'll give a little info. On the left, your left, are the survey results for all faculty, that's the group of faculty that we can submit for the purposes of this particular survey. And that's all faculty who have an effort greater than 50%, who are not in administrative positions, and not on leave. That's for the purposes of the survey. It can change quite significantly from year to year, more than you might imagine. For example, in the fall of 2005 (this is not on the slide, by the way), we had 28 fewer full Professors on the endowed side of the University than we had in the fall of 2004. We had four additional Associate Professors and 19 new Assistant Professors, for the purposes of the survey. You can see that the net of minus five faculty, and the fact that there were more salaries on the lower end of the scale, meant that we did less well in the survey than we actually did on continuing faculty salaries. Is that clear? Let me say that continuing faculty is not continuing faculty from year one through year five. This is from one year to the next. The composition of the faculty changes so it is not the same group, the same composition, through the entire five years. It is the best approximation for what our actual faculty salary pool was in a given year. The 5.0% for 2005/2006 is the more accurate indicator, not the 3.6%

“This is the contract college salary result (Appendix 3) and you will see here that the numbers 5.7 and 5.9 percent are much closer, and that’s because the change in the composition of the faculty on the contract side was not as significant from 2004 to 2005 as it was on the endowed side. Any questions on these two tables? You can see the five-year average increase for the contract college faculty was 6% for the purposes of the survey and 6.5% for continuing faculty.

“The faculty survey results (Appendix 4) compared to our peers for all faculty, we now stand at 98% on the endowed side; 98.9% of the peer average. We started back in 1998/99. When we first discussed this, we were at 89% of the peer average. We have made quite a leap. Full Professors still lag more significantly than Associate Professors and Assistant Professors. We have put ourselves in a very good position to be very competitive at the entry level and at the promotion to associate level, but lag a little bit on full Professors.

“Contract college same table (Appendix 5). On the contract college faculty salary you can see we have exceeded the goal on that side.

“This is going to be impossible for you to see unless you are in the front but basically it shows you the salaries for the endowed side for us and our peers and then gives the peer average over time (Appendix 6). The peer average for the period of the survey and our program is 3.4% and you can barely see it but Cornell endowed is in bold at 5.2%. So the average over the period of time we implemented our program for the peers was 3.4% and for us, 5.2%.

“Now for the contract colleges faculty salaries (Appendix 7) you see that the average over the five year period for our peers was 3.2%, and for Cornell 6%. You might want to look at the peer list a little longer. You see this graphically (Appendix 8). This is average faculty salaries and how they have risen over time. This starts obviously before the advent of the program and shows you what has occurred on the Ithaca campus and then in comparison to our peers. Contract colleges salaries, by the way, for the purposes of these comparisons were converted to nine-month salaries.

“I just want to show you a little information about nine month versus twelve month total pay (Appendix 9). In what you see here, we have taken the roughly 55% of contract college faculty who are on twelve month salary and converted them to nine month salaries for the purposes of these calculations. You see that the contract college faculty’s nine-month pay is 87.3% of total pay and the endowed, 90%. Are there any questions?

Professor David Levitsky, Nutritional Sciences: “Where did the definition of the peer universities come from?”

Provost Martin: “I didn’t give you that again. I have to remember that there is always rotation in the Senate. It came from the Financial Policies Committee of the Senate. The peers were set, on the endowed side, based on National Research Council rankings of faculty quality in peers. For the contract side, the peers were chosen by the Deans, together with members of the Financial Policies Committee of the Senate. We, basically the Administration, agreed with the peer group that the FPC suggested.

“This next slide shows (Appendix 10) the faculty grew by 57 over the course of this period and that’s significant, I think, for the purposes of the discussion today, only because you might wonder whether there was a decrease in the total number of faculty and whether that accounted for the increase in the average faculty salaries, or if that’s the way we managed to invest money into the salary program. In fact there was an increase as defined by the survey. So you wouldn’t be able to mount this precisely on what we would say in our various colleges the actual increase was. But, we know for example, that the Arts college grew by 21 faculty and engineering by 19 at least based on the measures used in the survey. We used 9.7 million dollars in each of the five years to fund these salary increases. The faculty salaries now account for 13.5% of the Ithaca campus operating budget; that is compared to 12.7% when we started. You see how we funded these increases from a mix of sources. During this period that we added 35 new endowed professorships to the University, so that’s University-wide. Those obviously helped with budget relief in faculty salary programs.

“So what will we do going forward (Appendix 11), now that we have come to the end of this five year program? Well, we obviously want to continue to evaluate things and keep our eyes on the salaries to ensure that we are staying level with our peers. I’ll also continue to do the gender equity study that we do each year with each of the Deans to ensure that we have no problems on that front. The individual college targets will now vary more than they have, I’m guessing, during the period of this program. But, the individual salary increases will continue to be based on department and college evaluations of merit.

“And that concludes my presentation of the good news at Cornell University. I hope it’s good news. I would be happy to answer questions about the faculty salary program or about anything else that’s on your minds.”

Professor Peter Stein, Physics: “That was good news but I wonder why in the forward outlook that the goal, meeting the goal, namely the average of that peer group, was not one of the goals. It was not; it was almost achieved but not quite. It’s still one percent below and I wondered why you have not decided to add another year to this successful program with the goal of making it equal to the average of the peers and then committed yourself at least in the long run, to continue that position of the average of the peer group.”

Provost Martin: “Well that’s a good question and I’ll say a number of things in response to it. One is, I think we should have as a goal to reach and stay at the average of our peers. Whether it should be the same kind of concerted university-wide goal that it has been over the past five years, I don’t know. I think what I would like to do is hear what the Financial Policies Committee thinks, and what the deans of the colleges think. We had not only deans but some of you in this room, faculty, who actually felt we were spending too much of the discretionary funds we have on faculty salary increases compared to other things over the course of this five-year period. Having this program and this goal allowed us to use our discipline to keep all of us on track. We made a commitment and we wanted to stick to it. Whether we should have the same amount of discipline and whether we should invest differentially, if that’s what it would come to,

in faculty salary increases over the next five years, I don't know. I think it's worthy of discussion."

Professor Hal Bierman, Johnson Graduate School of Management. "Editorial suggestion. You had a bullet there that said that the funding was drawn from investment income, tuition, and so on. You left out gifts. You didn't mean to because the next bullet says endowed professorships. If you are going to give this presentation anywhere else, I would recommend you add gifts to that one line."

Provost Martin: "I think that would be fine. Of course the income we get is payout from the endowment equivalent of what present benefit we derive from the endowed professorships. But I know what you are saying. Yes. I think that's a good idea."

Professor Kathleen Rasmussen, Nutritional Sciences: "You can predict my question, probably."

Provost Martin: "Actually, I can't. What about the difference between endowed and contract?"

Professor Rasmussen: "That's it."

Provost Martin: "All right. My powers of prediction are still okay. That has been discussed, as you know, by the faculty on the Financial Policies Committee. It has been discussed over and over again in our offices, that is, in Carolyn Ainslie's office and mine. I don't think there is agreement about how to do that, or whether to make that salient in the way that you have been trying to make it salient. The reason for that is because of the mix of disciplines, which by the way this survey doesn't correct for. That is, the survey does correct the peers to meet our rank distribution but not the discipline mix."

Professor Rasmussen: "Would you be able to bring us information that would allow us to see whether in areas where we have parallel fields of study, whether we are as far apart as those two sets of numbers for endowed versus contract make it appear, because it is possible that the distribution of disciplines accounts for some substantial portion of that. It would be useful for us, I think, to see that."

Provost Martin: "I think the distribution of disciplines does account for a significant amount of it. But, could one or would it be conceivable, would it be plausible to do that? Yes. I want the Financial Policies Committee, however, to think hard again if that's what the Senate wants your committee to do about whether it's wise. And the reason that it might not be wise, is because the mere fact that people have degrees in the same domain, that is, say our economists, does not mean that the market for all the departments in which we have economists will be the same. I think people are worried about false comparisons -- about generating a certain amount of anxiety and ill will on the basis of faulty as opposed to accurate (which would be a more worthy reason to generate anxiety than faulty) comparisons. I think that until the faculty feels it can actually come to terms with what the basis of comparison should be beyond faculty with Ph.D.s, in economics for example, and what the market pressures are for the different domains and different colleges, I don't know it's a good idea. But could we do

it, yes. We could do some semblance of what you have asked us to do. I think the composition of the data on that is more complicated than it sounds, when you say, couldn't we just take people in similar disciplines in various colleges and compare their salaries. It actually isn't as simple as it sounds. I would rather take guidance on that from the Financials Policy Committee, because I think it's complicated and potentially has more downsides than upsides to do that.

Professor Chuck Greene, Earth and Atmospheric Sciences: "There's a better comparison. There are several mixed departments that have statutory and endowed faculty in the same department. I think you can take a look in those departments and see pretty large discrepancies."

Provost Martin: "Pretty large discrepancies?"

Professor Greene: "Yes."

Provost Martin: "Well that's interesting. I actually don't know off the top of my head. Are you thinking of the biology departments, in particular, where there are faculty in multiple colleges?"

Professor Greene: "I'm thinking of my own department, as well as biology."

Provost Martin: "We will have to look. It was my impression, when I was still in the college office, that we were trying very hard, that is Dean to Dean, to equalize the salaries of faculty in cross-college lines in basic biology, for example. But whether they are actually equitable or reasonably similar across those lines, I can't say with one hundred percent confidence right now. That would be worth looking at, and in fact the Deans have discussed looking at that. It's conceivable to me that Susan Henry, Kent Fuchs, and Peter Lepage have already started at least looking at those shared biology departments to see what the salary differentials might be. I'll make sure that they are, but I believe they had already undertaken doing this. That, of course, does work better I think than some of the other domains in which people could want to see comparisons between and among colleges."

Professor David Levitsky, Nutritional Sciences: "I think it's notable that we reached the mean or the median of the other institutions, but is there any dream that we might go above the median?"

Provost Martin: "Do I think we should try to go beyond the median if we can? Yes, absolutely. Why not? It is just there are trade-offs. Therein is the problem. That would lead me to want to talk to you all about how the campaign is going, what I think the budget pressures are going to be over the next few years, what it's going to mean to try and solve them if the campaign doesn't bring in funding immediately for the areas in which we most need it, and that's a long discussion, which I think we are having with various ones of you, primarily with Financial Policies, and maybe on the UFC, and will have more of in the future. But, do I think it's sort of bureaucratic, I don't know – dull witted – just to say we almost reached the peer average and now we should stop trying? Yes. I mean I really think what we should always be shooting for us to be above the peers in every way, including salaries. Do we have enough funding to do that and keep

up right now with the cost of financial aid, and fund the lab start-ups, and the research funds that we are trying to cover? I think that's the problem. But do I think it's a noble goal, yes."

Speaker Knuth: "There's time for one more question."

Provost Martin: "Maybe I can make a quick announcement then, and that is I know many of you are interested in the Bailey Plaza Project. We talked about that the last time I was here, which was not last month because I was sick and I'm sorry I wasn't here. But now there is on the Provost's website a set of pictures of the Bailey Plaza design, and also information about an e-mail address to use if you want to send in comments or questions and other information that you might like to see about that project. The three task force reports - you remember the three faculty task forces on Life in the Age of Genome, Sustainability in the Age of Development, and Wisdom in the Age of Digital Information - they have completed their reports and those reports are also available on my website. They are very interesting reports and we aim to try to begin small while thinking big about all three of them. If you would like to see the reports, just go to the website. Thank you."

Speaker Knuth: "We are still short a few members for the quorum. If there's anybody who is a Senate member and who has not yet signed in, or you don't remember if you signed in, please come down and sign in now. That would be quite helpful. Thank you."

"I'll now call on Dean Charles Walcott for brief remarks."

Charles Walcott, Dean of Faculty: "And brief is the operative word. First off, I want to say thank you to those of you whose term is ending and this is their last Senate meeting. We are grateful for your input, and thank you so much. Most particularly, I want to say thank you to somebody whose term is ending at the end of June, who has been enormously helpful in many of the affairs of faculty governance, particularly of running the Nominations and Elections Committee, and I mean my colleague Cynthia Farina, who is retiring from the position of Associate Dean and Secretary of the University Faculty, at the end of June and I hope you will join me in saying thanks to Cynthia."

(Applause)

Speaker Knuth: "Thank you Dean Walcott. Do we have a quorum yet? We are short two. So what I am going to do is skip ahead because there are some items that require approval by vote of the Senators. We don't yet have a quorum to do those items. The next item that is a report only, is for me to call on Professor Peter Stein, Chair of the Committee on Academic Freedom and Professional Status of the Faculty. Peter will give us a report on the revised policy on job-related faculty misconduct. Peter, do you need the overhead?"

Professor Peter Stein, Physics and Chair of Committee on Academic Freedom and Professional Status of the Faculty: "No. This is also pleasant to report. We the AFPS Committee, you will remember -- just to bring you up-to-date -- approximately a year

ago, we completed a three-year effort that was started by Bob Cooke to make a uniform policy by which faculty members could be suspended at the University. We concluded that about a year ago, and the Senate overwhelmingly passed the document, which we sent then to the Provost. In this discussion, I'll refer to that as the 'Senate approved document,' which was done in April of 2005. Then two months ago I believe, there was what I will refer to as the 'Provost's document' -- I don't know quite what else to call it but the Provost's document-- and we discussed that at the last Senate meeting, I believe. There were some significant concerns raised about the ways in which the Provost's document differed from the Senator approved document.

The AFPS Committee met several times. They wrote a rather lengthy letter to the Provost listing their concerns. We met with Vice Provost John Siliciano. We worked together with him and after a relatively short series of meetings and discussions we came to a document, which we think is mutually agreeable (Appendix 12). That document was e-mailed to you and there are copies of it down here. I only have ten minutes but I want to just relate quickly what are the major changes in that document from the Senate approved document of a year ago.

"Number one. There is the non-controversial issue of the fact that the Senate approved document failed to exclude the Weill Medical College faculty. That was put into the Trustee document but drafted more carefully because -- not the Trustee's but the Provost's document; all these high offices, I get them mixed up -- but in the drafting of the Provost document somehow also excluded was the Geneva faculty from the suspension policy and I am sure that was not intended, so we have made that change.

"A second change which is relatively non controversial is the exclusion of short-term, i.e., six month appointments. Faculty with six month appointments would not be covered by this policy. The Provost's document said that honorary faculty were not covered by it but it wasn't clear what honorary meant. So, after a discussion with Susan, we changed that to courtesy, which then does not exclude adjunct faculty. So adjunct faculty are now covered by this document.

"A third issue was that the Deans felt it was important to put in a statement saying that a reduction in salary to a faculty member done at the ordinary time for making adjustments to salaries is not to be interpreted as a suspension. We agreed with that. You may not like reductions at normal raise time but whatever else they are, I think they are not a suspension. And so we put that in as excluding that from the suspension policy.

"There was the issue of the exclusion of the faculty in veterinary medicine from the suspension of privileges in the animal hospital. That was the source of a great deal of concern by faculty members, not surprisingly those faculty members who practice at the Cornell University Hospital for Animals, and the Vice Provost agreed to take that exclusion out. They are now fully covered. All those faculty members are fully covered from all suspensions.

"There are two other issues that we put in. One, there was a concern that a unit... -- let me explain the way a suspension works. Both the Provost's document and the Senate approved document started with a Dean saying 'I want to suspend you.' That was the

trigger for this whole policy. Somehow it was felt that the issue of how it was that a Dean of a particular College went about deciding whether or not to suspend somebody, *that* decision -- which we never anticipated that this document would cover -- that *that* decision was covered by this document. We have added another section saying that nothing in this document would preclude the right of a College to develop its own procedures by which a Dean comes to the decision to suspend a faculty member. Is that clear?

"The last thing was the following issue that got raised. The Senate approved document had a very lengthy guarantee of due process and judgment by your peers for all suspensions. The question came up what would happen if indeed a College had decided, or if indeed there were a previous hearing -- like for instance one that went on at CUHA (the Cornell University Hospital for Animals) which came to the expert opinion that a faculty member there was not competent to practice in the hospital and therefore was suspended? How would that feed into this process? It was clear that the local group was probably better constituted to make that decision than a group of ad hoc people. Now, in the Provost's document it stated that the Provost had the authority to decide that such a local hearing made already an appropriate decision, and that the hearing board referred to in the Senate approved document would then not have jurisdiction in the matter of findings of fact. Is that clear? There was a lot of concern about that. We realized the problem. The problem was that you don't want to completely forget about an expert hearing that went on beforehand. On the other hand, people were not comfortable with the Provost unilaterally making the decision of whether that hearing had been fair.

And so we changed that to say that the suspension hearing board itself could make that decision as to whether the previous findings of fact were sufficiently fair, and sufficiently had provisions for the faculty member's ability to rebut the charges against him, to know what the charges were, and so on and so forth, whether all of that had been carried out. Then they were at liberty to take those findings of fact as part of their deliberations, rather than repeat it. But the decision was to be made by the suspension hearing board itself based on whether the rights of the faculty member had been observed in the previous local hearing.

I think that is the last change other than a few commas and plurals changed to singulars and vice versa.

"I would have hoped to be able to bring this to you as something for you to approve, and to replace your approval of the previous document. That was impossible because we didn't get it done until three days ago. It seemed to me the right thing to do was to ask you to read it, and see if you have any problems with this document.

The AFPS is perfectly happy with this document and we recommend it to the Provost for adoption and then to be brought to the Trustees to make it official University policy. If anyone has any concerns with that document, this is the time and place to raise them.

So I probably used up fifteen of my ten minutes. But please say something, or if you don't say it here, send me an e-mail saying that you have a concern."

Speaker Knuth: "We do have time for one question."

Associate Professor Ted Clark, Microbiology/Immunology: "The hearing board that you are referring to, is that the same as the College Grievance Committee?"

Professor Stein: "No. The hearing board that we are referring to is a hearing board that was invented for this process, following the same procedure by which hearing boards are assembled to hear appeals for people who are denied tenure. That's the usual appeal-type board where the appellant picks two, the Dean picks two and then they pick a fifth. It's a little bit more complicated than that but that's the general model is that both sides are equally represented in the choosing of this five-person board."

Speaker Knuth: "Okay, thank you Peter. Thank you very much. I would encourage you to send comments to Peter and may we anticipate that this would come for a vote before this body in the fall. Is that the plan?"

Professor Stein: "Well, I would think so. I would hope that would happen. If I hear nothing from you, we will send it to the Provost with the imprimatur of the Senate. I will assume that no comments means people have no problem with it."

Speaker Knuth: "Okay, note on the official watch. I am using mine, which indicates that this clock is about three minutes fast."

Provost Martin: "Barbara, can I ask for clarification? So it's coming back to the Senate before we take it to the Board, or it's not?"

Professor Stein: "Well I think you will have to ask the Dean of the Faculty."

Provost Martin: "It would be good to know."

Professor Stein: "I'm the Chairman of this Committee so I don't know what the faculty governance structure is going to do with it."

Dean Walcott: "My impression is that there will be further discussion, probably University Counsel will want to look at this policy, and that it will be brought back to this body in the fall for formal approval."

Speaker Knuth: "I'll now move on to calling on Professor Risa Lieberwitz, Chair of the Committee to Review Faculty Governance for a report and we have fifteen minutes for that."

Associate Professor Risa Lieberwitz, ILR and Chair of the Committee to Review Faculty Governance: "Thank you for the time to report as the Chair of the Committee to Review Faculty Governance. I have some overheads. The first one is to remind you of the background of the resolution to review faculty governance (Appendix 13). As you all know, this committee was put together by the Senate at the end of the fall 2005 semester. The Committee has been working this spring semester. We were instructed to come back to report to you in May of 2006; so here we are. Just in terms of a bit of a reminder about the background - we were instructed to review Faculty Governance

both in terms of the history that's occurred during the last ten years of the Faculty Senate, and then also to look toward the future to make recommendations for strengthening the influence of faculty on decisions by the Administration and the Board of Trustees. We were also instructed in the resolution to look at peer institutions.

"What I would like to do is to give you some overview. There isn't too much time today so I would like to just spend some time doing some overview points and then hopefully we'll have some time for questions. I know there are committee members here as well who may be able to answer questions. (Appendix 14).

"The first point on the overview deals with what we have been doing. This spring semester, 2006, we have been at work in three areas. First defining the issues of faculty governance, which takes some time and that's an emerging process, an ongoing process. Of course you also have all received the progress report or at least the link to the progress report from the Committee. Hopefully you have all had a chance to read that. In my presentation I'll just give some of the highlights for you. We've been defining the issues; we've been gathering research and secondary sources and we have been conducting interviews. In the next transparency (Appendix 15) I'll show you the people that we have interviewed and those coming up. As you also know we have been seeking input from the Faculty Senate. We've asked department chairs for input as well as the general faculty. I know you have all received an e-mail recently on this. Because we are still in the process of gathering information, we would love to have your further input on the progress report as well as other issues you would like to raise, and suggestions.

"We'll be working this summer as well as doing some additional interviews. We also will have some research done on the questions of alternative models in other institutions on shared governance. Then we will be continuing to evaluate as we go through the material. And then looking ahead to the fall 2006, we plan to have some faculty forums on specific issues, where people can come and share and discuss the issues to be dealt with, to provide more input, continue our evaluation, collection of information, and then we are looking forward to hopefully having a draft of a report with recommendations for you next semester. The anticipation is that any final report will initially provide a draft so that we can get your reactions and input before calling it a final report.

"To give you a sense of who we have been talking to in addition to getting input in other ways, we have been talking with Trustees and officers of the Corporation, (the Charter refers to the University as a Corporation), and past presidents. We haven't yet been able to talk with President Rhodes because of his schedule. We talked to Provost Martin. We talked to various Deans of Faculty, (current and former), Associate Deans of the Faculty (current and former), and Phil Lewis as a former Dean of the College of Arts and Sciences. We have more interviews scheduled. Actually this Monday, we will be speaking with our newest upcoming President, David Skorton, and then Professor Ron Ehrenberg. Ron has fulfilled various roles in the University, including his expertise on higher education as well as his role as Vice President in the University. We will be speaking with him and then Professor Dominic LaCapra, who I am sure a lot of you know who was for many years the Director of the Society for the Humanities. We will

be talking to additional people as well, but this gives you a sense of the scope of the people we have been talking to.

“This is the wordy part (Appendix 16) but I’m not going to do much except to highlight some pieces here. One of the first things that we thought was important to look at is this question of how is authority described in the University By-laws and other documents that might be important, to see how authority is described on paper and then there’s also the question in practice. We refer to these sections in the progress report but just to highlight some of the actual language: In the By-laws the Trustees are referred to as having supreme control over the University with the President as one of the main officers, one of the main people in central administration to carry out those functions. And of course, it refers to the Provost as having a very specific role. The By-laws also include the role of the University Faculty, as well as the college faculty. Since we have what we usually refer to as some system of shared governance, even on paper we see the division of function between the central administration and the University faculty as well as the college faculty with the University faculty being represented by the Senate. The Senate has the function of looking at general educational policy issues and questions across colleges, the core academic issues being at the college level. But then also, since we have a shared governance process, one of the important things to look at here is the Organization and Procedures of the University Faculty (OPUF) (Appendix 17). Some of the important language here that I have highlighted in the progress report, and I wanted to highlight here too, is the question of how University leadership should function. If you are talking about a shared governance process, that University leadership best functions when it respects the kind of shared governance that we have in the University, where the University faculty consultation is very important and there’s a view as the language says ‘full consideration of faculty views thereby building a faculty-administration partnership that will serve as a firm foundation for effective leadership.’ This language of shared governance is very important to highlight.

“This slide (Appendix 18) has the highlights from the progress report, of what is labeled here as emerging issues, again to remind us that as we gather information the issues will be refined. We will add to them and we want your input on that as well. Just to highlight those - there were certain issues as we were talking to people in interviews, as we were gathering input that continued to come to the fore, as we were looking at this question of how to find issues. The first one being the need to improve the timeliness, content and quality of consultation between the faculty and the Cornell Administration, as well as between the faculty and the Cornell Board of Trustees. And so it’s really the quality of that interaction in those various aspects that we saw continuing to come up.

“Also, secondly is the need to improve the effectiveness of the Faculty Senate in representing the views of the faculty. This is an issue that we felt continued to come and that we needed to look at. How do we improve the faculty governance body itself?

“Third, the effectiveness of the faculty voice in and influence on the Board of Trustee decisions, as well as the influence on the decisions of the Administration. I actually should have put that in there under number three. So please read Board of Trustee as also including the central Administration, because even though there are certainly instances that we saw where it appeared that there was significant influence and very

good functioning of the Faculty Senate committees as well as the influence issue, there have been other instances that have come up where there was a feeling that this kind of influence was not strong enough.

The final point is about the need to increase the flow of information from the Administration and the Board of Trustees to the faculty.

“Now I have other information, but rather than go into any more detail on these issues, which are all outlined in the progress report, in the three minutes I have left, I think it might be best to see if there are people who wanted to ask questions or respond in some way.”

Professor Susan Suarez, Biomedical Sciences: “On your issue of shared leadership and partnership, I wonder how the Faculty Senate could be taken seriously if they close up shop for the summer, as we just did with regard to the Suspension Policy.”

Professor Lieberwitz: “I can’t really answer that question, of course. But what I think that your question identifies is an important point. We would welcome your input, not only here, but please also send comments to the Committee. That reminds me to remind you all that there is on the University Faculty website a page just for the Committee to Review Faculty Governance. There is a link on that page where you can e-mail the entire Committee. We have already gotten input; very thoughtful points have been raised that were really useful. I can tell you that everything that comes in we are planning on considering really carefully. Back to Susan, that’s the kind of point that we really welcome. I think it’s a very good question.”

Professor Richard Schuler, Economics, Civil and Environmental Engineering: “Being involved in an organization outside of Cornell that uses the words of shared governance, have you given thought to the question of, ‘if there is shared governance with that always comes obligations.’ That’s got to be a two-way street, if the voice of the faculty is to be considered in the long run. We are beginning to tread on more difficult ground because that’s getting to change, as it were, the By-laws of the institution because I don’t believe outside the area of academics we have an explicit obligation. The only question I wanted to raise is, have you pursued how a meaningful extension of faculty governance in the sphere of governing the University as a whole, what kinds of steps that would require in terms of changing the overall charter and legal documents supporting the institution?”

Professor Lieberwitz: “That’s a good question. These are the kinds of issues, of course, that we have been discussing. It’s not a question of what do the By-laws say, but are there restrictions in the By-laws that prevent us from making recommendations as the By-laws state the authority structure right now? Or, can we have a situation where the By-laws and the written materials together with practice and tradition enable us to make recommendations that will be useful and effective in terms of the influence of faculty on administrative decisions, as well as the decisions of the Board of Trustees? This concept of shared governance has different meanings at different institutions, and that’s why I think it’s going to be very important to look at other peer institutions to see how they handle it. But, just for the moment, looking at how we have structured ourselves, I think that one of the things that has come out as a

consensus of all the people that we have talked to, whether it's the Trustees or University Counsel, or Deans of Faculty, or the President, is that there is a recognition that there's something unique about a University, and that we have in writing these statements that the Trustees are the supreme authority. There's also the recognition that the academic core functions within the college are very much within the University faculty's purview, and that's of course in the By-laws. But in addition in stating that University faculty also have a position in terms of this consultative role with regard to educational policy across colleges, this in practice as well is one that really does open up a significant amount of consultation, as a kind of sharing through consultation, meaningful consultation to the faculty. There are all sorts of things that might even appear to be non-academic that have an effect on the academic. That's one of the issues that we highlighted in the progress report, that as the Administration changes, and for example, has more active "non academic" offices like housing, that will have an impact on educational matters and academic matters. Thus far, I think, we have at least concluded that there's a significant amount we can do within the wording as it stands now. It may be that in the future we'll have to look at that question of whether to recommend changes in the By-laws."

Speaker Knuth: "Thank you. That's what we have time for. I would encourage you to e-mail comments to Professor Lieberwitz."

Professor Lieberwitz: "Yes. Please take a look at the progress report if you haven't, and if you have, look at it again. We really welcome your comments and suggestions."

Speaker Knuth: "I'm going to move back in the agenda for a moment and call on Associate Dean Cynthia Farina to give an informational report on elections results from the Nominations and Elections Committee."

Professor Cynthia Farina, Law School, Associate Dean and Secretary of the University Faculty: "This was not ready for you when you got the packet, and so I'm happy to now report to you the result of the University-wide faculty election. We were fortunate to have very strong slates and so we have some great results. Brad Anton will be taking over as Associate Dean. Ron Ehrenberg will be our Faculty Trustee taking over for Lisa Earle. Abby Cohn, Rod Dietert and Andre Kessler will be joining us in the fall as Senators-at-Large. Elizabeth Adkins-Regan and Kerry Cook will be coming on to Nominations and Elections, and coming on to UFC is Fred Gouldin, Ellis Loew, and Kathryn March. Thank you so much to the people who were not successful for being willing to run, giving us great choices and congratulations to the winners. We look forward to seeing you all in the fall. You all are officially elected."

Speaker Knuth: "Let's congratulate those who were voted on.

"I'm going to move on now through the agenda and ask those who were presenting resolutions, we cannot vote on a resolution, but just ask if you want to speak briefly about it and see if there's brief questions.

"First I'll ask Brad Anton if there is anything you wish to say about your resolution."

Professor Anton: "I want to ask you a question. What will happen now?"

Speaker Knuth: "We can't vote on it now, so you can bring it to the first meeting in the fall, if you would like."

Professor Anton: "I think I'll do that."

Professor J. Robert Cooke, Biological and Environmental Engineering: "This is the third resolution (Appendix 19) from the Faculty Library Board in a few years. We have been dealing with some fairly substantial issues having to do with access to scholarship, which affects the library, but it also affects everyone here if the library is unable to survive because it doesn't have the resources to do the work.

"Another set of issues have now taken prominence and I would like to share that. Since we cannot vote and the resolution is one that is not obligatory, but carries, hopefully, some moral persuasion with your colleagues, I would ask that perhaps that the Dean and the UFC consider having a referendum rather than waiting until September, because the issue a pressing one. Let me describe the situation.

"History (Appendix 20). Only recently have the Trustees officially conferred to the faculty the ownership of their intellectual output. It's dated 1990. There's a web site address. I have a number of URLs and these will be associated with the minutes so I am not expecting you to copy them down but so that you will know that they have been gathered.

"There was another resolution in December 2003, in which this body had a discussion of the pressure on access cost per subscriptions, especially to the scientific journals and the sciences, in particular. The library has been under enormous pressure, as you well know. There was some discussion of that, and you in effect said to the library administration, you have our permission to begin negotiating rather aggressively with the publishers who were causing us the difficulty.

"A year ago last May there was another resolution from the Library Board in which it urged non-cooperation of faculty as editors and submitters to journals that have become excessively priced, meaning one publisher requires multiple millions of dollars a year for us to acquire their journals. It has become a rather heavy burden. We were again giving the library comfort in saying we agree that you should negotiate aggressively. Another thing that emerged was open-access publishing (Appendix 21), which is becoming a rather important issue, nationally and internationally. That is gaining rapidly. As was reported to a year ago, NIH has adopted a policy asking faculty who have funding from NIH to make their materials accessible world wide on open access spaces within a year of publication. There was introduced recently some legislation which, if adopted, says any federal funding of 100 million or more a year - which would then sweep up not only NIH but NSF and NASA and so on - would be expected to be put on online and made accessible. And again that URL will be there for you if you want to track it down. (Appendix 22).

"A second issue that collides with our way of doing business is one on which the Provost sent a letter, dated April 24, to each of us (Appendix 23). The Internet has emerged as a major factor in how we do our scholarship and teaching. Issues that were

well settled back in the print age have become unsettled. For example, what can the library put online without violating the copyright ownership? We certainly want to respect intellectual property rights and we certainly are not going to put ourselves in a position of violating the law. There are some real issues that are emerging and the Provost has alerted us to these, that we have to do some heavy thinking about how we operate, what we put online, how widely we distribute other people's property. (Appendix 24) For our own benefit I would mention one thing here, which is, notice the word 'individuals' - translation: faculty members' - may be named in a lawsuit, could be. Given the fact that the Trustees have given us the authority to assign copyright, it means that it comes back to us sign a release. So one thing that is going to have to happen is to figure out what 'fair use' is in the age of the Internet. The resolution deals with the second part, that I think is more important. Here - and this is just for your information - in the University By-laws, we are indemnified when we are functioning as faculty member on behalf of the University doing our assigned duties. But I put italics 'not inconsistent with law.' If we are actually sued and are taken into court the University may or may not come to our defense if we have violated the law. If we have followed the law, the presumption is the University would provide the legal support to see to it that we are protected.

"There is a group working on establishing guidelines, and this was also attached to the letter from the Provost (Appendix 25). The University Counsel's office is the place you would direct your comments and I presume there will be a serious discussion of this in the fall. Here are some guidelines (Appendix 26) that you might want to refer to as you prepare your course syllabus for next semester given the heightened sensitivity to the question of what's yours and what's somebody else's.

"One of the immediate things that has been done by the Libraries is that they are willing to provide, in cooperation with the Counsel's office, some general open discussions on what is fair. But the Library is also willing to provide consultation with individual faculty. If you were signing a contract with a publisher for a book or something, there are people who have some serious expertise who can help you at least identify the issues. You may still want to choose to have your own lawyer if it really is a serious discussion, but at least the University Library can provide some help in knowing what the issues are that you ought to be thinking about.

"This is the resolution from the Library Board (Appendix 27). The third word is urges. That word was chosen deliberately. It did not say we suggest you think about, it says we urge you to look at your rights when you sign away the rights to a publisher. It does not say you shall. It says the Library Board, and if you approve it at some point, it means you would recommend or strongly urge that every member of the faculty consider these issues. In true to the fashion at Cornell, it's not obligatory. It is advisory. It is a way of our dealing with the longer term problem. Instead of just figuring out how to avoid a lawsuit, if we really want to change the working relationships and so the problems would become less acute in the long run, when we give away the rights because the material originates with us and we transfer the rights to a third party, so if we transfer the rights in such a way that we can do the things that we need to do, then the future will be less burdensome on us (Appendix 28).

"I can remember my own experience with the first book I published in which I had developed some educational software, computational tools, and I had been giving it to my students. Once a commercial publisher had the right and I signed off, I could not longer give it to my students. The University had paid me to do it, I had been using it, and of course I knew that it became someone else's property, but the full impact just didn't hit me until later. I had a colleague down the hall from my office that had written a book and published by a commercial publisher, and in his enthusiasm for encouraging his colleagues around the country to use this book, he wrote some problem sets and solutions for them to use as assignments. The publisher through their lawyer advised him that was their right. It was a derivative work and he was not allowed to do that, cease and desist. There are things that you sign away that you may not think about, that could have real consequences for how you are doing your work.

"Let me stop with that and take questions. I do think, again, it is a serious issue of long-term consequences for the University. We did not ask the American Association of Publishers to raise this issue at this moment, but they are providing ample evidence that we need to think about how to solve the future problem."

Speaker Knuth: "We have opportunity for a couple of questions."

Professor David Delchamps, Electrical and Computer Engineering. "In the write-up of the meetings, I read that some publishers were being cooperative on this kind of thing, I'm just wondering if there are any villainous publishers who have been recalcitrant individually about responding to this sort of thing."

Professor Cooke: "Yes, there have but I'm not inclined to start a name calling competition. They deserve it. There is a web site available. Perhaps Bill Arms would remember the exact address of it where someone has for several years been identifying publishers as to which ones would allow you put a copy of your publications on your own website. I know that people want to do that because it's easier to put it up there instead of your having to send things through the mail. You can just put them up there and just let them be shipped out. A great many journals now will allow that. There seems to be a great divide between the professional societies and the commercial publishers. The ones that are causing the problem overwhelmingly are the commercial ones. There are a few exceptions, professional ones, say Chemistry, where they are behaving as if they were commercial organizations. The important point I would make is we own the material before they get it. We have within our power, if we choose to exercise it, the ability to solve this problem."

Professor Phil Nicholson, Astronomy: "I guess you have already made your point more or less but I am editor of a journal at Cornell which is published by one of the evil commercial publishers and we had an incident recently where one of our own faculty members decided to append the SPARC Amendment to his paper when he submitted it, and it caused quite a furor. E-mails and letters went to Amsterdam, backwards and forwards, and after a significant delay they made it clear that they would not accept this. He actually had to write a letter recanting his previous request before they would consider publishing the paper. The paper had already been accepted by the editorial process."

Professor Cooke: "Elsevier is notorious for having been in an area where there's contentions."

Professor Nicholson: "There was no bones about the answer on that."

Professor Cooke: "Notice that the resolution says urges, it does not say obliges or compels. We were especially sensitive to the predicament of not yet tenured faculty who really need to have their work credentialed and for whom it really does make sense to not rock the boat as intensely. But two thirds of us have tenure and there's more than one place to publish. The tide is clearly shifting in favor of sharing this intellectual resource with the rest of the world. I'm convinced that time is on the side of the people who think public institutions, private institutions, and higher education are there to serve the world, not to serve a narrow financial interest. We need to be careful how we proceed, but in the long run I'm convinced that we will have to turn it around and we have the capacity to do it because we own the material before they get it."

Speaker Knuth: "We'll move on now to calling on Vice Provost for Research Richardson for two items. The first is background on the resolution from the Local Advisory Committee to Affirm the Policy of Openness in Research and Public Disclosure of Sponsorship of Research."

Vice Provost Richardson: "The Local Advisory Committee, I will remind you, is a joint committee of this body and my office. Its members are suggested jointly and discussed with the Nominations and Elections Committee every year. It has a variety of jobs. I want to tell you about one in the category of things that are triggered by events that happen in the research. The LAC has had three studies on policies handed to it this year. One is on openness of research, and that's the one I'm going to talk about. Another one is on post doc minimum salary and the third one is the ownership of data. The ownership of data report will be coming out sometime in the future."

"They come about in different ways. What triggers them might be an event in Sponsored Programs in deciding what the policy should be if it's not what we think. They are generally inter-college and University-wide and related to research."

"Openness in Research. The basic issue here is that in 1948 Cornell passed legislation saying that we would not accept and support classified research in any form. We had quite a thoughtful discussion about how to define that and so forth. It has been reiterated through the years in times of difficulty especially between, say, universities and federal government and so forth. By 1968 to 1972 there were people who didn't trust academics. They thought that there were all kinds of people up there in those buildings on top of the hill, and they were doing all kinds of secret stuff and making bombs and all kinds of evil things. You could see them leading tours in Clark Hall and other places, and when a door was locked, they whispered they are doing the secret stuff in there."

"It then became a matter of an organization called the Research Council. Don Cooke, who was the Vice President for Research then, had a discussion of this and said, 'we have to be an open book, the public has to have access to the names of all sponsors of research.' The Research Council supported that opinion unanimously, and it exists in

the minutes. However, it was never written up as a policy statement. It doesn't show up in the Faculty Handbook. There is a beautiful history that Lesley Yorke in my office has written. It's kind of a thick document that summarizes the whole history of this work. But basically it's always been there as a policy, and right now each month there is a new listing of sponsors of all research, and it's available to anyone.

"I will point out that almost every year there are two or three letters to the editors of various local publications that claim we are doing secret stuff on the Cornell Campus. Our only way to rebut that is to make it open so people can actually look up who is doing what research. What came up this year is something I found very disturbing for me to have to do. One of our faculty members got a nice juicy grant from (I'm going to tell you the agency, but not the person) the Central Intelligence Agency for doing things totally unclassified. It was in no way you could imagine related to intelligence. It was just some beautiful fundamental science research. The proposal went all the way up to the last stage, and then the CIA said you can't list this in public that we are supporting it. So I had to reject it. Eventually they said we could say US Government. That does not cut to the openness issue. That's like when we have industrial support and we say 'US industry.' I felt very unpleasant to tell the principal investigator that we were going to have to reject it. But nevertheless, we did. He pointed out that nowhere is this a written policy and that's correct, and I thought we should change that. I turned this over to the Local Advisory Committee and they discussed it at length. There's unanimous support for the resolution (Appendix 29). I guess we can't vote on it today but it gives the background, the whereases, and basically resolves that a listing of all Sponsored Programs awards be made publicly accessible and updated on a regular basis (ideally monthly) giving the name of the Principal Investigator, the name of the unit administering the award, the name of the sponsoring agency (or organization) of the award, the project title, and the amount of the award. And that indicates the spirit of what has been the practice since 1948."

Speaker Knuth: "Is there any comment or question on this? This again is an item that would come back before this body in the fall for a vote. Anything at this point?"

Professor Andrew Ramage, History of Art: "I have the impression in my dim memory that there used to be a list of that kind that came around to the faculty, which hasn't appearing for several years now. Is that right?"

Vice Provost Richardson: "Sponsored Program Office does prepare a monthly list of all new awards but it doesn't send it to all faculty, but it does send it out to anyone who requests it. The reason the list is not sent to everyone is that our survey showed that readers mostly just threw it away. It was not a widely appreciated publication."

Professor Ramage: "I read mine all through, then I threw it away."

Vice Provost Richardson: "It's posted. You can get it off the web site. You can also subscribe to it. You can have it mailed to you every month on e-mail. I've been known to write letters of congratulations."

Speaker Knuth: "One last question."

Professor Brad Anton, Chemical and Biomolecular Engineering. "I'm curious as to whether this policy is unique or unusual in American universities."

Vice Provost Richardson: "It's really interesting because there is a group of 13 peer institutions that I interact with regularly. What's important there is you can get quick response on what other people are doing. Of that group, and these are institutions like Harvard, Stanford, MIT, CAL Tech, Hopkins, Penn, the ones we got responses from, nine of the eleven have the policy that this information is open and published. The two that don't, it was MIT and I'm not sure, said that the information is available for those who request it. I asked MIT if anybody ever requested. No."

Professor Anton: "Does anyone do classified research?"

Provost Martin: "MIT does."

Vice Provost Richardson: "Penn State does big time."

Speaker Knuth: "We are going to move on. Thank you for that report. We'll look forward to seeing you again in the fall. The last item is again from the Local Advisory Committee, a report on minimum salaries for postdoctoral associates."

Vice Provost Richardson: "I want to give you some background information. I do see some people here who participated in the early stages of the development of this. Post docs are a population of people who come to Cornell for professional and educational advancement. It is a very important stage in the career of quite a large number of people. There are disciplines where the quality of the post docs that are at the institution is very important.

"Nationally, the treatment of post docs was an utter disgrace ten years ago. Here on our campus, in surveys that were conducted, we discovered some departments in some disciplines like the Veterinary School or the physical sciences which have strong tradition and lots of post docs and sort of a culture embedded and they keyed pretty well. But there are others where they just sort of come in and get lost. There were lots of abuses, but we have progressed. Abuses like failure in mentorship, people refusing to write letters of recommendation after the post docs have been here a couple of years. That's the most egregious. There were also abuses in salary structure and lack of medical support. People would get a minimal amount of money from their own government in their country and come here as a post doc and be outrageously underpaid and stranded with no health benefits.

"In the years since we started paying attention to this, we have instituted health benefits. We have instituted a grievance procedure. There is a social program where post docs get together if they want to. We have Christine Holmes, an employee who manages the post doc interactions with the University. We provide health benefits. All post docs are enrolled in the New York Academy of Sciences Review. We struck a really good deal. It's ten dollars a year for membership. It's a goody that looks kind of nice on the CV. It has in addition some rather useful workshops, e.g., tips on how to get a job."

“The other issue, salary, the one that I bring to you now, is one that has to be a University policy. We wanted to look at what the structure of post doc salaries was and compare them with the NIH minimums. There is a document relating to this on the table. What we found is, out of roughly 380 post docs, that there were 31 that had a annual stipend under \$30,000, and ten under \$25,000. The ten curiously are all in physics or chemistry, and those were not even listed right. In almost every case they were top-offs. They came about with other people’s money, Humboldt Foundation, Max Planck Institute, and some of them were paid very well. They got just little top-offs that were necessary. We are now having them listed in a different way, so it’s more accurate.

“I need to tell you something on reputation. The Scientist has ratings of various institutional on various topics. One of the two finer points is that their techniques for arriving at these ratings could be open to question. Anyhow, three years ago they did a review and they ranked institutions, and Cornell was listed 73rd in its treatment of post docs. This was universities, industry and so forth. Last year, three months after Christine showed up, we were 17th. I claim with that progress, we are going to be in the top five here soon. Let’s hope.

“The ones under \$25,000 are easy to fix. There are twenty that are in range of \$20,000 to \$30,000 and what you now see is that we eventually move toward the NIH minimum, which is also the minimum NSF is moving rapidly toward. That’s \$36,000 right now, and we want to start off at 87% and over five years move to whatever the NIH minimum is then, not what it is now. There is a recipe for that. The exceptions would be post docs who are working in other countries. Currently we have post docs in Africa and Asia. There you can have something more appropriate to the salaries there. That’s the recommendation. I talked with Dean Walcott about whether the post doc salary structure was something that would be a matter for approval of the Senate. He said no it is something that is up to the Administration to determine, and I agree with that, but I would also believe that because of the way it affects the entire population of research faculty it is important to have a discussion, not to just do it in a vacuum. Our intent is to have this implemented in September 2006, when the minimum would be \$31,000, and then we would scale up in five years to whatever the minimum is at the end of five years. There are twenty people affected right now and they are in the Chemistry Department and in Geneva, people primarily with Department of Agriculture grants. The complaint of course is the obvious one - that people say when you have Central Administration dictating what the minimum is going to be, it restricts the flexibility that the individual principal investigator has in how to use the grant funds.”

Speaker Knuth: “Any comments or questions?”

Professor Nicholson: “This is not already covered in the University Salary Guidelines?”

Vice Provost Richardson: “Post docs never have been. Research Associates are. However, there are other interesting things. For instance, you can only be a post doc at Cornell for three years. We checked with peers. Christine actually has a peer group that she’s interacting with, and that’s a different one than I interact with. Out of eight that she got information on, Duke was one that was included, but also Hopkins, Penn, Stanford, University of California, Berkeley, they all had the NIH post doc minimums

except Berkeley. Berkeley curiously would seem to be going exactly the way we are, that is, they are going to move toward adopting the NIH minimum, but not going cold turkey. If you have to jump the salary of someone seven kilabucks a year, that's a heck of a blow on a grant. Everybody on the LAC manages big contracts or grants so they understand that.

Speaker Knuth: "Is there a final question?"

Professor Greene: "I'm just curious on NIH post doctoral fellowships. Are fringe benefits charged on top of that?"

Vice Provost Richardson: "Did you say fellowship? You have to be careful. There is a thing called the NIH Fellow that's different from the NIH post doc. The NIH Fellow is the one did not have built in health benefits. That was looking highly problematical. We now have the rule that the host for the NIH Fellow, either the PI that's hosting him/her, or the department, or if that fails, the Dean, will provide the health benefits. For everybody else that is a post doc, the other 90%, they have all the same University fringe benefits and they are charged by the same recipe. They actually get TIAA/CREF, life insurance, the whole suite of benefits that everyone else has. In that regard, we are in the top three or four institutions. There are only three or four other places in recent surveys that people were doing this, including those benefits. That has a lot to do with our reputation and our ability to attract people."

Speaker Knuth: "We have reached our agenda limit. Thank you very much for attending, Vice Provost Richardson, and everybody have a great summer. We'll see you in the fall."

Meeting adjourned – 6:00 PM.

Respectfully submitted,

Cynthia R. Farina
Associate Dean and Secretary of the University Faculty



Cornell University

Institutional Goal

- To reach the average of the peer groups (selected by the Financial Policies Committee of the Faculty Senate) by the end of a five-year period for the endowed colleges and by the end of a six-year period for the contract colleges.
- 2001-02 was the first year of the multi-year plan and 2005-06 concludes the goal period.



Cornell University

Endowed Salary Results

Year	Survey Results All Faculty		Continuing Faculty		
	Avg. Salary	% Change	Year One	Year Two	% Change
2001-02	95,833	7.0%	90,007	97,566	8.4%
2002-03	102,287	6.7%	96,313	103,762	7.7%
2003-04	107,794	5.4%	102,787	108,786	5.8%
2004-05	111,397	3.3%	107,556	113,190	5.2%
2005-06	115,414	3.6%	111,465	117,014	5.0%
	5 Yr. Avg.	5.2%		5 Yr. Avg.	6.4%



Cornell University

Contract College Salary Results

Year	Survey Results All Faculty		Continuing Faculty		
	Avg. Salary	% Change	Year One	Year Two	% Change
2001-02	79,636	6.5%	74,422	80,175	7.7%
2002-03	85,429	7.3%	79,863	85,877	7.5%
2003-04	89,519	4.8%	85,129	89,913	5.6%
2004-05	94,782	5.9%	89,428	94,681	5.9%
2005-06	100,154	5.7%	94,472	100,378	5.9%
	5 Yr. Avg.	6.0%		5 Yr. Avg.	6.5%



Cornell University

2005-06 Faculty Salary Survey Results Endowed

	<u>Cornell Endowed</u>	<u>Endowed Peer Average</u>	<u>Cornell % of Peer</u>
All Faculty	115,414	116,695	98.9%
Full Professors	137,000	143,233	95.6%
Associate Professors	96,600	92,067	104.9%
Assistant Professors	82,900	78,278	105.9%



Cornell University

2005-06 Faculty Salary Survey Results

Contract College

	<u>Cornell Contract</u>	<u>Contract Peer Average</u>	<u>Contract % of Peer</u>
All Faculty	100,154	96,340	104.0%
Full Professors	116,100	114,830	101.1%
Associate Professors	84,200	78,410	107.4%
Assistant Professors	76,400	67,830	112.6%



Cornell University

Endowed Ithaca Faculty Salaries

<u>Institution</u>	Average 2000-01	Average 2001-02	Average 2002-03	Average 2003-04	Average 2004-05	Average 2005-06	1 Yr Chg	Avg 5 Yr Chg
Stanford	\$106,547	\$111,077	\$115,418	\$118,777	\$123,658	\$128,934	4.3%	3.9%
Cal Tech	\$104,305	\$109,214	\$112,583	\$112,599	\$124,617	\$126,701	1.7%	4.0%
Princeton	\$102,889	\$108,248	\$112,416	\$117,271	\$121,513	\$124,777	2.7%	3.9%
Pennsylvania	\$102,606	\$109,473	\$112,547	\$115,941	\$119,889	\$124,530	3.9%	3.9%
Chicago	\$103,098	\$106,711	\$110,517	\$114,481	\$119,280	\$123,354	3.4%	3.7%
Yale	\$98,598	\$104,058	\$108,624	\$109,373	\$114,516	\$118,200	3.2%	3.7%
Cornell (Endowed)	\$89,584	\$95,833	\$102,287	\$107,794	\$111,395	\$115,414	3.6%	5.2%
Michigan	\$88,959	\$92,220	\$96,194	\$98,305	\$99,841	\$103,956	4.1%	3.2%
UCLA	\$93,714	\$95,801	\$96,668	\$99,319	\$100,406	\$103,773	3.4%	2.1%
UCSanDiego	\$86,708	\$88,194	\$89,101	\$91,539	\$92,727	\$96,030	3.6%	2.1%
Columbia	\$98,257	\$103,598	\$106,529	\$110,274	\$115,660	NA	NA	NA
Peer Average	\$98,568	\$102,859	\$106,060	\$108,788	\$113,211	\$116,695	3.1%	3.4%

As reported to AAUP adjusted for the relative mix of Cornell endowed academic ranks



Cornell University

Contract College Faculty Salaries

<u>Institution</u>	Average 2000-01	Average 2001-02	Average 2002-03	Average 2003-04	Average 2004-05	Average 2005-06	1 Yr Chg	Avg 5 Yr Chg
Pennsylvania	\$101,896	\$107,413	\$111,528	\$115,283	\$119,632	\$125,209	4.7%	4.2%
UCBerkeley	\$93,509	\$94,157	\$96,022	\$100,242	\$100,391	\$104,569	4.2%	2.3%
Cornell (Contract)	\$74,804	\$79,636	\$85,429	\$89,519	\$94,786	\$100,154	5.7%	6.0%
Penn State	\$78,264	\$80,892	\$85,588	\$89,536	\$93,424	\$96,780	3.6%	4.3%
North Carolina	\$85,426	\$86,120	\$88,129	\$88,981	\$94,303	\$96,001	1.8%	2.4%
Ohio State	\$77,780	\$77,584	\$81,983	\$86,170	\$90,399	\$93,572	3.5%	3.8%
Minnesota	\$79,384	\$81,839	\$85,453	\$85,283	\$87,965	\$92,663	5.3%	3.1%
Michigan State	\$73,492	\$76,460	\$80,910	\$83,703	\$86,312	\$89,629	3.8%	4.0%
UCDavis	\$80,612	\$81,424	\$82,894	\$86,742	\$85,976	\$88,926	3.4%	2.0%
Texas A&M	\$73,419	\$78,568	\$77,621	\$80,781	\$84,687	\$88,622	4.6%	3.8%
Wisconsin	\$78,902	\$79,997	\$83,651	\$83,707	\$84,790	\$87,429	3.1%	2.1%
Peer	\$82,268	\$84,445	\$87,378	\$90,043	\$92,788	\$96,340	3.8%	3.2%

As reported to AAUP and adjusted for Cornell contract college rank distribution
All 12 month salaries converted to a 9-month basis.



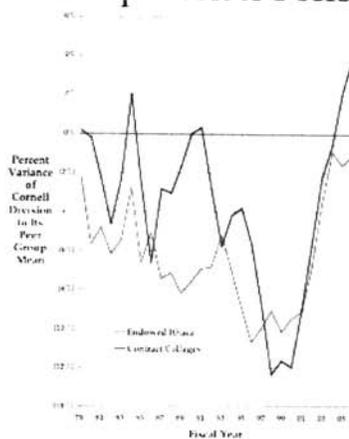
Cornell University

Average Faculty Salaries *

Ithaca Campus



Comparison to Peers



* Contract college salaries converted to a 9-month basis.



Cornell University

9 Month vs. 12 Month Pay

	<u>Survey</u> <u>9 Month Base</u>	<u>Total</u> <u>12 Month Pay*</u>	<u>9 Month % of</u> <u>Total Year</u>
Endowed	115,414	127,214	90.7%
Contract	100,154	114,762	87.3%

* Includes summer salary, salary supplements and bonus payments.



Cornell University

Other Observations

- The faculty (as defined by the survey) grew by 57 during the five year plan period.
- Approximately \$9.7 million was added in each of the 5 years to fund the faculty salary yearly increases.
- Faculty salaries now account for approximately 13.5% of the Ithaca Campus operating budget compared to approximately 12.7% in 2000-01.
- The faculty salary increases were funded by a combination of tuition, state appropriations and investment income.
- 35 new endowed professorships were established during the five year period.



Cornell University

Faculty Salary Planning Going Forward

- We will continue to evaluate the market and ensure that Cornell faculty salaries are competitive.
- We will continue to evaluate gender salary equity.
- Individual college targets will vary based on discipline mix, discipline-based market evaluations and recruitment plans.
- Individuals' increases will be based on college and department definitions of merit.

Cornell University AFPS Committee

Draft Policy on Job-Related Faculty Misconduct

DRAFT: 05-10-06

Policy Statement:

Reason for Policy:

Entities Affected by this Policy: University professors and college or school faculty members (excluding the Joan and Sanford I Weill Medical College).

Who Should Read this Policy:

I. Definitions:

A. College or school faculty member: as defined by Art. XIII of the Bylaws of Cornell University:

Each college or school faculty, except the Graduate Faculty, shall be composed of the President; the Dean or director of the college or school; and all professors, associate professors, and assistant professors in the department or departments under the charge of that faculty. Instructors, senior research associates, senior extension associates, lecturers, senior lecturers, clinical professors, associate clinical professors, and assistant clinical professors, and those bearing the adjunct title shall be non-voting members. Each college or school faculty may, in its discretion, grant membership to senior scholars, senior scientists, and other professional personnel for whom such membership is deemed appropriate by such faculty. Any college or school faculty may elect to its membership persons who are already members of other faculties of the University for so long a period as they continue to be members of such other faculties.

Note: The provisions of this policy do not apply to faculty members holding appointments with a duration of six months or less, or to those holding courtesy appointments.

B. Emergency suspension: A suspension with full salary pending the ultimate determination of the faculty member's case where the member is charged with misconduct and the member's continuance threatens imminent serious harm to the member or others or to property.

C. Minor sanction: any sanction other than a "severe sanction."

D. Severe sanction: dismissal or suspension.

E. Suspension: A temporary abrogation of the faculty member's rights or responsibilities that effectively prevents the faculty member from carrying out the responsibilities of his or her position or a temporary partial or temporary full reduction of a faculty member's salary will be considered a suspension for the purposes of this policy, whether or not it is named as such. This policy does not apply to the Joan and Sanford I Weill Medical College, nor does it apply to a non-disciplinary reduction of salary such as a non-temporary reduction of salary that may be implemented at the time of an annual salary review (which may be grieved pursuant to the academic grievance policy).

II. Purpose and Scope of this Policy:

To ensure fair and adequate processes for faculty charged with job-related misconduct or failure to perform the duties required of the position held, the following procedures govern the imposition of severe sanctions, minor sanctions, and emergency suspensions.

III. Procedures:

A. Severe Sanctions

1. Duration of suspensions: No suspension, other than an emergency suspension, shall be imposed for a period of less than two weeks or more than 12 months.

2. Reporting requirements for dismissals or suspensions: All dismissals or suspensions, including those resulting from informal settlements, shall be reported to the Dean of Faculty by the appropriate administrator. Such reports shall include a summary of both the complaint and its resolution, and shall be maintained in a permanent archive.

3. Suspension procedures for university professors, professors, associate professors, and assistant professors¹:

(a) The term "faculty member" in subsection III A. 3. shall refer exclusively to university professors, professors, associate professors, or assistant professors.

(b) If the administration believes that the conduct of a faculty member is sufficiently grave to justify imposition of a suspension, or if the recommendation for a suspension is a result of action taken under any other university policy (including those policies governing "academic misconduct," "sexual harassment," "financial irregularities," and "conflict of commitment/interest"), the faculty member shall be provided with a detailed written description of the charge or charges that form the basis for the recommendation of a suspension. The recommendation of suspension shall be reported to the Provost, along with the results of any

¹ The procedure used for dismissals is the procedure adopted for that purpose by the Board of Trustees.

investigation taken. The Provost shall consider the charges and evidence against the faculty member, and may make such independent investigation as may seem appropriate, in order to determine whether there is a reasonable basis to believe that a suspension may be appropriate. If the Provost concludes that no such reasonable basis exists, the recommendation of a suspension shall be terminated. If the Provost concludes that a reasonable basis exists for believing that a suspension may be appropriate, the faculty member may invoke the hearing procedure specified in section III.A.3.(c) below. The faculty member will be informed of the Provost's decision and of the faculty member's right to invoke the hearing procedure in writing. If the faculty member wishes to invoke the hearing procedure, he or she must so inform the Dean of the Faculty in writing within two weeks of receipt of the Provost's decision. In the event that the faculty members fails to so inform the Dean of the Faculty within two weeks, the suspension will commence immediately. If the Provost concludes that some but not all of the charges against the faculty member may form a reasonable basis for believing that a suspension is appropriate, the Provost shall cause the faculty member to be furnished with a written and detailed statement of the charges against the faculty member.

(c) The charges against the faculty member shall be heard by a hearing panel appointed as follows: The faculty member and the Provost shall each choose four members of the University Appeals Panel. The faculty member's nominees shall choose two of the Provost's nominees, and the Provost's nominees shall choose two of the faculty member's nominees. The four so chosen shall then choose a fifth tenured University member, who shall chair the hearing panel. Any person nominated who has participated in the matter being heard or feels unable to render an unbiased judgment or perceives a conflict of interest shall disqualify him or herself.

(d) At the hearing, the faculty member shall be entitled to be accompanied by an advisor or counsel of his or her own choice, to present witnesses in his or her own behalf and to confront and question the witnesses against him or her. The faculty member's advisor or counsel may not address the panel or question the witnesses unless requested to do so by the chair of the panel. The hearing panel may elect to rely on the written record of any previous hearing boards that have adjudicated the matter in hand or selected portions thereof, if in the opinion of the hearing panel, the accused faculty member has been offered a full and fair opportunity to rebut the charges and the evidence presented. If the accused faculty member believes that previous hearings were not fair, or did not offer the faculty member the opportunity to rebut the charges or the evidence presented, the panel will afford the faculty member the opportunity to justify that belief. In either event, the hearing board shall determine whether suspension is an appropriate penalty for the conduct of the faculty member.

(e) If the faculty member requests before or at the opening of the hearing, he or she shall after its conclusion be furnished, without cost to him or her, a full report of all the evidence received by the panel (including an audio recording of the testimony taken and copies of all documents received) and the panel's findings and recommendations.

(f) The panel shall report its findings to the President in writing within eight weeks of being formed. The decision of the President will not be subject to further appeal or reconsideration.

(g) The office of the Dean of the Faculty will provide staff support for the panel.

4. Procedures for suspension and dismissal of college or school faculty members other than professors, associate professors, and assistant professors:

(a) When complaint from any source is made against such member which might lead to the imposition of a dismissal or suspension, and unless the alleged misconduct falls under the jurisdiction of a specific Cornell policy containing alternate procedures, the Dean of his or her college shall inform the member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it.

(b) If the matter is adjusted informally to the satisfaction of the Dean and the faculty member, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the Dean shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her.

(c) No dismissal or suspension shall be imposed without first giving such member an opportunity to invoke grievance procedures and seek review by the Committee on Academic Freedom and Professional Status of the Faculty [AFPS], to the extent permitted by the specific policy guidelines governing such reviews, and within the following stated time periods: The member shall have 4 weeks after being informed in writing of the charges and recommended sanctions to invoke grievance procedures or review by the AFPS. Where a review by the AFPS is requested following a grievance action, the faculty member shall have 4 weeks after the completion of the grievance procedure to request review by the AFPS.

(d) The opportunity to invoke grievance procedures and seek review by the AFPS before the imposition of a dismissal or suspension, as described above, applies also to cases where the recommendation for a dismissal or suspension is a result of action taken under any other college or university policy (including those policies governing "academic misconduct," "sexual harassment," "financial irregularities," and "conflict of commitment/interest"). In such instances, the AFPS may elect to rely on the written record of any previous hearing boards that have adjudicated the matter in

hand or selected portions thereof, if in the opinion of the AFPS, the accused faculty member has been offered a full and fair opportunity to rebut the charges and the evidence presented. If the accused faculty member believes that previous hearings were not fair, or did not offer the faculty member the opportunity to rebut the charges or the evidence presented, the AFPS will afford the faculty member the opportunity to justify that belief. In either event, the AFPS shall determine whether suspension is an appropriate penalty for the conduct of the faculty member.

B. Minor Sanctions

If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, the following procedures will be followed:

1. If a minor sanction is imposed under a specific university policy (such as "academic misconduct," "sexual harassment," "financial irregularities," and "conflict of commitment/interest"), the faculty member may obtain consideration and, possibly, redress by invoking a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.
2. If the conduct justifying a minor sanction is not regulated under any other specific university policy, the appropriate administrator will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a minor sanction has been unjustly imposed may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.
3. A faculty member who believes that a sanction proposed under the procedures for "minor sanctions" is, in fact, a "dismissal or suspension" may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

C. Emergency Suspension

1. If a university professor, or college or school faculty member, is charged with misconduct and if the member's continuance threatens imminent serious harm to the member or others or to property, the faculty member may be suspended by the President (or his or her designee) or assigned to other duties in lieu of suspension pending final resolution of the charge.
2. The scope and duration of the emergency suspension shall be tailored as narrowly as possible to the nature of the harm posed, so that the faculty member's rights and privileges are not summarily abrogated more broadly than is reasonably necessary to protect persons or property pending

completion of the suspension procedures. Whatever other rights and privileges may be withdrawn by an emergency suspension, the faculty member's full salary shall continue during the period of the emergency suspension.

3. The President (or his or her designee) shall promptly report to the Dean of Faculty concerning the propriety, the length, and any other conditions of the emergency suspension.

D. The Role of College Suspension Procedures

Nothing in this policy shall limit the right of any school/college to establish its own procedure to regulate the process by which administrators in that school or college decide to initiate suspensions, as long as those school/college procedures do not abridge in any way the applicable procedural rights conferred by any section of this policy to faculty members facing suspension.

Resolution to Review Faculty Governance

Whereas 2005 is the tenth anniversary of the founding of the Faculty Senate, and

Whereas several events during the last year have raised questions about the relationship among the Faculty Senate, the central administration, and the Board of Trustees at Cornell University,

Therefore be it resolved that the Faculty Senate, using a slate of candidates proposed by its Nominations and Elections Committee, appoint a seven-member committee to:

1. Review the actions of Faculty Governance over the past ten years to assess their impact on administrative decision-making at Cornell;
2. Examine the relationship among the faculty governing body, administration of the individual colleges, central administration, and Board of Trustees at other comparable universities;
3. Make recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the university faculty on administrative decision-making at Cornell; and
4. Report back to the Faculty Senate no later than its May 2006 meeting.

Faculty Governance Committee members:

Brad Anton, Chemical and Biomolecular Engineering

N'Dri Assie-Lumumba, Africana Studies & Research Ctr.

Eric Cheyfitz, English, Arts & Sciences

William Crepet, Plant Biology, Agriculture & Life Sciences

Cornelia Farnum, Biomedical Science, Veterinary Medicine

David R. Lee, Applied Economics & Mgmt., Agriculture & Life Sciences

Risa Lieberwitz (Chair) Coll. Barg., Labor Law & Labor History, Industrial & Labor Relations

**COMMITTEE TO REVIEW FACULTY GOVERNANCE
OVERVIEW OF THE COMMITTEE'S WORK**

Spring semester 2006:

- (1) Defining issues of faculty governance.
- (2) Research of secondary sources (e.g. articles and studies) on faculty governance models.
- (3) Interviews with individuals in important university governance roles.
- (4) Seeking input and suggestions from the Faculty Senate, department chairs, and the Cornell faculty.

Summer 2006:

- (1) Additional interviews
- (2) Research on alternative models of shared governance at selected other peer universities.
- (3) Evaluation of research and information gathered.

Fall 2006:

- (1) Faculty Forums
- (2) Evaluation of research and other collected information.
- (3) Draft of report and recommendations for Faculty Senate discussion and consideration.

**COMMITTEE TO REVIEW FACULTY GOVERNANCE
INTERVIEWS**

TRUSTEES and OFFICERS

Board of Trustees Chair Peter Meinig
Board of Trustees Executive Committee Chair Edwin Morgens
University Counsel and Secretary of the Corporation James Mingle

CU PRESIDENTS (current and former)

President Dale Corson
President Hunter Rawlings

PROVOSTS

Provost Biddy Martin

DEANS OF FACULTY (current and former)

Professor Robert Cooke (also former faculty trustee)
Professor Peter Stein (also former faculty trustee)
Professor Walter Lynn
Professor Charles Walcott

ASSOCIATE DEANS OF FACULTY

Professor Cynthia Farina
Professor Kathleen Rasmussen (also faculty trustee)

COLLEGE DEANS

Professor Philip Lewis (former Dean, College of Arts and Sciences)

SCHEDULED INTERVIEWS:

President-elect David Skorton
Professor Ronald Ehrenberg
Professor Dominick LaCapra (former Director, Society for the Humanities)

SHARED GOVERNANCE AT CORNELL UNIVERSITY

CORNELL UNIVERSITY BYLAWS

Article II, §1

“Subject to the Charter of the University and the laws of the State, the Board of Trustees shall have supreme control over the University, including every college, school, and academic department, division and center thereof.”

Article V §1

“The President shall be chief executive and educational officer of the University and is charged with responsibility for providing general supervision to all affairs of the University.”

Article VI §1

“In addition to the President, the officers of the corporation shall be the Provost, the Provost for Medical Affairs, the Executive Vice President for Finance and Administration, and the University Counsel and Secretary of the Corporation.”

Article XII §3

“The functions of the University Faculty shall be to consider questions of educational policy which concern more than one college, school or separate academic unit, or are general in nature; and to recommend to the Board of Trustees, with the approval of the appropriate college or school faculty, the establishment, modification or discontinuance of degrees.

Article XIII §3

“Subject to the authority of the University Faculty on all matters affecting general educational policy, it shall be the duty of each separate college or school faculty to determine the entrance requirements for its own students; to prescribe and define courses of study for them; to determine the requirements for such degree as are offered to students under its jurisdiction; to recommend to the President such candidates for degrees as may have fulfilled the requirements therefore; to enact and enforce rules for the guidance and supervision of its students in their academic work; and in general to exercise jurisdiction over the academic interests of students and all other educational matters in the particular college or school.

SHARED GOVERNANCE AT CORNELL UNIVERSITY
ORGANIZATION AND PROCEDURES OF THE UNIVERSITY
FACULTY

“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.”

COMMITTEE TO REVIEW FACULTY GOVERNANCE

EMERGING ISSUES

- I. Need to improve the timeliness, content, and quality of consultation between the faculty and the Cornell Administration and between the faculty and the Cornell Board of Trustees.**

- II. Improving the effectiveness of the Faculty Senate in representing the interests of the faculty.**

- III. Effective faculty voice in and influence on Board of Trustee decisions.**

- IV. Need to increase the flow of information from the Administration and Board of Trustees to the faculty.**

Appendix 19**Resolution by the Library Board for consideration by the Faculty Senate. Approved by the Library Board on 24Apr06.**

WHEREAS the Cornell Faculty Senate on 11 May 2005 passed a resolution on scholarly publishing, according to which "The Senate strongly urges all faculty to negotiate with the journals in which they publish either to retain copyright rights and transfer only the right of first print and electronic publication, or to retain at a minimum the right of postprint archiving"; and

WHEREAS the Scholarly Publishing and Academic Resources Coalition (SPARC)², has made available a standard form that authors may attach to publishing agreements in order to secure a non-exclusive right to make their work available for non-commercial uses; and

WHEREAS the widespread use of such an addendum would educate publishers about the importance scholars attach to the ready availability of their scholarly work for educational purposes³,

THEREFORE BE IT RESOLVED THAT

The Senate urges faculty members to attach the SPARC Author's Addendum to publishing contracts that they sign unless they arrange to retain copyright itself and transfer only the right of first print and electronic publication.

Discussion

The resolution passed by the Faculty Senate on 11 May 2005 acknowledges the importance of faculty management of copyrights. Faculty create work, often give it to publishers, and then must license it back to use it. The Cornell University Library spends millions of dollars a year to rent access to scholarly material produced largely by faculty here and elsewhere; departments and individual faculty members license permission to use scholarly material on course web sites; and students pay to use the material through course pack permission fees.

² Author's Addendum Intro
<http://www.arl.org/sparc/author/addendum.html>

The above introduction provides a link to the **SPARC Author's Addendum** document
http://www.arl.org/sparc/author/docs/AuthorsAddendum2_1.pdf

³ The NIH Public Access Policy pertaining access to NIH research is at:
<http://www.arl.org/sparc/oa/nih.html>

The SPARC Author's Amendment is an easy and effective way of negotiating desired rights. It allows faculty authors to retain the following rights, which otherwise might not be available under the standard contract provided by the publisher:

- The right to make your article available in a non-commercial open digital archive on the Web (such as ArXiv, DSpace at Cornell, or NIH's PubMed Central, as NIH has requested);
- The right to make copies of your article for use in the classes that you teach;
- The right to authorize others to use the article in teaching and research, both here at Cornell and elsewhere;
- The right to modify and use the article in later articles, books, and other publications, without having to ask permission of the publisher;
- The right to receive from the publisher a PDF version of the article, as published.

In the event that a publisher refuses to accept the SPARC Author's Addendum, faculty are encouraged to ascertain which of the above rights the publisher will not allow the faculty member to retain. Faculty should weigh how important those rights are to the faculty member, to Cornell, and to scholarship in general.

The Scholarly Communications program of the Cornell University Library in conjunction with the University Counsel's and other offices on campus stands ready to offer workshops to interested faculty and departments on publication options as well as analysis of individual publishing agreements.

History

- ◆ Trustees formalized the role of faculty in copyright transfer.
28 June 1990
http://www.policy.cornell.edu/cm_images/uploads/pol/Copyright.html
- ◆ Senate discussion of the University Library's Policies on Serial Acquisitions, with Special Reference to Negotiations with Elsevier (17 Dec 2003)
- ◆ Senate Resolution (11 May 2005) urged non-cooperation with exorbitantly priced journals, urged the University Library to negotiate vigorously with publishers who price exorbitantly and to reduce acquisitions from such publishers and urged faculty to consider publishing in open access journals.

Open Access Publishing

Open access publishing is gaining in popularity world-wide and there are local versions of this, including The Internet-First University Press.

The NIH policy of expecting NIH-funded research to be made openly accessible after a time delay.

Recently introduced federal legislation would broaden this to other federally-funded research.

A U.S. Senate bill "...was introduced last week by Lieberman and Cornyn that would require that researchers who receive grants from Federal agencies that spend more the \$100 million a year on research (meaning NSF, NIH, NASA, etc.) would have to publish any articles resulting from the grant in an open access repository within 6 months of publication in a journal."

[http://chronicle.com/news/article/
371/senate-bill-would-require-online-
posting-of-federal-research](http://chronicle.com/news/article/371/senate-bill-would-require-online-posting-of-federal-research)

Potential Litigation

“The Association of American Publishers recently sent the university a threatening letter complaining of widespread copyright infringement at Cornell and threatening to bring a federal lawsuit against Cornell and individuals at the university unless satisfactory remedial steps are taken. The focus of the AAP complaint is the provision of electronic course reading materials to students through electronic reserve reading and materials scanned and linked to course web pages. The AAP has apparently been using guest privileges to monitor course web pages and library reserve listings.”

from a memo by Provost Biddy Martin dated 24 April 2006

ARTICLE XXI
INDEMNIFICATION

Members of the Board of Trustees, officers of the corporation, and Vice Presidents and Vice Provosts of the University shall be entitled to indemnification in the defense of any criminal or civil action or proceeding as provided by law or by such procedures, *not inconsistent with law**, as the Board may adopt from time to time.

Other officers and employees of the University may be so indemnified on such terms and conditions as the Board may approve from time to time.

* italics added for emphasis

from University Bylaws at:
<http://www.cornell.edu/trustees/>

from the Provost's letter of April 24th:

“... A draft set of guidelines is attached. If you have concerns about, or wish to provide input into this process, please contact **Pat McClary** in the Office of University Counsel (5-5126, pam4@cornell.edu).”

"Guidelines for the Inclusion of Copyrighted Material on Course Web Pages" is found at http://www.copyright.cornell.edu/policy/Guidelines_Course_Web_Pages.htm and <http://web.cornell.edu/UniversityFaculty/docs/Copyright.pdf> when placing material on a Blackboard site.

Resolution *(10 May 06)*

“The Senate urges faculty members to attach the SPARC Author’s Addendum to publishing contracts that they sign unless they arrange to retain copyright itself and transfer only the right of first print and electronic publication.”

Rights you might want to reserve:

- ◆ The right to make your article available in a non-commercial open digital archive on the Web (such as ArXive, DSpace at Cornell, or NIH's PubMedCentral, as NIH has requested);
- ◆ The right to make copies of your article for use in the classes that you teach;
- ◆ The right to authorize others to use the article in teaching and research both here at Cornell and elsewhere;
- ◆ The right to modify and use the article in later articles, books, and other publications, without having to ask permission of the publisher;
- ◆ The right to receive from the publisher a PDF version of the article, as published.

**Resolution to Affirm Policy of Openness in Research and
Public Disclosure of Sponsorship of Research**

WHEREAS Cornell University has a tradition of free and open research dating from 1948, which was codified as policy in the Guidelines on Sensitive and Proprietary Research (Cornell Research Council, May 20, 1985),

WHEREAS there has been a settled tradition since 1954 of publishing a "detailed list of research projects giving sponsor, title, project, director, amount and time period" (Vice President for Research, *Annual Report 1954*),

WHEREAS the University Faculty Committee on Research Policies reviewed the benefits of publicly disclosing sponsors of research grants and contracts and recommended (December 14, 1972) that such information be published in the Cornell *Chronicle* (first published September 1, 1973),

WHEREAS a monthly list of new grants and contracts for Ithaca and Geneva campuses was published in the Sponsored Programs newsletter beginning October 28, 1982, and was disseminated via the Sponsored Programs website beginning July 1998,

THEREFORE, BE IT RESOLVED that a listing of all Sponsored Program awards be made publicly accessible and updated on a regular basis (ideally monthly) giving the name of the Principal Investigator, the name of the unit administering the award, the name of the sponsoring agency (or organization) of the award, the project title, and the amount of the award.

BE IT FURTHER RESOLVED that the format of the publication may be amended from time to time, and that additional information about Sponsored Program awards may be published as deemed necessary by the Vice Provost for Research.

Local Advisory Committee
May 2, 2006

Background/Discussion

LOCAL ADVISORY COUNCIL

Revised Draft Statement
Openness in Research
April 11, 2006

It is the policy of Cornell University that a listing of all Sponsored Program awards will be made publicly accessible and updated on a regular basis (ideally monthly) giving the name of the Principal Investigator, the name of the unit administering the award, the name of the sponsoring agency (or organization) of the award, the project title, and the amount of the award. Other information may be published as deemed necessary by the Vice Provost for Research.

The format of publication may be amended from time to time. Currently, the sponsored programs New Awards list is published monthly and can be found at the web site of the Office of the Vice Provost for Research. Choose the Publications tab on the left side of the home page <http://www.research.cornell.edu/vpr/> and scroll to the bottom of the page for "Research Newly Funded."

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