

Minutes from the September 13, 2006 Faculty Senate Meeting

Speaker Pro-Tem, Jeremy Rabkin: “We have a quorum. I would like to remind the old people and tell the new people, I am Jeremy Rabkin, Speaker Pro Tem. I would also like to remind you not to take photographs or tape record any of these proceedings, turn off your cell phones, and when you are called on to speak, to give your name and department. We have two people signed up to speak at the end of the meeting during the good and welfare section and before that we have resolutions that have to be voted on. So those of you who are here, please stay to the end. As always we will endeavor to end by 6:00.

“First item on the agenda is Provost Biddy Martin who will offer some remarks and tell us how the President is doing.”

1. REMARKS BY PROVOST BIDDY MARTIN

Biddy Martin, Provost: “Thank you Jeremy. I have twelve items to report on and then take any questions you all might have. They are brief; don’t worry. First of all, I want to thank all of you who participated in the book project for participating again. I think by most of the accounts we have gotten so far it went really well this year. Both the panel in Barton Hall and the small group discussions and maybe some of you saw Bob Frank op ed in the New York Times using the book project as a focus. Thank you very much. We really appreciate it.

“The second thing is I wanted to report only briefly on the Faculty Work Life Survey, with the special focus on the experiences of women. I’ve reported a couple of times in this group that the faculty committee charged with interpreting the results of that has been hard work. They are still at work, but in this semester they will report out what they have discovered and found by way of the survey. I think I have told you already that even the self reports of faculty did not show that we have any salary inequity problems that seemed significant to people; or space inequity problems, but what we found to quite a significant degree is a difference between women’s and men’s relative satisfaction with their position. Most of the problems seem to be, what we are calling at the moment forms of the micro inequities that occur in people’s every day content or contexts. We are going to bring that forward just as soon as the faculty committee is finished compiling the results. I will be glad to answer questions about that when we get to it.

“We are about to put up on the web the strategic framework for our diversity initiatives. You probably remember, at least some of you, that after last spring’s stabbing incident we offered to make more public a diversity plan with some specific goals. We have worked on that all summer. It’s not so much a plan as a framework, but we do give the kinds of goals that we would like to see met over the next several years. That will go up on the web within the next three weeks, but will also be more widely available.

“We will integrate the National Science Foundation Advance grant, which we received but which we haven’t yet officially announced. That was a grant on which three faculty

members and I serve as PIs. It's a grant that will help us retain and hire more women in the social sciences and sciences at Cornell. We are very pleased to have gotten the grant. Until it's publicized more in the paper, I won't say a lot more about it, only that we will integrate the goals that we set in the context of that grant into our larger diversity initiatives. All of that will be available on the web. Just click on the home page 'diversity inclusiveness' and you will get information about all of these things. In the meantime I have been working with the deans, and they, with department heads, on how we can meet the goals that we have actually set for ourselves on the diversity project. That will be the focus of a lot of my time with the deans this year and also with department heads.

"You probably read in the paper this morning that the master planners are back on campus and they are meeting with student groups. They will be meeting with faculty groups and a range of other constituents in the community. I spent a day in Toronto a couple of weeks ago listening the master planners talk about their preliminary findings. It was very interesting. I also heard them give a report to the Trustees Building and Properties people last week. It was a very good report, I thought. It was succinct, to the point, unsurprising but heartening to see that they could put such a complex amount of information together in a way that will give us some choices to think about. So, that's occurring.

"We have two dean searches under way this year, one in the Vet Medicine and one the Business School. Many of you know about those and there's not much to report to date except that the search committees have started to meet.

"We have had a major study underway for about six months on graduate student funding. Many of you know about that but I want to let all of you know that we are looking into graduate student issues sort of in a broad way. We are looking at funding issues including questions about stipends, while also tuition and tuition policy. We are also looking at the field system. We have, in the course of getting some external reviews of departments and programs, been advised that from the outside but increasingly also in some disciplines on the inside, the field system doesn't seem to be working as well as it should. It seems to me it's time to think a little bit about the field system, especially in certain disciplines perhaps more than others and see whether there's change that need to be made. That's underway with Sunny Power's leadership, obviously.

"We are also preparing as many of you know for the National Research Council Rankings. Thinking first simply about how their taxonomies align with our units and how to submit our data. We won't be submitting actual data for quite awhile but we do have to submit our alignment of our units in the field with their taxonomies very soon. We have been working hard on that as I know some of you have.

"Now on the budget side, I will this year give a report if you all would like me to do so to this group in December before we take the budget to the Trustees. In the mean time I can tell you that we did very well in 2005/6. In our endowment we have 16.4% growth return on the long-term investments and that would permit us to increase the endowment payout for this year by 5%, which is our usual increase if we are not in trouble and clearly we are not. The endowment is now over \$4.2 billion, which as you know is not very large

compared to some of our peers and extremely large compared to the rest of the best of the world of higher education.

“Carolyn Ainslie is looking forward to working with Ron Ehrenberg and Kevin Hallock on the Financial Policies Committee. They have already met and decided what their agenda will be.

“Many of you probably read that a new head of the Investment Office at Cornell was hired this summer. James Walsh, who was with the largest pension fund in England and is moving from England to Ithaca. He will start very soon.

“We had the best year we have had in a very long time, perhaps ever, with SUNY and the State last year. Some of you already know this but I would like to reiterate it. We have Cornell’s funding now listed separately from the other SUNY campuses’ budgets. Our funding from the State still comes through SUNY but we have our own item and we hope that will help us not have to be quite so vulnerable to their budget allocation methodologies and processes. You also know that there’s a new chancellor or at least interim chancellor at SUNY. He has been a delight to work with compared to the former chancellor and his friends.

“We had an increase of 8% in the operating budget of the contract colleges as a result of these changes and a lot of lobbying. In addition as many of you probably have read the Governor has been here twice recently, once to announce funding for the Energy Recovery Linac and once several days earlier to announce funding from the Governor’s Office for the diagnostic lab at the Vet School.

“We are working very hard on CCTEC (Cornell Center for Technology, Enterprise and Commercialization). We have been trying to hire a director for that unit for quite a long time. We believe we might be nearing an appointment but it’s not done yet. When it is, we will let you know about the new director.

“I think that the Office of Sponsored Programs has made some significant improvements, and I have heard far fewer complaints from faculty and Deans about backlogs in that office. But, I am always open to hearing you tell me that it’s not true.

“The campaign kick-off, the public part of the capital campaign, will be kicked off in October during Trustee/Council Weekend. As I think most of you know, that it’s conceived as a joint campaign with the Medical College, which means that the goal you will hear in October for the two campuses will be very high. We are going to get a sizeable portion of it. Don’t worry about that or do worry about that and just know that the rest of us are worrying about it all the time. It’s been a big part of my job over the past year or two to work closely with the Weill Medical College with its provost and deans. That’s been very rewarding and interesting. I think the promise of collaborative work with the hospital at the Medical College is wonderful, but there are always problems, about which I don’t think I need to say anything more.

“And then the most exciting thing, of course, in my view that happens, is faculty hiring. I know I have said this to you all in various settings but we are going to replace roughly one-third of our faculty over the next ten years. So I want to be working with deans and

department heads to find out what we are all doing to make strategic hires so when that third is replaced we really have as strong a faculty, or stronger, then we have ever had.

“And that is my report. Please feel free to ask anything, maybe not anything.”

Professor Richard Talman, Physics: “Cornell can no longer be the first to eliminate early admission, but we could be the quickest to join in. I hope that we will do that. I would like to volunteer to read some of the admission folders that will entail.”

Provost Martin: “That is so sweet. You probably read my quotes in the paper, I agree with you. Well, maybe I hedged a little because I was asked to, but I think we should do away with it. I am in agreement with you. Will the Deans and the various units on Cornell and the Admissions Offices conclude that we can afford to do that, I don’t know. But I think what I have asked them to do is speed up the discussions that are already underway about doing away with early decision and see whether it makes sense for Cornell or not. I appreciate the comments. And we’ll have some folders for you.”

Professor Abby Cohn, Linguistics: “Many of us already have impressions from our activities last Thursday, but you haven’t mentioned anything about our new President in your remarks. Maybe you can share with us some first impressions.”

Provost Martin: “Actually, I was going to say that what I did over the summer was all these things and get to know David Skorton. What I said at the inauguration, I meant all of that. My impression is probably the same as many of you who have gotten to know him. He’s extremely quick and is already quite knowledgeable about the place. I think he’s enjoying it. He is extremely funny as I said in my remarks and that makes things a lot easier for me. What else can I tell you? He’s speaking to the faculty next week, September 20. Charlie will talk about that event. If you have not had a chance to see him or get to know him, meet him, hear him, I hope you will be able to come to that. I will say the transition has gone to date extremely smoothly and continues to go smoothly. I think it’s enormously brave of him to come in on July 17th or whenever, and agree to launch a public campaign for billions of dollars in October of the very same year. I think that he will do a great job. I really do. And I meant what I said I think he is somebody who has the strength to support the values that I enumerated including the most important, academic freedom in the face of what we are about to encounter, which is with our increasing dependence on private support, increasing pressure to do what other people want us to do. I think that might be in my view the single most important quality that we need to have the President have. And Deans who are going to be out on the road with the President and me and others trying to raise billions of dollars from people who understandably have their own ideas about what they would ideally like to see us do. And so that dance, to use David Skorton’s language, is going to be complicated and it requires integrity of a sort that I think he has. How’s that?”

Professor Eric Cheyfitz, English: “I have a question about the processes and not the actual result of the investment plan in the Sudan. I should probably ask this of the President, and probably will but I am wondering why there was no apparent widespread consultation with that since we have experts here in that area. The decision came down as decision by fiat. I was wondering if you have any thoughts on that, or you can shed

some light on it.”

Provost Martin: “I don’t know whether I can do either, provide thoughts that make any sense, or shed light. Well, I can shed a little light. The issue came up last spring if you remember. It was primarily raised by students. In the late spring and summer it was an item of discussion among the Trustees. In fact the Chairman of the Board of Trustees, Peter Meinig, asked to have it on the agenda for our meeting of the Investment Committee and the Executive Committee because he wanted people to read the Yale University report and discuss it. At that time there was no action. There was a discussion, but no action. When David Skorton became President he requested of the group that they discuss it again and recommended that we follow Yale’s lead of partial divestment. Why it wouldn’t involve more faculty discussion, I can’t really say except that it occurred in the way I just outlined it and that’s why. But I know that David Skorton would agree for you to raise this with him. I think he thinks having a faculty group as a kind of ongoing group, maybe a faculty/student group to advise on some of the investment decisions of this kind. I wouldn’t worry. I understand the point and even the complaint to the degree it was one, I think it is legitimate. But I think in this case it was completely well meaning and just occurred the way I described.”

Professor Cheyfitz: Just one last thing. It seemed to me that there was not only an opportunity for consultation, which clearly has been an issue here, and since I am on the Governance Committee, everyone should know that we are looking at problems with consultation. But also there was opportunity missed, to educate the campus. I mean, I’m not well informed on the intricacies of that situation so that would have been an excellent opportunity too, just to learn, a learning experience.”

Provost Martin: “I think you are absolutely right. I think David would agree. That’s why I feel fine saying I think you are right.

Professor Rosemary Avery, Policy, Analysis and Management: “I want to ask a question related to the joint capital campaign between Weill, the New York City campus and our campus. The questions are: why was it decided to do it jointly? Secondly, how does that stack the Cornell campus up against New York City in terms of where the donors are, and what they want to give to? Is this placing the Cornell campus really at a disadvantage or an advantage?”

Provost Martin: “You mean the Cornell Ithaca campus?”

Professor Avery: “Yes.”

Provost Martin: “Yes, we have been trying to convince them that they are Cornell too. “Those are really important questions. I will be very quick, I think. It’s joint at one level. At another level, I would characterize it as sort of side-by-side. Why? Because they have their own development office and we have ours. There will be what people keep referring to, I think inelegantly and infelicitously, as a joint bucket. There will be a campaign goal for projects that span the two campuses. The amount of the goal will be specified. Apart from that joint bucket we really have separate priorities and separate campaign goals.”

Professor Avery: “It’s not so much about allocating, Bidy, it’s how the money comes in. If there’s a big donor from New York City, I was just saying maybe they are going to be giving to a project that would benefit them more down in New York City than it would us.”

Provost Martin: “To be honest we have been worrying about this for awhile because what tends to happen is people rotate off our Board of Trustees and they become members of the Medical Colleges’ Board of Overseers. When you become a member of the Board of Overseers, there is a very strong expectation that you will become a principle donor. We have to live with that. I think most of the people who are on the Board of Overseers, who are loyal to the Medical College for one reason or the other but have also always been loyal to Cornell, Ithaca, will either give gifts to both places or some will give to this joint bucket, which will help both. Otherwise the development offices are working in concert to assure that we don’t fall over each other going after the same donor.

“Charlie Phlegar is the new Vice President for Development, and many of you will not have met him, I think he’s quite effective. He has gone through, in a preliminary way, some of our major donors who will have not so much a conflict, but a choice to make between Ithaca and the Medical College. He’s quite confident that Ithaca can reach the goal we are going to set for ourselves, that we have the prospects to reach our goal even if some of the people we would ideally like to have giving only to Ithaca. I say this as the Provost of Ithaca. Of course on behalf of the University as a whole, I’m delighted that they should give to everyone. We are persuaded, he’s persuaded, the experts are persuaded that we will reach our goal despite the fact that we have some shared donors. It’s not that many but they are some very, very important donors.”

Professor Peter Stein, Physics: “Just a brief comment. I remember the last capital campaign was organized the same way. The medical school and the schools in Ithaca were part of the joint campaign and that they have essentially independent donor bases but they were conducted jointly and the theory was that the excitement of the campaign in one place would aid the other.”

Provost Martin: “Yes. I think a lot of people believe that that’s true. The difference this time is that the total goal we announce on October 21st or whatever it is will be the combination of the two. That’s different. But they will be coordinated and one hopes one will help the other.

Thank you.”

Speaker Rabkin: “Next speaker is the Dean of Faculty, Charles Walcott.”

2. REMARKS BY THE DEAN

Charles Walcott, Dean of Faculty: “I will try to be very brief and make up some time, but I have a few things to say. First of all if you look for the minutes of the May meeting, you will wonder why you are not approving them. It is because there was no meeting officially in May because there wasn’t a quorum. However, the minutes are there on the web site if you want to look at them. As a result of having no quorum, we worried about

two items, which are going to come back to you today, the suspension policy, and the library resolution. The UFC and I decided to try an e-mail vote, which we did. Fifty-five people voted, all except one person was in favor of the suspension policy, about half a dozen were not in favor of the library resolution out of fifty-five. So that's a straw vote, which might or might not inform your decision today, when we actually get around to legal voting since we have a quorum.

"A couple of other announcements. We have received, or Bidy has received, a suit from the Association of American Publishers about our use of electronic reserve materials, a violation of copyright rules so there has been quite a 'who ha' about that. You are urged not to put things on e-reserve without paying attention to the copyright because that can land us all into the soup. That's a place we would prefer not to be.

"Next point. President Skorton, on next Wednesday at 4:30, is going to talk with the faculty. I will convene a meeting of the university faculty, something that I have never been to at my time at Cornell. But I will convene it and I have also invited all the academic personnel to attend. We are holding this in the intimacy of Bailey Hall, which has 1300 seats. Since there are about 4,000 or 5,000 academic personnel including, of course the faculty, I urge you to arrive early for a seat because once we reach 1300, that will be the limit. Fortunately, things will be recorded so you will have an opportunity, if you can't get in the door. I urge you to be there. What President Skorton will do is make a few remarks covering a few general issues that he feels strongly about, and then he will open it for questions and comments from the floor.

"I did want to say a word about divestment in response to Eric's comment. After this announcement was made, President Skorton came down to my office, and apologized for not having involved the faculty in this decision. And asked, what shall I do now? I said the important thing is to get the message out and so he wrote a letter to the university community in which there was a paragraph describing what he had done. I can tell you that he felt badly about it. It was partly the press of time. It was partly a variety of circumstances. But, he did apologize to me, and I transmit his apology to you.

"Finally, or next to finally. We have a report of the FACTA committee. I am required to do this every year. I can report that last year there were 48 files reviewed, and the full committee reviewed four of these. There were 45 positive recommendations and three negative recommendations. It's customary to say something about how the Provost reacted to these things. What happens is that when there is a full committee, like those four files, the Provost joins the committee to hear the discussion and to participate in the discussion. As a result of this often what happens is that the Provost goes back to the Dean and says the FACTA committee had the following kinds of reservations. Can you gather some more information? On the basis of the additional information she will either decide to go ahead or not with the promotion. When she comes back at a subsequent meeting, she has discussed this with the FACTA committee and I think the feeling around the table is that this has been handled in a totally reasonable way. So, I think it's an unreasonable thing to say, that the Provost disagreed with FACTA, it's simply a question of getting additional information and proceeding in a kind of reasonable way.

“Since the fall of 1998, 78 faculty members have served on FACTA, 362 dossiers have been reviewed, 16 were not supported by FACTA. Each dossier was reviewed by at least four FACTA members, which is a total of 1,448 reviews. FACTA is a hard working committee.

“My final point is the University Lectures Committee. The Lectures Committee has sent out or plans to do so in a day or two, our request for proposals. I wish that all university administrators would put their hands over their ears and not hear what I am about to say, which is the University Lectures Committee has an embarrassment of riches. We have worked very hard to distribute on the order of \$15,000/year but our income from investments is on the order of \$60,000/year and that leaves us with a very substantial pot of money. If you have people who could be Messenger Lecturers, or University Lectures, please, please suggest to your department that they come forward because we have the resources to be helpful. I say to the Provost to cover your ears because I don’t want her taking the money away. That is my report.”

Professor Cohn: “I just had an elections questions. I was just wondering who our faculty-elected trustee is because I hadn’t heard the results from last spring.”

3. APPROVAL OF THE MINUTES OF APRIL 12, 2006

Speaker Rabkin: “We have a report on it. First, what we have to do before that is approve the minutes from the April meeting, which we couldn’t do at the May meeting because we didn’t have a quorum. We now have a quorum so we can approve the minutes from the April meeting, which I am sure you are all very familiar with.

“I want to ask for unanimous consensus to say that they are approved.

“Excellent. The minutes are approved.”

Speaker Rabkin: “Next we will have a report from the Nominations and Elections committee.”

4. NOMINATIONS AND ELECTIONS REPORT

Dean Charles Walcott: "**Nominating and Elections Report.**" “This again is a holdover from the May meeting when we didn’t have a quorum. We have to go through it all over again. You received a copy of all these transparencies in your packets. “Abby, in answer to your question - the new faculty-elected trustee is Ron Ehrenberg from ILR. We have to now vote to approve this list of nominees.”

Speaker Rabkin: “Those in favor of approving that slate say aye. Those opposed say nay. Unanimous approval.”

Peter Davies, Professor, Plant Biology: “When the last slate of candidates came around I was abroad and tried to go on the web and maybe vote, but there was absolutely no information about who these individuals were. Most of us do not know every other member of the faculty. Could I request that in future some information of the candidates be available to those voting?”

Dean Walcott: “It seems a total reasonable request. I will pass it along to the appropriate authorities.”

Speaker Rabkin: “I’m calling on Ron Ehrenberg, the chair of the Financial Policies Committee who has a resolution regarding faculty salary improvement.”

5. RESOLUTION FROM FINANCIAL POLICIES COMMITTEE

Ron Ehrenberg, Professor, ILR: “This is our resolution ([Appendix 1](#)) which was submitted by last year’s financial policies committee of which I was not a member and I am now going to read a letter of support and more information from Les Trotter, the chair of the committee last year, who is away and cannot be here today.

Comments for presentation of FPC motion at Faculty Senate Meeting 9/13/06

In December 1990, Dick Schuler, then Chair of the Financial Policies Committee (or the “FPC”), presented a resolution to the Faculty Senate noting a sharp decline of Cornell faculty salaries relative to those at peer institutions and calling upon the University to rectify this situation. No such steps were taken, however, and the situation persisted. Working with the FPC in the mid-1990’s, Peter Stein, as Dean of the Faculty, led an intense effort to make University administrators aware of this problem. In March 1998, FPC Chair Paul Sherman presented the Faculty Senate with a resolution noting the continual decline of faculty salaries and calling upon the University administration to work with the FPC to design and implement a plan that would bring Cornell salaries back into line. President Hunter Rawlings acted on this recommendation, and we are now nearing completion of the salary improvement program which he enacted. Over the past five years, the goals of this program have played a central role in the annual budget planning cycle carried out by Provost Biddy Martin and Vice President Carolyn Ainslie. Carolyn has also worked each year with the FPC to monitor the program’s progress. Over this period, Biddy has provided the faculty ample evidence of the success of this endeavor. I offer two additional observations that serve to underscore its cumulative effect: Cornell faculty salaries have increased on average 30% over this five-year period. This should be compared first to the Bureau of Labor Statistics Consumer Price Index, which has risen only 16% over this same period, and second, to the 18% average increase for the 20 peer institutions used in this program. To repeat, consistently over the past five years, our salaries have increased at a rate nearly double that of inflation and exceeds that of our peers by over 65%. These figures are for the Cornell “composite” salary averaged over rank across the entire University; similarly impressive statements hold for each rank. Simply put, the cumulative effect of this program has been striking. I have been fortunate to have had the opportunity to work with these individuals through the FPC, in the initial effort to put the program in place and then later to monitor its progress. I sincerely regret that I cannot be present today to convey my personal respect and appreciation for their efforts. They surely deserve our unqualified commendation for planning, enacting, and executing an initiative which has strengthened Cornell significantly.’

“Those were Les’s words and I guess on behalf of the committee I would like to move the resolution.”

Speaker Rabkin: “Any questions or comments?”

Professor Terrence Fine, Electrical and Computer Engineering: “Is there going to be a report from the committee that is a little more detailed than this is? Maybe breaking things down by rank or other information?”

Professor Ehrenberg: “The committee has not met yet this year so I can only speculate on what they will do. But I will tell you that each year one of the first things that we do is to go over with Vice President Ainslie what the results of the past year’s program has been. If the Faculty Senate wanted us to come back with some information, by rank, we certainly could do that.”

Speaker Rabkin: The resolution. Those in favor say aye, those not, say nay. Senate voted a unanimous resolution.”

Speaker Rabkin: “William Arms, the Chair of the University Library Board, will present a resolution.”

6. RESOLUTION FROM UNIVERSITY FACULTY LIBRARY BOARD

Professor William Arms, Computer Science: “This is a resolution ([Appendix 2](#)) that was presented to faculty meeting in May that didn’t happen because there was not quorum. The then chair, Bob Cooke, introduced it. I’m in danger of repeating the discussion that was there, as though I could repeat anything in Bob Cooke’s style.

“Let me just make a few quick observations and then get to discussion. The relationship between academic publishers and universities should be a supportive and friendly one, but at times it becomes antagonistic. There are perfectly good reasons for this of which, surprise, surprise, the most fundamental one is money, with fear of change the second one. Commercial publishers, in particular public companies, are under enormous pressures to have higher profits every year so that the stock market can be satisfied since they are basically dealing with a fixed market, that’s us. They are forever under pressure to get more money out of a fixed community.

“Some publishers do this in a very friendly manner, some are less friendly. The basic technique used by the more aggressive publishers is to control the academic literature, particularly through the use of copyright. This comes to the attention when we write something that we feel it’s ours. We feel we can decide who reads it; whether we use it for teaching; whether our friends use it for teaching; whether we put it on the website; whether we incorporate it in our textbooks and things like that. If it is controlled by others, we don’t have that flexibility.

“If you missed the discussion about the threats from the Association of American Publishers just to summarize it all, we get in a situation where the trade association for which I have no great friendship, let’s put it like that, is threatening us over things which certainly many faculty members consider to be reasonable behavior. Legally they are absolutely right. So long as we sign away the copyright of the work we do, other people control what happens to that literature.

“Now the Library Board is bothered by this for two reasons. One is because this comes back in the form of monopoly pricing at very, very high prices for journals to the library and money that could be put into other academic activities is actually going into these ever-increasing profits. But I think personally that this resolution is about the other side. The question of lack of control of our academic endeavors seems to be the more serious. So, what’s the library board’s strategy? First of all, it’s to urge the faculty to control our own work, grant to publishers the rights that they need to be successful, but do not give up the rights to carry out reasonable academic activities. The word urge is important. In some fields it’s essentially impossible to publish in any of the leading journals without letting the publishers dictate the terms. In my own field there are enough of what I call reasonable publishers that nobody has to publish with the others. Of course every faculty member makes his or her own decision and we would never urge otherwise. As I said, some publishers have very balanced and good agreements. I’ll cite the American Physical Society or Nature as good examples. I personally would advise everyone to know the good publishers and publish with them.

“The second thing is to negotiate with publishers. It’s not a take it or leave it. I was chair of the publications’ board of the IEEE. They actually have two licenses, a copyright transfer or license to publish. They won’t offer you the good one unless you ask for it. I had a lovely exchange with the ACM, which I shared with Sarah Thomas, the University Librarian. They started out by saying this is the way you can do it, there’s no choice. But I pointed out, I was a former Board Member and I knew what the rules were and then they said, we do have this other form. Actually they were junior people who had not been told what the policies were.

“The other thing is, if you do sign away the copyright to your work, do your utmost to retain the rights that matter. And the rights that matter are noted on the second page of this resolution. One way to do that is the form that is being prepared by SPARC and which is referred to on the resolution. I won’t go through that form in detail but it’s been prepared as a perfectly reasonable thing and we recommend to people to actually try to observe those rights.

“I have gone very quickly through a few points.”

Professor David Delchamps, Electrical and Computing Engineering: “I have just a quick question. Suppose this passes, is there some way it gets disseminated widely and repeatedly, or does it just get filed away somewhere? I’m just curious.”

Professor Arms: “There are people in the library who would be delighted to help disseminate it.”

Professor Wolfram Koeller, Plant Pathology, Geneva: “A question... Do we have any experience with this at all, of how publishers respond to this, or is it just too early to have any feel for responses?”

Professor Arms: “I personally do not. For many years I had my own process. When they sent me a form I didn’t like, I simply sent back my own form.

Professor Koeller: “And what were they?”

Professor Arms: “My form was much like this, but a hybrid. Normally I got back from publishers one or two responses. One, is we have an alternate which you might prefer or No you have to use this form. If no to my form, I would then withdraw my paper.”

Professor Peter Davies: “What’s your opinion or the library board’s opinion of the way that some journals are now going to open access to make more profit?”

Professor Arms: “That’s a long and complex question. My opinion is that I want people to read my stuff. I’m in a field where a lot of the people who want to read my stuff do not have access to major research libraries. And therefore if my stuff is not up where it can be read, it’s not going to get read. And so a leading publication in our field, for example, *D-Lib Magazine*, has been open access from the very start. That’s one of the reasons that it’s very widely read despite the fact that it call itself a magazine.”

Speaker Rabkin: “Okay. Those in favor of accepting this resolution, say aye. Those not, say nay.” The resolution passes.

Speaker Rabkin: “What we have now is a resolution from the Vice Provost of Research, Bob Richardson.”

7. RESOLUTION FROM LOCAL ADVISORY COMMITTEE

Robert Richardson, Vice Provost: “This is another piece of business left over from the meeting that was not an official meeting last May, because we didn’t have a quorum. The purpose of this motion ([Appendix 3](#)) is to make into written policy the actual practice of the University.

“Briefly, the background of it is since the end of World War II, it has been the University policy not to permit classified research in our sponsored research. By the way, Leslie Yorke of my office has written a lengthy and detailed history of this particular issue. During the time of the Viet Nam War and going forward there was a lot of skepticism about whether or not Cornell faculty were doing secretly sponsored research that was classified. There was none. It was reiterated several times that this was not the case. It was decided by the Cornell Research Council and my predecessors that the way we could make this obvious is to make the list of all sponsored research and research sponsors, a public document. And we have done that. You can see who sponsors all of the research at the University.

“Last year we had a case of someone who received a very nice, actually generous grant, by a government agency to do some quite wonderful research in a particular field of work that was not in any way classified, but the agency did not want to have its name identified on any public documents. It was to be listed just as US Government. I felt that was not specific enough. I’ll tell you what the agency was. It was the CIA. It was in no way a classified research. It was in an engineering area. Anyhow, it broke my heart but I had to reject that grant. It got all the way to the point where they had the check ready to deliver. We couldn’t talk them into letting us list them. At that point I went to your committee, you saw a listing of the people, the LAC, authorizing me, and said we have to have a written policy. This has been the practice but it should be in writing. And that’s

what this resolution is all about. It dates to 1948. This is a tradition. I think you all have this. After the whereases, we have a therefore, be it resolved. This resolution was prepared by the LAC.

“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.”

“The project title does not have to be specific. There are corporate sponsors of research that would object if you said in the title too specifically in detail what the research was going to be, like procedures for making this thing work on that thing, and so forth because they would rather have that not identified. We are allowed to have very broad title names. All research sponsors are listed.

“By the way in our own local newspaper, *The Ithaca Journal*, every couple of years, in two or three years in a row, you will see somebody writing about all of the classified research that is done up on the hill, up there at Cornell. Our greatest protection against that is to say there is no classified research and you can see who the sponsors are of all our research.”

Assistant Professor Andre Kessler, Ecology and Evolutionary Biology: “My question is really what is the real difference between the resolution before and now?”

Vice Provost Richardson: “It’s the same resolution. We didn’t have a quorum.”

Professor Kessler: “Oh, I see. Okay.”

Speaker Rabkin: “This one we get to vote on.”

Abby Cohn, Professor, Linguistics: “I was just wondering about the ‘be it further resolved’ and in particular the language says that additional information may be published as deemed necessary by the Vice Provost for Research. I just wanted some clarification about what that meant, what kind of information would a PI necessarily have the right to agree or disagree about the additional information.”

Vice Provost Richardson: “The concern there, in discussion with the LAC, is more specifically the format and what’s in these columns. They thought it was too restrictive to have it fit into the excel boxes.”

Professor Cohn: “So it’s just literally a kind of mechanical sense that it doesn’t fit one of those columns. It’s not some other level of information?”

Vice Provost Richardson: “The spirit of the thing is we want to communicate to the public who is sponsoring our research. If it appears that we are obscuring it somehow or other, we can modify it so that we unobscure it.”

Professor Cohn: “So the deemed necessary is relative to the first clause in terms of meeting that objective. So it’s deemed necessary to meet these objectives.”

Vice Provost Richardson: “Absolutely. Right and I would certainly accept it as a

friendly amendment if you want to reword that a little bit.”

Professor Cohn: “No.”

Professor Davies: “I would like to go back to your specific example, which was the CIA versus just another agency of the US Government.”

Vice Provost Richardson: “Right.”

Professor Davies: “It seems to me that there are certain things where it is advisable not to bring attention to it. After all the CIA does do some good work. And let’s take examples where a research project could be attacked by animal rights’ activists, and the genetic engineering people, university buildings elsewhere have been burned down, and it would therefore seem to me that just the statements such as the US Government should be satisfactory without having to insist a particular agency, and bring attention to something about people opposing this research, might then use as a reason to attack university research and facilities.”

Vice Provost Richardson: “I understand your point and it was also discussed by the LAC and I disagree with it strongly. I think this could be interpreted as duplicity. If I said to a reporter from the *Ithaca Journal* you could see who all the sponsors are of our research and there’s this one that’s just listed as US Government that really is trying to obscure who the sponsor is. Your point is one of opinion that I disagree on.”

Professor Jerrold Davis, Plant Biology: “I noticed that the title of the resolution really has two parts, openness in research, and public disclosure of sponsorship of research. Yet it seems to me what the proposal is really about is the second part, that there will be a list, it will give names of agencies, amounts of money, names of PIs. But really beyond that, is there anything in this resolution that addresses the question as to how much else can, should, will be obtainable by any party concerning what it’s really about. I can write a title to a grant proposal such that four people in the world, after they’ve had it translated, will know what I’m really doing. And so, is there a problem there?”

Vice Provost Richardson: “That was discussed at length by the LAC and they said it didn’t. It’s too much micro management to get to thing where you have to have it explained so the layman will understand exactly what your research is about. One of the principle issues that we were getting at with this is, we don’t do classified research and we prove it by listing who the sources are for all our research.”

Professor Davis: “Well, I’m not speaking so much about the lay person understanding it but rather how much openness there really is implied by this policy, beyond the title of the project.”

Vice Provost Richardson: “It’s only that.”

Professor Davis: “Okay. Thank you.”

Speaker Rabkin: “Okay. Just stay on schedule. Is it a very quick question?”

Michael Timmons, Professor, Biological and Environmental Engineering: “It’s quick. Back to the CIA example, if that had gone through and an Ithaca reporter then asked to see a copy of the proposal, would you have given it to him?”

Vice Provost Richardson: “That’s not necessary. We do not have a policy in our legislation that we give the proposal. For that one, I doubt very much whether the sponsor would have cared. We have a lot of sponsors of corporate research that we care about, that won’t want this information available to the competition. You know, just to know what they are working on.”

Speaker Rabkin: “Okay. Let’s bring this to a vote. Those in favor of approving this resolution for what it covers, signify by saying aye. Those opposed, say nay.”

[Resolution Approved.]

“Okay, we’re back on track. That’s good. We have a resolution from the Educational Policy Committee. David Delchamps will present.”

8. RESOLUTION FROM EDUCATIONAL POLICY COMMITTEE

Professor David Delchamps, Electrical & Computer Engineering, and Chair of the Educational Policy Committee: “The substance of the resolution ([Appendix 4](#)) is pretty clear. Let me give you the rationale. Very briefly, on-line add/drop enables students to drop and add courses essentially at will without anyone looking at that decision or signing off on it. The Educational Policy Committee felt it was important to restrict the exercise of that right in cases where you are dealing with the student who has been accused of violating the academic integrity code in that course at least while that’s being adjudicated until and unless they are acquitted. That’s the rationale.

“Those of you who were at the April Faculty Senate meeting may feel a little bit of *déjà vu* here because last year’s EPC brought a similar resolution to the April Faculty Senate meeting. It contained an error in terminology, and Lynn Abel helped us refashion the wording in the resolution. We had meant to cover academic integrity but instead we referred to academic misconduct. That was an error. The committee intended academic integrity. The wording of the resolution that actually passed the Senate that day, as amended on the floor, and I know there are no excuses, but it was the last thing that happened at the meeting and everyone wanted to get going and I think that’s probably what happened. The wording of that resolution actually passed was fatally flawed and almost comically so. I won’t go into the details unless you ask me about it. But we felt, the new EPC this year saw this necessity to repair what had been done by coming up the correct statement of what we intended and what I think the Senate intended to pass in April. And we also took the opportunity to introduce a couple of, two, exactly two, substantive changes in response to discussion at the April meeting.

“Let me point out what those changes are. I don’t want to pull the wool over your eyes and say this is just the same thing we talked about last year. But I think these changes make it a stronger resolution that’s more in keeping with what folks wanted. Change number one is that we have this phrase *without the consent of the instructor*. That was missing from the resolution we had last April. The EPC felt that was important and it also makes this resolution constant with current legislation in the Arts College. We wanted to give the instructor a little more leeway to allow students to drop a course under

certain circumstances. That's in response to discussion here.

"The second substantive change was *unless the student has subsequently been cleared of the charges*. I think it was Fred Gouldin actually at the April meeting who raised the following scenario. Suppose a student is accused of violating the Academic Integrity Code is taken to primary hearing by the instructor, is found guilty by the instructor, appeals to the relevant hearing board in his or her college and while this is all be adjudicated throughout the semester, the student is operating under a great deal of stress. And then finally the hearing board says you are off the hook, 'We rescind the conviction, you are acquitted.' Meanwhile that student has been tanking in all the courses because of this. We wanted to make sure that under those circumstances the student could drop the course. And even though we intended that in the original resolution, it wasn't stated explicated. So it is stated explicated in this one.

"And, I'll stop there and take any questions."

Professor Peter Davies: "Is the intention that the student could drop at any time or only during the drop period? That isn't explicit."

Professor Delchamps: "I think the drop period overarches and supercedes everything. You have your drop without a W period, then you have your drop with a W period and after that it's you can't drop."

Professor Davies: So that would still apply?"

Professor Delchamps: "Yeah, I believe so."

Professor Davies: "In this plan would it mean having difficulty for that whole semester?"

Professor Delchamps: "You would have to make the decision before, I think."

Professor Davies: "Then you would tell the student he can't drop it."

Professor Delchamps: "I suppose they could petition that brick wall if it happens in Thanksgiving week, or whatever. I've seen it succeed in cases of illness and family deaths. It seems to me that this kind of extenuating circumstance would be of similar gravity."

Professor Richard Talman, Physics: "Just a technicality - if I understood it you said this was intended to supercede something or other but it doesn't say what it supercedes."

Professor Delchamps: "Okay. Charlie and I talked this over and I said I want to make sure I do the right thing here, parliamentarily. Do we have to vote down or reconsider something that we passed in a previous meeting? Do we have to go through some procedure of that kind? Or should the EPC just bring a fresh motion to the floor and say this goes here in the Code of Academic Integrity? And I think we agreed that this would be the best way to go."

Professor Talman: "Then both things will be there and a reader..."

Professor Delchamps: "Actually the other thing has not made it there. I checked to make sure. Charlie do you want to say something to that?"

Dean Walcott: “Yes. I would like to say something about that. Essentially if you approve this, this will take precedence over whatever is there now.”

Professor Delchamps: “And what is there now is what was there before the April meeting. I checked to make sure. I don’t know why it didn’t make it into the text yet. Perhaps it was because the minutes of the April meeting awaited approval. So now that never happened. I guess is the bottom line.”

Rosemary Avery, Professor, Policy Analysis and Management: “I wonder how this resolution relates to a student that is merely taking 12 credits a semester and is given permission throughout this process to drop the course and drops below 12 credits, how that relates to full time status. And maybe also in situations where they are athletes and ineligible play on teams.”

Professor Delchamps: “As far as the full time status thing goes, I have seen people appeal low credit hours and be granted the ability to remain in good standing, at least in the Engineering College. I imagine that would be true at other colleges at Cornell. I can’t answer the question about athletic eligibility. Maybe somebody from FACAPE is here.

Speaker Rabkin: “Well you would have to petition. You would need a special exemption, a special dispensation.”

Professor Delchamps: “Yeah.”

Professor Avery: “Can I make a statement? I think this is fairly punitive against the student if they are found not guilty in the end. We really are severely penalizing the students in this situation. Not only in terms of their academic education but also if you have to endure the semester, being in the course you have to keep up in.”

Professor Delchamps: “One hopes that those situations are rare. I haven’t heard of one myself but I’m sure there’s been one or two in my twenty five years on the faculty at Cornell.”

Professor Avery: “You mean it’s rare.”

Professor Delchamps: “No. I think it’s rare that something gets past the primary hearing and the student is later acquitted. That’s my anecdotal understanding. I don’t have any statistics about that.”

Professor Cohn: “It seems to me that the language here is quite clear that none of this supercedes all of the policies that are in place and that are handled by the relative ARCs of each college and the academic deans. There’s nothing here that suggests that this in any way overrides any other regulations that holds relative to the timing of add/drop petitioned, under what conditions those petitions may be granted and what the consequences of those petitions are.

“I’ll make one other remark having served as the Chair of the Academic Integrity Board of Arts and Sciences for a couple of years. I totally applaud this resolution. I have spent undue hours resolving conflicts surrounding precisely this point. And it’s a very serious one. I think that the concern for the very rare case where a student might have been found guilty at a primary hearing and later been found not guilty and the possible

consequences to their well being is incredibly negligible compared to the ways we are handicapped as faculty of carrying out our responsibilities without something like this in place.”

Dean Walcott: “I would just like to tell the body that we have a meeting once a year of the Academic Integrity Officers from all the colleges. This was a suggestion that came from them to try and have a uniform policy at least plugging this loophole throughout the University. So this is something that comes via that route.”

Nick Calderone, Professor, Entomology: “I’m just kind of curious that this says without the consent of the instructors. Have you given any thoughts about whether this creates a situation where students are treated differently, where one instructor may feel, sure you can drop the course and one may say, no.”

Professor Delchamps: “Sure. The short answer is yes. I think it does. I think that that’s part of what happens when you have a faculty that likes to have some leeway, some latitude, some room to pass judgments individually. And I think that that’s the price you pay. We’re not machines. I don’t think we all treat the students exactly the same.”

Professor Timmons: “If a student in a course violates academic policy and really it has occurred and there’s no dispute, then the student eventually drops the course for whatever reason. Does that mean that there is nothing on their record that they violated academic policy?”

Professor Delchamps: “Here’s the detail on that. What happens is a faculty member has the right to impose any penalty up to a grade penalty, including failing the course. Anything beyond that, the faculty has to take it to the next level. Go to a hearing board. If a student drops a course the faculty can have the primary hearing in the student’s absence, declare a student guilty, and report that result to the record keeper of the student’s college. The result stays there. If the faculty member wants some annotation to appear on the student’s transcript, the faculty member has to take it to the next level. What we are doing is the faculty has to do more work to make something punitive happen to the student who has dropped the course.”

Professor Timmons: “But it’s somewhat punitive for the fact that the student did commit the academic violation and will appear on their record in some place.”

Professor Delchamps: “It won’t unless the faculty member pursues it to the hearing board level. That’s the irony of the code.”

Professor Cohn: “Could I offer a clarification of that? The way the code is written if it’s only a grade penalty it’s not reflected on the transcript and it’s not permanently reflected. But, where it is reflected is that the record keeper of each hearing board in each college keeps a confidential file. If there is a second transgression, in Arts and Sciences, it automatically triggers it, it should by the code trigger a hearing board hearing. And that’s when more severe penalties are imposed if the first instructor didn’t request a stiffer penalty. So that’s kind of independent of whether the student stays in the course or doesn’t stay in the course.”

Professor Timmons: “That means it is there it is still there. That means if the student

drops the course, it's still there?"

Professor Cohn: "Indeed. It doesn't evaporate in any way. If there was a violation, it's still there. It's not related to the question of whether the student is or isn't in the course because that is not reflected on the transcript unless these other procedures are followed."

Speaker Rabkin: "We really need to bring this to a vote to keep on our schedule. Those in favor of approving this resolution, say aye. Those opposing, say nay."

[Resolution passes.]

Speaker Rabkin: "We have one more resolution from Vicki Meyers-Wallen, Chair of the Committee on Academic Freedom and Professional Status of the Faculty."

9. RESOLUTION FROM COMMITTEE ON ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY

Associate Professor Vicki Meyers-Wallen, Biomedical Sciences and Chair, AFPS: "So this is the last topic on the agenda, but please don't leave because we need to vote. This resolution ([Appendix 5](#)) was brought to your attention last May and you'll notice that the document that you have in your packet is dated May 24th. There are minor changes in the document since the last May meeting. I want you to know that this year's AFPS committee has reviewed the document that you have in your packet and they found that the minor word changes do not change the meaning or the intent of the policy that was brought to the meeting in May. I have asked last year's committee chair, Professor Stein, to come up please and repeat what he did last May and to introduce this document and to answer your questions and to bring it to a vote."

Professor Peter Stein, Physics: "I thought this was going to be a lifetime occupation for me bringing this document to you because I believe this is the third or fourth time I've done that. But, very quickly, the history is about as approximately as follows.

"Approximately five years ago, my successor as Dean of the Faculty and Charlie's predecessor, Bob Cooke, discovered a case where a professor in one of our colleges was suspended, I don't even know if it was a his or her, I think it is a his, I'll call him a his, but it may be a her...from his job as a professor for some fixed period of time and was very upset to discover that there were no procedures governing this. There were no rules on what the causes there could be for suspending a tenured professor and there was no review of this decision. So he convened a committee to look not at that particular case, but at the procedure by which a faculty member could be suspended. Well that went through successive years of discussion and finally a policy came out. The policy that came out was based on the belief that a suspension was a very serious thing. And that in fact it was almost as serious as firing a faculty member. Indeed it was firing someone but albeit for a limited time instead of a time without tenure so to speak.

"And so what they decided to do was they said well in the first place there should be a limit on long you could suspend somebody for and secondly that there should be due-process before a dean was able to suspend a faculty member. And it outlined a due

process procedure, which was very similar to the procedure for revoking tenure of a faculty member. Then the deans objected to that and there was a long discussion between the committee and the deans, which in the words of diplomats the world round was frank and fruitful and brought the two sides closer together but alas did not bring the two sides all the way together. Then what happened was the committee's final position was brought to the Senate and it was adopted unanimously. Nothing happened for approximately another year. At that time a policy was shown to us called the Provost's Policy, which was far closer to the deans' position, as a matter of fact it looked to me sort of like the deans' position, and quite far from the position of the Senate document.

"Then we had another round of frank and open discussions, and surprisingly enough, few generally diplomatically frank and open discussions don't lead anywhere, but this one led to success -- this one led to a meeting of the minds. The meeting of the minds, without going into any great detail, in my judgment was substantially the same as the document that this body had passed. That document had some problems with the wording, had some unintentional things, but the intent of the document that's before you now is essentially the intent of the document that was brought to this body some two years ago, or one year ago, something like that. So, that's the end of my presentation. I would be happy to answer questions."

Professor Dick Schuler, Economics and Civil and Environmental Engineering: "This seems to me to be a very well and carefully crafted document that covers virtually any eventuality.

Professor Stein: "I bow my head in humility."

Professor Schuler: "The one slight opening there that I just wanted to be sure I understood the intent, is the emergency suspension procedures, which I gather don't have any term limit. Is the intention there while at least the faculty member is being paid their full salary while they are in that position that provides some incentive for the administration or whomever to bring that to resolution. Is that the intent of it?"

Professor Stein: "Well, I think that the reason a faculty member is paid his or her full salary is that they have not been convicted of anything. It's a charge, okay. But on the other hand it has to be a very serious charge. We labored long and hard about trying to find words that would describe a very serious charge. And the words that are there are somebody's health and safety. You know these things have to be there. There were a number of limitations that were put on there. One is that it can't last any longer than the emergency that generates it lasts. That's number one. And the suspension itself has to be crafted and tailored to only eliminate those parts that lead to that.

"Let me give you an example, okay. Sometimes if a person is accused of cooking the books in his or her research grants then you can't suspend from that person from going to the library. You can suspend the person from going to their office to take out records on which the charge is based. Nor, I suppose could you deny them the opportunity to teach their classes. It had to be narrowly tailored to what is required by the charge itself.

"But on the other hand there could be emergencies. There could be somebody that went ga ga and was going around with a big stick trying to beat up the students or

something. We have to do something about that without any due process. That's what led to these provisions."

Professor Schuler: "My other reason for asking the question is that I understand the intention of where you would want to apply that and you truly need for physical or whatever protection, get the person out. But I was trying to imagine, since it appeared to be somewhat open ended without any formal process to close, it is a mechanism by which someone could be suspended for five years because there's some dire threat. It seems to me the only incentive to bring it to resolution is the fact that we continue to pay him the full salary."

Professor Stein: "Let me just tell you where it started. Where it started was the emergency would be something that harmed the reputation of Cornell. And it was without limit. I mean harm to health and safety and so forth, and/or the reputation to Cornell. The faculty committee felt it was far too broad as a way of defining an emergency. Cornell's reputation can survive."

Professor Cheyfitz: "Maybe it's just me, but I'm confused by the language of number three under minor sanctions. After it says the faculty member who believes that a sanction proposed under procedures for "minor sanctions" is, in fact, a dismissal or suspension" That seems vague to me. I mean if it's a minor sanction, then it can't be a dismissal or suspension according to the definitions you've got here. I don't know if believing something is a dismissal or suspension. It should be clear on the face of that it's a minor sanction and there's no dismissal or suspension."

Professor Stein: "I guess what people had in mind when they wrote those words, they are not my favorite words. But what people had in mind, I think, was if you couldn't go to some room or something like that because there was some good reason why you couldn't, maybe somebody's doing some research in there and they think you are snooping, you can't go there. Is that a dismissal? I mean a suspension? Because one of the things that a suspension can be is to deny you access to certain locations on the campus. So somebody might argue that that is being justification for putting in effect a suspension without calling it that. There was a lot of discussion about what is a suspension. Okay. And could somebody do something that was equivalent to a suspension?"

"On the other side of the case there are things put that says that a reduction of your salary would not be a suspension. I don't think we in general reduce salary. I don't know of any cases where people have but we agreed that that was not a suspension. That certainly was within the deans' legitimate tool kit. Whatever else that was, it was not a suspension. That could in fact be aggrieved. But it could not be considered a suspension."

Speaker Rabkin: "We have people to go on for Good and Welfare so we need to move on. Let's come down to the most urgent questions."

Associate Professor Mike Lynn, Hotel School: "I'm reading suspension, or a temporary partial or temporary full reduction of a faculty member's salary will be considered a suspension, which is directly contrary to your previous statement. Now it does say it does not apply to a non-disciplinary reduction of salary such as a non-temporary reduction ...

that may be implemented at the time of an annual salary review. Because then if it is done in combination with a salary review, then it can be grieved. But it does treat salary reduction as a suspension as long as it's not at the time of an annual review."

Professor Stein: "No. What does that say again, I'm sorry."

Professor Lynn: "This document says that any reduction in a faculty member's salary that is done outside of an annual performance review, is in fact a suspension. It falls under the guidelines. And that's contrary to what you had said."

Speaker Rabkin: "The question is those who want to approve this resolution signify by saying aye. Those opposed, say no."

[Motions passes.]

Speaker Rabkin: "Okay now I called on the Good and Welfare."

10. GOOD AND WELFARE

Professor Howard Howland, Neurobiology and Behavior: "What I am about to say reflects my own beliefs and are not necessarily those of my department, Neurobiology and Behavior, which I represent. My remarks are based on my experience last year as a Senator-at-Large. At Cornell in the biological sciences, the part of the University that I know best, I can assure you that Cornell has a terrible national reputation in its hiring and retention of women faculty. It is a growing stain on our reputation that must be reversed.

"In the past year three of my female professional colleagues have received what I regard as extremely shabby treatment from the colleagues in their department and/or from their department chair persons and their college Deans. In two cases this has caused women to leave the University and in the third may well do so. I do not propose to detail these treatments here, though I am willing to discuss them individually with any interested person.

"I am acquainted with only about twenty female Cornell professors and you will realize that three such instances are a large percentage of this sample. Assuming an unbiased sample, statistics show that with a 95% probability the total number of female professors so treated each year lies somewhere between more than nine and less than 100 of an estimated 260 female professors at Cornell. But even if there are only three instances of such treatment in the University over the past year, this is three too many.

"Ladies and gentlemen we must do something to prevent unfair treatment to female faculty members. My long experience at Cornell convinces me that the rectification of this problem cannot be left to departments or colleges. There must be a serious initiative at the highest level of the University to oversee the welfare of every female professor untenured and tenured at Cornell. The overseers must have the power when necessary of overruling departmental and college decisions. This oversight must continue until conditions in the University have improved to the point that virtually everyone agrees it is no longer needed. How to proceed? In the beginning I urge the University Faculty

Committee to take whatever measures it deems appropriate including the holding of hearings to verify or falsify my perception of the abysmal reputation of the University particularly in the biological sciences in regards to the welfare of female faculty at Cornell. If they find, as I am certain they will, that the situation needs correction, then they with the Senate and the University administration should implement a program of vigorous remediation. Thank you for your attention.”

Speaker Rabkin: “Our next Good and Welfare speaker is Professor Abby Cohn.”

Professor Abby Cohn: “As I struggle to reconcile my professional and family existences over the past two weeks, I asked myself some questions. I would like to share those questions with you. First is, why do we teach on Labor Day when it is a legal federal holiday and the University is closed? The second question is why is Cornell’s academic calendar completely out of sync with the surrounding public school district? I cite as an example the fact that we started on Thursday, August 24th and most of the local districts started on Wednesday, September 6th. And, indeed, many of our peer institutions also started after Labor Day. I cite here Columbia, Brown, U Penn and Yale; the remainder of the Ivy League not being relevant to the sample. I also ask why we have 13 1/2 weeks of classes in the fall and 14 in the spring. Do we need to study harder in the spring? And, why indeed we actually have between three and 17 days more instruction than the peers cited? I did go through meticulously each of their academic calendars for this year. My final question is, why is the academic calendar the way it is beyond the fact that it’s historical precedent, at least since fall break was introduced back in the 80s and that it’s complicated to change? I know it’s been discussed in the past and I know it’s been found hard to deal with but I would like to suggest that especially in light of the climate issues that we are discussing here, that it might be a timely moment to reconsider. Thank you.”

Speaker Rabkin: “It’s going on six o’clock, I’m ready to entertain a motion to adjourn. “
“So moved.”

[Meeting adjourned - 6:00 p.m.]

Respectfully submitted,

A. Brad Anton

Associate Dean and Secretary of the University Faculty

Report from Nominations & Elections Committee

September 13, 2006

Academic Freedom and Professional Status of the Faculty Committee

Lillian Lee, Engr.
Michael Lynch, A&S
John Whitman, A&S

Academic Programs and Policies Committee

Patsy Brannon, CHE
Paula Cohen, Vet.

Affirmative Action and Minority Education Committees

Mary Pat Brady, A&S
Zellman Warhaft, Engr.

Educational Policy Committee

David Gries, Engr.
Georg Hoffstaetter, A&S
Susan Suarez, Vet.

Faculty Advisory Board on Information Technologies

Tom Bruce, Law
Paul Ginsparg, A&S
Patrick Sullivan, CALS

Faculty Advisory Committee on Athletics and Physical Education

Michael Kelley, Engr.
Frank Rossi, CALS
Margaret Washington, A&S

Financial Policies Committee

Richard Burkhauser, CHE
Kevin Hallock, ILR
Steve Pope, Engr.
Pam Tolbert, ILR

Institutional Biosafety Committee

David Soderlund, CALS

Local Advisory Council

- John Abowd, ILR
Susan Christopherson, AAP
Daniel Lichter, CHE
Alice Pell, CALS

(over)

North Campus and Collegetown Council

- Robert Turgeon, A&S

Professor-at-Large Selection Committee

- Timothy Murray, A&S
Susan Suarez, Vet.
Yervant Terzian, A&S

Sexual Harassment Co-Investigators

- Kathryn March, A&S
William Provine, A&S

University Committee on Human Subjects

Jennifer Gerner, CHE

University Conflicts Committee

- Vernon Briggs, ILR
Marianne Krasny, CALS

University Faculty Library Board

- Paul Ginsparg, A&S
Rebecca Harris-Warrick, A&S
John Hermanson, Vet.
Mary Beth Norton, A&S
Nerissa Russell, A&S

University Hearing Board

- Brian Chabot, CALS
Paulette Clancy, Engr.
Laurie Drinkwater, CALS
Clare Fewtrell, Vet.
George Hay, Law
Anthony Ingraffea, Engr.
Jonathan Ochshorn, AAP

- **University Lectures Committee**

- Muna Ndulo, Law
Amy Villarejo, A&S

- **University-ROTC Relationships Committee**

- Andrea Parrot, CHE
Jeffrey Varner, Engr.

Resolution of Acknowledgement and Appreciation

Whereas the University has pursued over the past five years an intensive program of faculty salary improvement, whose goal was to place mean Cornell faculty salary at least at the mean salary of faculty in their peer institutions;

Whereas this program has dramatically succeeded in achieving this overall goal;

Therefore be it resolved that the University Faculty Senate acknowledges the evident success of this program;

Therefore be it further resolved that the University Faculty Senate extends its sincere appreciation to those individuals whose efforts initiated and sustained this program, recognizing, in particular, the important contributions of:

Peter Stein, (former) Dean of the Faculty,
Hunter Rawlings, University President,
Carolyn (Biddy) Martin, University Provost,
Carolyn Ainslie, Vice President for Planning and Budget.

Financial Policies Committee
May 2, 2006

**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)¹, 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 purposes²,

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.

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

¹ 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

² The NIH Public Access Policy pertaining access to NIH research is at:
<http://www.arl.org/sparc/oa/nih.html>

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.

**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."

**RESOLUTION ON
VIOLATING THE CODE OF ACADEMIC INTEGRITY
AND DROPPING COURSES**

WHEREAS a student charged with violating the Code of Academic Integrity can currently drop the course in which the alleged infraction occurred and suffer no consequences,

THEREFORE BE IT RESOLVED that the following be added to the Cornell University Code of Academic Integrity as Section II. B. 4g.

"A student charged with violating the Code of Academic Integrity in a course may not drop that course without the consent of the instructor unless the student has subsequently been cleared of the charges."

Educational Policy Committee
September 5, 2006

Cornell University AFPS Committee

Draft Policy on Job-Related Faculty Misconduct

DRAFT: 05-24-06

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 a suspension shall be reported to the Provost, along with the results of any 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 in writing of the Provost's decision and of the faculty member's right to invoke the hearing procedure. 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

¹ The procedure used for dismissals is the procedure adopted for that purpose by the Board of Trustees.

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 chair shall ordinarily not make such a request unless there is a reasonable basis for believing that the faculty member is not effectively able to address the panel or question witnesses, or unless the chair concludes that such participation by the faculty member's advisor or counsel will materially assist the proceedings. 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 copies of all documents received) and the panel's findings and recommendations. The faculty member will also receive an audio recording of all testimony taken, unless the faculty member waives that right. In the event that the faculty member waives the right to receive an audio recording, the panel may make such a recording to assist its deliberations.

(f) The panel shall report its findings to the President in writing within eight weeks of being formed. The President shall then render a decision on the matter. The decision 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 its own 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.

Minutes from the November 8, 2006 Faculty Senate Meeting

Speaker Barbara Knuth: “ I would like to call to order this meeting of the Faculty Senate. I would like to begin with a few announcements. First I was not here at the other meeting this semester. I’m Barbara Knuth. I am the Speaker of the Faculty Senate. I’m from the Department of Natural Resources. I would like to just remind you of a few things. Please remember that no photos or tape recorders are allowed during the meeting. Please turn off all cell phones. When you speak, please stand so that people can hear you, and please identify yourself and your department or unit. And to my knowledge we have one Good and Welfare speaker this afternoon. We will have time at the end of our meeting to allow for that.

“Our first item of business is to call on Provost Biddy Martin for a report on the Faculty Work Life Survey. We have 30 minutes for reporting and questions.”

1. REMARKS BY THE PROVOST

Provost Biddy Martin: “Can you all hear from the back? Good afternoon everybody. What this really is, is not so much what I would call a report because I don’t think the amount of detail I could cover, especially given that some of you haven’t heard any of the previous updates, the amount of detail I could cover seems to me to be insufficient to permit being called a report. Here’s what I would call it - an invitation to you to begin to submit your own comments. The report, the analysis of the Faculty Work Life Survey, is now on the Provost’s website. We officially opened the analysis done to date so you all can take a look at and provide us with your comments and questions. But I will go through as much as possible and then answer any questions I can.

“How many of you have not been present in the Senate for any updates on the Work Life Survey? Quite a few, so I am going to go very quickly through what most of you already know. First let me remind you that we have a Faculty Work Life Committee ([Appendix 1](#)) that is responsible for working with our institutional researchers ([Appendix 2](#)) on this survey instrument and also on the analysis. We have the excellent staff help of Carolyn Ainslie and Francille Firebaugh and institutional researchers who have done the analysis of this survey. They are Marin Clarkberg, who is here with us today to answer any questions you have about data analysis, and Marne Einarson.

“You remember the purpose of this particular survey was to examine what might qualify tenured and tenure-track faculty at Cornell with the specific focus on problems and experiences of women, and then to develop some appropriate initiatives to address these concerns ([Appendix 3](#)). Those of you who responded to the survey will recognize the labels here ([Appendix 4](#)). These were the categories of questions you were asked to answer. What we focused on most and certainly in the analysis is the question about satisfaction. How satisfied are you as a faculty member at Cornell? Just to remind some of you again and to tell some of you for the first time about the response rate, which was excellent ([Appendix 5](#)). Fifty percent of the population contributed openly to the comments, which is probably more significant even than the response rate of the survey.

“First is a graphical representation of something that I find interesting to see graphically, and that is response rate by gender ([Appendix 6](#)). But also, just focus for a minute on faculty composition. It’s a very small sliver of the pie, relative to the pool of women at Cornell. Now in response to the question about satisfaction, how satisfied are you being a faculty member at Cornell? This is the data overall ([Appendix 7](#)). This is not at all about gender here. This is just the answers, the responses overall. I’m going to focus primarily on the very satisfied as opposed to very satisfied and somewhat satisfied, because the very satisfied category ends up being far more significant. But you will see that we are being compared to two Ivy peers. They aggregated the data they sent to us. So we don’t have their breakdown between very satisfied and somewhat satisfied. You see that we are relatively close to them. Many of you will remember that there were several faculty surveys done at other done at other institutions before we did ours, MIT, Duke and Michigan. We looked at those surveys, and we decided we wanted to do one that was different, more encompassing. We didn’t want to confine ourselves to questions about women in science. We didn’t want to do simply a gender equity study. We wanted to take on a larger task, and we did. We as you know sent the survey and got responses from faculty all over campus. These are the overall responses.

“Now by gender ([Appendix 8](#)). You will see that there is a significant difference even in this gross display of the survey results. There is significant difference between the number of women and the number of men who characterized their results as being very satisfied being a faculty member at Cornell. If you have any questions along the way, I will attempt to answer them.

“Before I head into a little more depth about the differences by gender, I want to tell you some of the things that seemed very interesting statistically, but also just simply interesting to me, about what you all said as faculty members overall about your satisfaction. We took a number of things into account when trying to think about the results on the satisfaction measure ([Appendix 9](#)). For example, what might structural position have to do with faculty’s relative satisfaction? Did rank matter, did college matter? Does salary matter? That was the first category. Then we took into account questions about workload. Does workload correlate significantly with satisfaction? The third category was life outside of Cornell. Does people’s relative satisfaction with your lives outside of Cornell correlate significantly with how satisfied you are, or not, being a faculty member at Cornell? Those are the three big ones. Let me stick with those.

“The gender differences, sorry about my southern accent when I say ginder I mean gender, the gender difference is not explained by any of the items that I just listed. The gender difference in satisfaction is not explained by structural position, that is relative rank, discipline or department. It’s not explained by workload. It’s not explained by people’s relative satisfaction with their lives outside of Cornell, which is not to say there were no significant differences by gender in the responses to some of those questions. But they didn’t end up being significantly correlated with overall satisfaction.

“Here are some other interesting things that you won’t see on any slide. There’s a high correlation between satisfaction and salary, that is, that more satisfied faculty are paid more, or faculty who are paid more are more satisfied. However, this does not explain the

gender difference because this was as true for men as it was for women. So there's a relationship that's significant between salary and satisfaction. Assistant professors are more satisfied than full professors when you control for salary. Associate professors are the least satisfied. So assistant professors and full professors both are more satisfied being faculty members at Cornell than associate professors, with assistant professors being happier being faculty members at Cornell than full professors, when you control their salaries.

"Faculty in biology tend to be slightly more satisfied than faculty in the humanities. I will not take time to comment on that. Course load is correlated with satisfaction for both men and women. What's interesting to me there, but probably obvious and predictable is this - those who teach more classes are less satisfied, and those who teach more courses that don't seem to be directly related to their research are less satisfied overall. So there's a significant relationship between how many courses you teach and satisfaction, and how many courses you teach that you perceive to be directly related to your research, and satisfaction overall. With women reporting that they teach more courses outside of their area of research than men report. That point was interesting.

"Married faculty are more satisfied being a faculty member at Cornell than unmarried faculty. It's also the case that gay faculty with partners, are as happy as married heterosexual faculty members and significantly more satisfied than single heterosexual or gay faculty. Faculty who are more satisfied with their lives outside of Cornell also tend to be more satisfied being a faculty member at Cornell.

"We have also tried to break this down by race and ethnicity. The numbers are very small so I don't really have a lot of faith in the results. I can tell you what the percentages are on the satisfaction measure, but I would caution you that the numbers are really tiny, both because of the diversity at this institution is not where it ought to be, in my opinion, which I have expressed many times, but also because it was a slightly lower response rate among faculty of color than there was among white faculty. Forty-five percent of white faculty say they are very satisfied as a faculty member at Cornell. Fifty-two percent of Hispanic faculty say that they are very satisfied, and thirty-nine percent of black faculty and thirty-one percent of Asian faculty say they are very satisfied. These categories are themselves problematic, but again this is a broad overview.

"Now I showed this slide ([Appendix 10](#)) to you once before, that is, what aspects of people's appointment seem to be correlated with satisfaction in a significant way and where does it vary by gender. There's an asterisk by every line where there is a significant difference by gender. You see which those are - clerical support, computer resources, and committee responsibilities with women reporting, say in the case of committee responsibility, that they believe that they are over-burdened to a degree that men don't report. As I said earlier, we have been trying to understand the satisfaction and what's most highly correlated with satisfaction or lack of satisfaction. To just go to the bottom line, it's been very difficult for our researchers to find any single thing that correlates highly with satisfaction or with the gender differences in the faculty on the question of satisfaction. What we did, in the faculty work-life group and with our institutional researchers, is cluster some aspects of the field experience and called it measures of

integration ([Appendix 11](#)). It turns out that if you cluster a set of interesting variables, which I have listed here, that we are calling measures of integration, you are able to explain away the difference by gender in faculty's relative level of satisfaction at Cornell. These were responses to questions that we used, that we clustered in order to ascertain what seemed to be highly correlated with satisfaction: 'Opportunities to collaborate with faculty at other units at Cornell' - there was a significant difference by gender; 'Extent of stress caused by departmental or campus politics' - there was a significant difference between men and women with women reporting far more or significantly more. On the agreement with that 'I feel that I am ignored in my department or unit,' significantly more women feel ignored in their departments or units than men do. Agreement with 'I can navigate the unwritten rules concerning how one is to conduct oneself as a faculty member' - significantly more women report that they do not agree with that than do men. And then the sense that people have used the following justification or reason to think about leaving Cornell 'to find a more supportive work environment' - women reported in more significant numbers than men that they considered leaving Cornell in order to find a supportive work environment.

"That is the shortened and not so sweet overview - just to tell you what we think the bottom line is. It is that we could not find, as I think has been said many times in this room, we do not find significant differences by gender when it comes to things like salary. We did not find significant differences on allocation of space. We did not find significant differences with people's satisfaction in general with the support they get for teaching and research. But we do think the significant difference is, I don't know what language you want to use to describe it, for what will end up being the best possible language used to describe it, but for now we have used the language 'various measures of integration,' which I think we could safely say includes things like how respected and valued people feel and what opportunities they feel they have to collaborate in and outside of their units at Cornell. On those measures, which I have listed here, when they are clustered, the gender difference and relative satisfaction can be explained away so to speak, but not by anything else. Not by any other single variable or by any other cluster of variables. And Marin is here to explain to you if you have questions about the various things we tried based on looking at the survey results, based on our own analysis, our own intuition, we generated a range of things. By 'we' I mean all the faculty on the Work Life Committee and I. We tried various ways of cutting the data in order to ascertain what might be most significant and what we came up with over and over is that, this sense of belonging is what seems to matter most in explaining the difference in women's and men's satisfaction being at Cornell.

"I urge you to look on the website to see the study in more detail. I would be happy to hear any comments or questions that you have now based on what I have presented or to hear you discuss with one another what we might do, and then I will say a few words about what I think it's necessary to undertake going forward."

Professor Steve Beer, Plant Pathology: "Now that you have all these data on sources of satisfaction and perhaps dissatisfaction what can, if anything, be done about it? Do you have specific plans to utilize those data to alleviate dissatisfaction?"

Provost Martin: “Okay, so that gets me to the end right away. You remember, as I just said, we did salary equity study several years ago based on a faculty committee that designed a regression analysis that we continue to use year after year. The salary survey and the salary study and following that year-by-year matters a lot to me. I have said this before, but I’ll repeat for those of you who haven’t heard it, every year I sit down with every dean of every college. There have not turned out to be any significant differences statistically by gender in salary in any college. However, there are always those men and women whose salaries at any given point fall below the mean for their discipline or department. Every year I talk to each dean individually about the women whose salaries fall below the predicted level and why that might be the case. I always review as well the salaries of men whose salaries for that year were below the mean predicted levels. We are going to keep up with that on an annual basis as long as I am Provost, and I’m sure beyond. That’s salary. As I said it hasn’t turned out to be significant even in self-reports women did not report a different level of satisfaction with salary than men did in the survey. I think what we are doing here is what we should be doing. Keeping faculty salaries increasing in a significant way overall and paying attention to equity. On space I think we still have more work to do. Again, people did not report dissatisfaction with allocation of space, nor in the studies we did earlier in the science fields of engineering and the physical sciences, did we find significant differences of equity problems in the allocation of research space. But that’s something that as we continue to build - space and study space utilization across campus - that we’ll continue to keep in mind.

“Now as for the things that seemed really to matter, about which we haven’t yet been able to figure out what to do, means these are more difficult issues: sense of belonging; feeling at home in one’s department or college, or at the university, generally; feeling respected; feeling recognized. Saying another way, people indicated this lack of sense of belonging was to say they don’t feel their views are heard to the same degree that the views of the men in their departments are. So, what to do about that? I think we need to diversify the faculty by gender, by race and ethnicity. We really need to take this on, now that we are going to have so many retirements over the next 10 years, in a much more serious way than it seems we have taken it on so far. There have been serious attempts, but we are not where we should be, and it’s not only with respect to women. We are going to replace up to 600 faculty in the next 10 to 15 years, and if we don’t use this opportunity to diversify the faculty, then when? I think this requires doing what some colleges are already doing, and that is meeting with every department, ensuring that every department chair and every search committee chair has done the proactive work of identifying women and underrepresented minority scholars who are coming through Ph.D programs or who are positioned in such a way as to be hireable, and that that work has to be more aggressive, and that we have to hold people more accountable for having done that work. Then as far as climate issues are concerned, there too, the department ends up as we all know intuitively, being extraordinarily important in people’s lives when it comes to questions of how much people feel respected, do they belong? I think a lot more has to be done, but the work is really complicated. So if we are going in pounding the table and insisting on wanting more respect, for example, or identifying every conflict that arises in a department or unit as inevitably about gender, that won’t work. It has to be sophisticated.

Now we have a lot of people at this university whose career has been spent studying these issues, who have expertise, not just opinions. And in this world where evidence doesn't seem to matter too much to lots of people any more, and maybe it doesn't matter, but there are actually people who have a lot of expertise in questions of gender, race, ethnicity, discrimination, etc. My own view is that we ought to be creating a climate on this campus in situations where there is a much higher level of discussion of these issues than the sort of conflictual back and forth discussions that have occurred over the past ten years. That's my opinion."

Professor Abby Cohn, Linguistics: "I know that Virginia Valian was here recently. She's the author of the book Why So Slow...?, where she documents precisely these very subtle kinds of discrimination and how they accumulate, basically how you accumulate these deficits. I'm wondering, in fact, of what you are hearing back from the report is precisely the response to that kind of subtle discrimination? There aren't major inequities in terms of salary and so on, but what I'm hearing is that it's the accumulation of precisely the kinds of things she's talking about. How the subtle dynamics in a faculty meeting where men use their eyes in different ways than women do. And all these very subtle things accumulate and what you are hearing then in the report is the accumulation and the response to those feelings. And I'm wondering how we then get at changing the very subtle cultures that play in."

Provost Martin: "I think that's exactly right. I think that's exactly what the survey shows, what our focus groups showed, what the data from across the country shows and what I was trying to say. It is so-called subtle things, which ultimately are later not so subtle, or seem to be made less subtle by the kind of analysis we have been doing. I can give you many examples of what people said. What we are calling them in the Provost's office is micro-inequities. They are micro-inequities and the accumulation of them really does result in certain people feeling, or certain groups feeling less respected and that their opinions matters less; that their opinions are less highly regarded, on and on and on. These micro-inequities some people reported take the simple form of you go to a meeting and discuss something and it seems though everyone is participating more or less equally and engaged. The meeting ends and the men congregate and walk out of the building together and the two women who were at the meeting are left standing by themselves. Now why? I don't have all the answers. I do have hypotheses, as you would, that could explain them, some of which might simply have to do with the men having known each other better than they know the women. The question about how to get at that is what we are doing trying to get those faculty who are willing to produce vignettes, little narratives, short narratives about their experiences of what we are calling micro-inequities and then wanting to share them. So that those people who are actually open to trying to change this, which is not everyone, but those people who are open to it, but just not aware, can look at some of this material and go 'aah ha!' I will try to take note of that. I will try to change the potential for those kinds of behaviors. That's one way to approach it. What I want avoid at all cost, but of course it's very difficult to avoid it, is a kind of political correctness, I'm just going to call it that because I'm tired and don't have time generate a lot of language that is now more cautious. But I want to avoid simplistic approaches to this that just end up making everybody feeling as though we have gotten the problem wrong. We've created

more conflict rather than less. We don't have differentiated enough take on what goes on really to make a difference. I think that happened. I mean that happens everywhere. I don't mean it happens only here."

Speaker Knuth: "We have time for only one more question."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "I forgot the details of surveys but was there anything addressed about the dual career problem? Were there any questions about that? That's a significant issue I think at this point in time."

Provost Martin: "A lot of questions having to do with work/life interaction and questions about dual careers. Marin, do you remember any of the specifics so that you could answer?"

Marin Clarkberg, Researcher, Institutional Planning and Research: "When we looked at marital status - women on the faculty are less likely to be married and if they are married, then they are more likely to be in a commuting relationship where one partner lives away from the other or one commutes long distances for work. It is an issue for satisfaction, and it is an issue for gender."

Provost Martin: "All the things I think you would have imagined because we know them from not only thirty years ago, but even a hundred years ago, haven't changed that much. Women reported doing more work in the household, having a heavier burden when it comes to responsibilities for children. Now, these are self reports, and so you understand, not attributions by point-group one to another."

"Dual career issues were reported as being significant for faculty reporting that they considered leaving or they may have actually left Cornell. And we all know that this is a serious problem."

Speaker Knuth: "Thank you. The website is now linked on your website? Anybody who wants more information can go to the Provost's website and find out?"

Provost Martin: "Yes. I should also mention that we got an NSF grant ([Appendix 12](#)), an advance grant to enhance the number of women and the position of women in sciences and engineering, and also the social sciences. We are going to link the work that we do in response to this survey to the measures that we committed to taking when we proposed the NSF grant. You will see on the website that there's information related to both and to the ways that we will try and make things converge. If you have any questions, feel free to send me an e-mail."

Speaker Knuth: "Thank you Provost Martin. Our next item of business is to call on Dean Charles Walcott for remarks and we have up to ten minutes for that."

2. REMARKS BY THE DEAN

Charles Walcott, Dean of the University Faculty: "Thank you. I will try to be brief. First off I want to thank you Bidy for coming and sharing that report with us. I think it is very helpful, indeed, to hear about it."

"I want to report on another meeting. I want to give you just a brief report of the meeting that the UFC had with the members of the Board of Trustees on the 26th of October. We

had a good turn out of the leadership of the Trustees, the Chair of the Board, the Associate Chairs of the Board, the Chairs of a number of different committees. There were about six Trustees and about six members of the UFC so we were fairly evenly matched. We had what I think can only be described as a very pleasant, very collegial conversation. We began by raising a question, which came from a faculty member, asking how does the Board of Trustees feel about our continued and expanding engagement with China on a variety of initiatives. In particular, does the Board feel that this needs to all be centralized or are there opportunities for individual faculty members? The answer came back that they thought that our engagement with China was a positive kind of thing. That it was really a question of kind of Cornell's managerial capabilities to manage all the various different engagements. There was some concern from the Trustees that there might be too many people doing too much and spread rather thin. I can't comment on that but it seems like a possibility. One of them suggested that there was a problem that we should be aware of, which is the difficulties with intellectual property rights in China and that was an issue that Cornell needed to be alert about. But that nonetheless, they thought that things as far as they could tell were going very well, and they were very supportive.

"We then got on to the subject of graduate student support. I think it came as a surprise to many of the Trustees that faculty feel very strongly about graduate student support. After all, it's graduate students that work in our labs, and so on, so we see them on a daily basis and we care at one level rather more about them than, in a sense, undergraduate support. Though obviously that is critically important as well. I think that came as interesting news to the Trustees. I don't think they had thought much about that. We then talked a little about Chinese graduate students who used to come here with support from the Chinese government, which I gather has largely dried up. And then that poses a real problem because being foreign nationals they can't get support from the U.S. government. It becomes a matter of using University resources to support them, of which are of course very limited.

"We then moved on to talking about the initiatives with the medical school and how that might be effectively integrated. The Trustees said that they were very supportive of collaboration. They proposed a model in which they would put a large pot of money in the Roscoe Diner. And so, Ithaca would have to go towards New York and New York would have to go towards Ithaca and would meet. I was a bit of a shock when I pointed out that the Campus-to-Campus bus bypasses the Roscoe Diner by staying on Route 81. But essentially there was real enthusiasm from the Trustees to try and facilitate interactions between Ithaca and Weill and that there is going to be, there is money available, now and there was likely to be more money available in the future and they felt that this was one of the important things that we should be looking ahead to.

"Our next item of discussion, perhaps not surprisingly, was the capital campaign. One of the questions that were raised is, what's going to happen to the money? Is there going to be a large pot of money in the Provost's office at Day Hall of which she will dispense as she sees fit? It was pointed out that unfortunately money doesn't seem to appear that way. It seems to come attached to ideas. That is, donors have things they want to support. And

the great game that development plays, and that all of us are going to have to participate in, is that of persuading donors that the University's priorities should be the donor's priorities and try to get some match between these two. The Trustees point out that both the deans and the faculty are going to have to be involved at some stages in trying to raise funds.

"I think that is the essence of what we talked about. We talked for about an hour and covered these matters in greater elaboration. Do any of the members of the UFC want to add anything to my brief summary? Yes, Brad."

Associate Professor Brad Anton, Chemical and Biomolecular Engineering and Associate Dean and Secretary of the Faculty: "The pot would be about three hundred million. That's what they said."

Dean Walcott: "Pot for what?"

Professor Anton: "The pot at Roscoe Diner."

Dean Walcott: "The pot at Roscoe Diner would be about three hundred million."

Professor Anton: "It would change the diner significantly."

Dean Walcott: "I say we reroute campus buses. Are there any other questions?"

Professor Risa Lieberwitz, ILR: "I'm curious about how the agenda for the discussion is set up between UFC and the Board of Trustees. Is it more of a free flowing discussion or are there certain items that UFC identifies first? Are there certain items that the Board of Trustees identifies first so that people can think about them ahead of time?"

Dean Walcott: "That's a very good question. The way it worked this time is that we canvassed the faculty and asked if there were any questions. And there was one question, which I addressed – the issue of China. Beyond that there were no questions. So we started with that question and then in this case it was a free-formed discussion back and forth. I think UFC originated about as many ideas as the Trustees. I think it was as much a kind of a get to know you session and how do you feel about on both sides. It was an extraordinarily, I feel, collegial kind of exchange of views. Anything else from anybody?"

3. APPROVAL OF MINUTES OF THE SEPTEMBER MEETING

Speaker Knuth: "The next item of business is to approve the minutes from the last meeting, September 13, 2006. The minutes were available to you ahead of time on the Faculty Senate website. I will ask for approval of these minutes by unanimous consent. Seeing no objections to that, I will declare the minutes of September 13th approved.

"We'll move on to the next agenda item, which hearing from Brad Anton, the Associate Dean and Secretary of the Faculty and Chair of the Nominations and Elections Committee."

4. NOMINATIONS AND ELECTIONS COMMITTEE REPORT

Professor Brad Anton: "I will continue the tradition my predecessors used by flashing these overheads by you so quickly you can barely read them. The Nominations and Elections Committee has been quite busy this semester because there were many

positions on standing committees that people had rotated out of and had to be filled. Unfortunately, I had an accident this fall and had to miss a few weeks of work and then I was sort of going at half speed much of the rest of the time. I want to publicly thank Sandie Sutfin from the Dean of Faculty Office, the administrative assistant, who has done a lot of the work of the Associate Dean of the Faculty while I have been gone. And that's calling the people, and asking them to serve, and then keeping track of who agreed to serve on committees and who didn't, so that we could make more nominations, and so forth.

"I also wanted to say that in picking the people for these committees, the Nominations and Elections Committee tries to balance college representation appropriately with level of experience and gender. We find however that we have been unable to get sufficient representative particularly from the Hotel School and we are going to have to figure out how to handle that. We don't have anybody on the Nominations and Elections Committee from the Hotel School to help us solve that problem. Also the Dean of the Faculty is working with some IT people to create a data base that will help us keep track of committee appointments and the history of these appointments so that we can spread the workload around and get more people involved in this business. I ask that we accept this slate of candidates for these committees."

Report from Nominations & Elections Committee November 8, 2006

Academic Freedom and Professional Status of the Faculty Committee Rosemary Batt, ILR Joseph Laquatra, CHE

At-Large Member of the Faculty Senate It was decided not to fill the one-semester vacancy left by Anne Blackburn, who is on leave.

Faculty Advisory Committee on Athletics and Physical Education Tove Hammer, ILR

Faculty Advisory Committee on Tenure Appointments Lynden Archer, Engr. Thomas Whitlow, CALS

Faculty Committee on Program Review John Hopcroft, Engr.

Local Advisory Council J. Thomas Brenna, CHE David Caughey, Engr. June Nasrallah, CALS Colin Parrish, Vet. Christine Shoemaker, Engr.

Music Committee John Forester, AAP

Nominations and Elections Committee William Goldsmith, AAP

Sexual Harassment Co-Investigators Sheila Danko, CHE David Delchamps, Engr.

Transportation Advisory Committee Dan Brown, CALS

University Benefits Committee William White, CHE

University Committee on Human Subjects Carole Bisogni, CHE Robert Strawderman, CALS Brian Wansink, CALS

University Conflicts Committee Gregory Alexander, Law

University Faculty Committee Rodney Dietert, Vet.

Speaker Knuth: “I would like to ask for unanimous consent to approve this slate of candidates. Seeing no objections, I will move forward with accepting that report and thank you, Brad.

“The next item is to call on Martin Hatch who is the Chair of the Academic Programs and Policies Committee. He’ll present a resolution to approve the establishment of the new Master in Health Administration, Master in Business Administration Degree Program in the Sloan Program of the Graduate Field of Policy Analysis and Management and the Johnson Graduate School.”

5. RESOLUTION FROM CAPP TO APPROVE THE ESTABLISHMENT OF A NEW MASTER IN HEALTH ADMINISTRATION/MASTER IN BUSINESS ADMINISTRATION DEGREE PROGRAM

Professor Martin Hatch, Music and Chair of CAPP: “The Committee on Academic Programs and Policies is concerned with academic programs and policies that are independent of or extend beyond the single- or joint-jurisdiction of a school or college faculty, except those delegated to other committees by the University Faculty Senate. Among its duties is to conduct an initial screening of formal proposals for new academic programs or policies, including proposals for modification or discontinuance of existing programs and policies. As part of its charge to conduct this initial screening of programs, it considers program proposals not only in terms of the substance, coherence and potential value to individual students, but also for how well they fit into and are consonant with the wider mission of the University. Thus the committee looks to locate the place of new programs in the stated mission of Cornell, which is in part, to quote from the mission statement, ‘the cultivation and enrichment of the human mind and spirit in service to our alumni, the community, the state, the nation and the world in an environment of collegiality, civility, and responsible stewardship.’ I thought you all should know what you are doing here.

“We also consider the mission statements of the various programs that are considering the new degree programs and ask questions, should there be any questions that arise in the course of committee deliberations of the proposers to see if they agree with the mission statements, or what their thoughts are in relation to the mission statement and how the program fulfills that statement. We had brought before us a proposal for the Masters in Health Administration and Master in Business Administration ([Appendix 13](#)). It was sent to us from the Director of Graduate Studies Program of Policy, Analysis and Management, Donald Kenkel and Director of the Sloan Program in Health Administration in the Policy, Analysis and Management section, Professor Will White. Professor White is with us here now in case you have any questions. The committee, through this resolution ([Appendix 14](#)), is approving this program and is now presenting it to the Senate for its approval, as is part of the responsibilities, our responsibility and your responsibility to act upon it. Are there any questions about this degree? I will probably refer substantive questions about it to Professor White.”

Professor Alan McAdams, Johnson Graduate School of Management: “I have a few

comments to make and let me say my comments are to identify true facts, merely because they are true with no effect intended. But here are the facts. Senate action is not required for this activity. Second, it changes nothing. Third, the program here fits within the template that was established over a decade ago for programs of this kind. We were a bit surprised by this coming up. We are not upset, but since it doesn't fit in your characterization of a new program, we just sort of wonder why it happened to come along. We have a template that permits this kind of activity to take place. There are rules under which we operate. We, in the Johnson School, control the MBA degrees, and we also approve who will take them and require two important things of students. First is that they attend three semesters of work in the Johnson School. Second, that they take our core courses, and that is a limiting factor on how many people can be admitted, because our core courses are taken by all students in the school. We do grant fifteen units credit for one of these joint programs. We do not grant any credit until the candidate has completed the other half of the program in whatever school is doing a joint program with us. So as soon as that program is completed, and with the approval of their faculty, our faculty will grant fifteen units of credit, and that makes it possible for the student to complete the degree in lesser amount of time than otherwise would be the case. These are the facts and I thought it would be useful since I did not know them."

Professor Hatch: "Well I can answer, or at least I can suggest, why it is the committee was given this task and it has to do with the by-laws of the University. To quote, '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 with the appropriate college or school faculty the establishment modification or discontinuance of degrees.' This is a joint degree, a dual degree, and the Committee on Academic Programs and Policies concerns itself with academic programs and policies which are independent of or extend beyond the single or joint jurisdiction, of the school or college faculty."

Professor McAdams: "And my comment is, all of that has been done, a formal template has been established, and we have worked with these joint programs for a number of years, and it's automatic."

Professor Hatch: "So you are saying there is a preexisting joint template that the faculty passed upon and so any program that arise since then...."

Speaker Knuth: "Thank you for sharing those facts. I'll ask if there are any other questions or comments at this point."

Professor Terrence Fine, Electrical and Computing Engineering: "We're not just looking to grant an MBA. Maybe other departments would grant a different degree, but this is a new entity, and it does need approval of this body and approval of the CAPP committee. There are no options."

Speaker Knuth: "It seems like we have some debate on a point of University regulation. Is there anyone in the room who could speak unequivocally to that other than the two who have spoken and raised observation at this point."

Professor McAdams: "I can quote my Associate Dean."

Speaker Knuth: “Okay, if you want to do that briefly, go ahead.”

Professor McAdams: “I just did. Senate action is not required. Senate action changes nothing. A preexisting template permits this kind of joint activity with the degrees under the control of the individual faculty. We control the MBA. I gave you the conditions under which we grant it. All of that comes straight from our Associate Dean.”

Speaker Knuth: “Okay, thank you. Last comment goes to Dean Walcott and then we are going to take a vote on the resolution before us.”

Dean Walcott: “I’ll be very brief. It came from the General Committee of the Graduate School as an issue to be considered. Whether it fits or not, it seems to me that the appropriate thing for this body to do is to consider whether it wishes to go forward with it, and then let us consider the legal matters later.”

Speaker Knuth: “Thank you. I am going to go ahead in the interest of time and ask for a vote on the resolution that you have in front in of you and that was distributed early. All those in favor of approving this resolution please indicate by saying aye. All those opposed, please say nay. Resolution passed with one abstention.

“We will go on to the next item of business, which is to call on Professor Risa Lieberwitz, who is chair of the Committee to Review Faculty Governance. She will give a report. We have thirty minutes. Would you like to allow time for discussion?”

6. REPORT FROM THE COMMITTEE TO REVIEW FACULTY GOVERNANCE

Professor Risa Lieberwitz, Industrial and Labor Relations: “It’s a real great pleasure to be here to talk with you about this draft report. We are hoping to have a lively and interesting discussion, starting today, as well as at the faculty forum that we planned. What I would like to do is to run through some of the issues to highlight some points. I hope you have all had a chance to read our draft report and recommendations ([Appendix 15](#)). But I will just start with some points and then we will move to the discussion.

“First, just as a reminder, I just have the resolution to review faculty governance that was passed at the end of 2005 ([Appendix 16](#)), and of course we have been at work on the committee trying to fulfill the resolution that was given to us, and so I just wanted to remind you of that. Another quick reminder - the members on the Committee to Review Faculty Governance are listed on the overhead ([Appendix 17](#)) and are in the report as well. And then just some preliminary issues that I thought would be useful for me to identify that highlight some of the points of the report.

“The Faculty Governance Committee, again I have taken this very long name, and we just collapsed it, so the Faculty Governance Committee decided as you can see from reading the report that faculty governance at Cornell could be improved by strengthening existing faculty governance processes. And so you can see that our recommendations are designed to take what we have and make it stronger and make it work better. One of the things that we agreed on as a general matter and identified in the report is that we thought it was important to avoid governance by crisis management as much as possible. Of course crises occur, and one has to take care of them, but we thought that looking at faculty governance and trying to take actions to increase the flow of information, to engage in

processes re institutionalized for regular and early consultation, and to have broad and effective faculty participation would help to avoid that kind of crisis approach.

“Also another point I want to highlight is that our report places our specific recommendations in a broader context of trends in US universities affecting faculty governance processes, and so that’s Section Two of our report, and the hope is that general context then creates a context in which our specific recommendations can live. So those specific recommendations are found in Section Four, but prior to that in Section Three as well as in Appendix C of the report, we take the broader context of US universities and then look at the context of Cornell and what’s happened in the last ten years or so, which was of course part of the charge of the committee. Section Three and Appendix C of our report lists and discusses concerns raised by Cornell faculty in our interviews and in our study of the issues at Cornell. The report refers to particular events that have occurred at Cornell as examples of issues of faculty governance processes, seeking to understand problems as well as successes in governance. And also I wanted to highlight the point that the narrative that we have of events in Appendix C, these narratives do not seek to readdress or rehash the content of the issues. For example the narrative that’s on the reorganization of the biological sciences division does not seek to rehash the merits or the content of those issues but to look at examples of patterns of process with regard to faculty governance that we thought were important in pointing out. Another example is the issue of early and full consultation and timely implementation of Faculty Senate resolutions.

“Moving on, I thought it would be useful to show you the overview of the Faculty Governance Committee’s work, what we have done in defining issues, doing our research. I won’t typically read these out loud fully, the interviews that we conducted, input from the Senate as well as the departments and the full faculty, the progress report that we made in May of this year, and now you have our draft report and recommendations. We’ve got the web site at the University Faculty website, which has the report and recommendations for you to look at. We will have in addition to this discussion a faculty forum next week on November 15th for input from the faculty. That will be at 4:30 in this room from 4:30 to 6:00. We really encourage people to come and bring your friends, or bring people who aren’t your friends but bring lots of people because we want lots of discussion. And then we will be using the information that we gather to revise and to think more about what to do with the draft. We have quite deliberately are calling it a draft because of the importance that we believe consultation plays in engaging in governance processes. This draft is put out to you for your feedback, for your input, your critiques, your ideas, etc.

“Then what we would like to do after receiving this broad input is to incorporate ideas. The committee, of course, will continue to meet and our final report will reflect the sort of collective opinions that we are hearing from you with regard to the recommendations that we have made as well as the other parts of the report. We hope that when we come back to you, and as I said the target date here, the projected date, would be December 2006, and hopefully if not exactly then we’ll signal a short period of time when we come back to you hopefully for your majority support of the final report and recommendations.

This majority support itself will not actually result in changes of the kind that are recommended in the report and recommendations, but instead the collective voice of the faculty, if we have the majority supporting the report, will then trigger the need for a specific recommendation to be put into effect. The Dean of Faculty will have the job of, for example, recruiting ad hoc committees to consider the sorts of recommendations that we are making and if necessary draft new resolutions for presentation to the Senate for the Senate to vote. We have had this kind of action in the past, for example the creation of the local advisory committee. And an example of something that we recommend that would require perhaps an ad hoc committee but certainly another resolution for the Faculty Senate would be any changes in expanding the role of the UFC. That would need a resolution and some change in legislation in OPUF, to use the acronym. Your support of the committee report, if there is majority support, would then lead to further actions to implement them.

“Other information that I distilled to try to put out here to give you the sense right in front of you are the numbers of the people that we talked to, specifically in interviews and consultations as well as the category of individuals. We really tried to get a lot of input into our considerations. Then by categorizing the sorts of issues that we addressed in our recommendations, I think, these three general categories capture what we are looking at in terms of timeliness, content, quality of consultation between the faculty and the administration, as well as faculty and Board of Trustees. We seek to improve the effectiveness of the Senate in representing the interests of the faculty and increase the flow of information between the administration and the Board of Trustees and the faculty.

“We have quite a few recommendations, and unfortunately there’s no way to put them all on one overhead to show you nice and neatly. So I thought what could be useful before opening this up to a discussion, I thought I would point out some examples of the way in which these three areas are identified. For example, with regard to improving timeliness, content and quality of consultation certainly our second recommendation tries to capture a lot of that with early consultations, broad consultations to capture both academic and so called non-academic issues that affect faculty. The role of the UFC is included here. Also, the role of ad hoc committees and joint committees, with the recognition that consultation could also incorporate the need for speed at different times. Another example would be recommendation number 7 with regard to the need that we saw for Faculty Senate committee charges to possibly be strengthened. And we recommended that Faculty Senate committees review their charges to see if they would like to propose changes with regard to strengthening their charges and bring those recommendations for changing committee charges to the Faculty Senate.

“Recommendation number 8 is also extremely important with regard to consultation. Here we try to capture and make recommendations for procedures to have timely implementation of Faculty Senate resolutions, ideas for timetables, and the need for Senate committees to seek responses from the Administration. And then moving on, some of the issues that were very important in the creation of this committee are reflected in the recommendations.

“Recommendation number nine deals with searches and reviews of the President. Ten and eleven also deal with issues of searches and reviews of high-level administrators. Again I won’t go into the details here. Also I would just highlight for you in this area again. Triggering issues for our committee had to do with issues of resignation and discharge. All of these kinds of areas, try to increase consultations and the flow of information.

“Rather than continue to put these slides up here, I think that this creates at least a basis for discussion. Because I am much more interested in, and I’m sure we all are, in having a discussion about the things that struck you as important. Things you agree with, disagree with, points that you thought perhaps we should raise that we didn’t raise, etc., etc.. Most of the committee members are here from the Faculty Governance Committee and so if you have questions or comments I invite the other committee members to also join in the discussions.”

Professor Howard Howland, Neurobiology & Behavior: “Point of question about procedure. I understand that you are going to have forum and then we are going to give our ideas at the forum or e-mail them to you and then you will bring the report back and the recommendations will be voted on. I’m a little bit concerned about the procedure. Let’s say for example, I like lots of recommendations and I really don’t like some of them. Generally speaking, when we get to vote on motions we have a procedure we can make amendments. I wonder if we are not going to get in trouble if we don’t have that procedure. I understand that you have said ‘well this is just a recommendation and whenever we really have to do something important to change things, we’ll do that.’ But I’m still not feeling comfortable with that, because I don’t want to put my name on things, which I really don’t agree with. You see what I’m saying. So what should we do?”

Professor Lieberwitz: “I think it’s a good question and then of course there may be other people on the committee who want to say something. I think that one of the beauties of having drafts is that they are drafts. There are lots of things that could be changed, and I think what you are raising with regard to the process for how the Faculty Governance Committee should go forward and what we exactly should do with the report in terms of presenting it to you is part of the input that would be really useful to get from people. For example, if you thought that it would be useful for us to have separate votes on the recommendation that would be something that we could consider in coming back to the Senate.”

Professor Abby Cohn: “This is a really excellent report. I think it certainly addresses in a very comprehensive way, certainly many of the concerns that I know I’ve had. There’s one issue that has been on my mind that I’d raise that’s not addressed here, that I would just put out there. In some informal conversations I’ve had it appears to have to be the case that in the past rather than just having two Faculty Trustees we actually had three or four Faculty Trustees. It is certainly the case right now that neither of our Faculty Trustees serves on the Executive Committee. There is a structural reason for that because the Executive Committee of the Board of Trustees is made up of the Chairs of the Committees. However we have an unusually large board of 64 members and so the role and function of the Executive Committee of the Board of Trustees is enormously

important, much more so than boards at many of our peer institutions. One idea that I had was that perhaps we really should be requesting representation on the Executive Committee and possibly additional ranks. I was just wondering if the Committee had considered that and so forth.”

Professor Lieberwitz: “I’ll just say briefly that we did consider it. We did think about whether it was a recommendation that we would support. Ultimately we decided that we didn’t think it was really the sort of presence that would necessarily enable the faculty to have a strong influence on the Trustees. I think partly because of the issue of the ability of that Faculty Trustee or Trustees on the Executive Committee to actually be able to provide a lot of information back to the faculty. That it would both provide access but also perhaps some restriction on information. I don’t know if other people on the committee want to add to this but this is the kind of thing that I think is debatable about what to do on that. We certainly did debate it and talk about it so that if you as well as other people have further ideas about the pros and cons of that or other sorts permutations of where the Faculty Trustees could act best, please either say them now or send them.”

Professor Richard Schuler, Economics and Civil and Environmental Engineering: “Actually I had a question first, but then I wanted to respond to the question that you and Professor Cohn just raised. I’ve read over this report. It’s very thoughtful but I didn’t discern any recommendation for an actual structural change in governance. Am I misreading it? In other words, recommending that there’d be more Faculty Trustees that would have been a structural change in governance, or exploring ways that the Faculty Senate might be arranged and organized. There’s nothing in here that does that. What you are doing is really trying to enhance the interactive advisory capacity with the Board of Trustees and senior administrators.”

Professor Lieberwitz: “I think that’s correct that there isn’t any sort of startling sort of basic structural change. Well let me start with, yes I agree, and then point out perhaps some areas where there are some changes, even if they are not enormous, that we think are important. What we did decide in looking at the events that had occurred at Cornell and the sort of narratives that we use as examples, and certainly there are others that could have been put into Appendix C, was that the major problem was the issue of the fait accompli where the administration or Trustees announces something that happened and we are left to sort of run after that as the Faculty Senate. And, how can we avoid that? So clearly we all know that’s a problem and what we tried to do was to suggest recommendations that would actually promote earlier consultation and broader. One of the issues that we talked about quite a bit and that shows up in a couple of places in our recommendations has to do with the increase in so-called non-academic work by, let’s say vice presidents. And so to increase faculty input into hiring and review of people in those positions as well as recommending that individuals in vice president-type positions create their own kind of faculty governance structure.

“The other point that was a very big issue had to do with the fact that we have resolutions that are passed by the Senate, and not only do we have the problem with getting those resolutions implemented, but it’s the timeliness of them. We gave examples, for example,

of the non-tenure track committee recommendations that still have not been implemented and the suspension policy that stayed for a long time. Our feeling was that we do a lot of good work, and that in order to get respect for the Senate by other faculty as well as to create the Senate as a vibrant place that people wish to participate in, that those recommendations would increase the strength. Let me point out one thing that we also recommended, which was to have the UFC.... As you know there are nine members of the UFC, and to have four of those be elected from the faculty without the requirement of the UFC members who are elected being current members of the Faculty Senate to try to broaden (?). I don't know if there are other recommendations that the committee wanted to point out."

Professor Schuler: "I just wanted to be sure I wasn't missing something. I applaud the opportunity to layout a structure for communication and dialog so people understand each other. But also I was sort of looking for legal, obligatory push points and I didn't see much difference in that.

I just want to make a quick observation on Abby's point. When I was a Faculty Trustee, in fact I did serve on the Executive Committee for two of the four years, I think that was in part just an attempt of the Trustees to demonstrate that they did want to pay attention to faculty, because the norm on the Executive Committee for most of the Trustees is that they have been Trustees for a considerable period of time and have risen through the ranks. I just wanted to emphasize that that may be a tough thing to push in a legalistic sense. But it's worth a try."

Professor Ron Ehrenberg, ILR: "My colleague Dick Schuler was too modest, because the reason he was appointed to the Executive Committee was because of the all work he did on Lake Source Cooling.

I want to thank the committee for a very, very thoughtful effort and I've given Risa some private comments so I won't repeat them here. There are two points that I want to make. The first point is that if we are really serious about the spirit of cooperation, I think we should submit this draft to both the Administration and the Trustee leadership now to get their views. We may not, or we the committee and the Faculty Senate, may not pay any attention to their views against our final recommendations, but we at least should know what they are thinking.

"The second point is that something that's not in the recommendations and this occurred to me after I wrote to you really relates to something that Dick said. There really is a structural imbalance in the discussions at the highest levels of the Administration because when the President gets together with his or her senior staff, the President and the Provost, who in a sense represents the academic part of the University, and everybody else, all the other vice presidents are responsible for what we might call non-academic functions. So the faculty really has no real voice other than through the Provost in these types of situations. I think you should very seriously consider what the role of the Dean of the Faculty should be and whether the Senate's recommendations should push for a stronger voice of the Dean of the Faculty in deliberations at the center. They will be resistant because the Dean of the Faculty explicitly is not a senior staff member reporting

to the President, but having the Dean of the Faculty used in such senior staff meetings would be very important.”

Professor Lieberwitz: “Thanks and certainly we will consider that recommendation. In general we have been very concerned about this issue of labels, of things being non-academic not necessarily reflecting the reality of how much the so-called non-academic areas really do affect the faculty. Some of our recommendations with regard to searches and reviews I think are really important.”

Professor Brad Anton: “Just to address one thing, one of the things we, the Governance Committee, did was to call up deans of faculty or equivalent people at other universities and learn things about faculty governance in other places. We found that the equivalent to the Dean of the Faculty or Chair of the Faculty at many of our peer universities has much more power and is involved at a much higher level and much broader way in these types of things. Yes. We agree.”

Professor Bill Arms, Computer Science: “I would like to just mention an observation that struck me as I was reading the recommendations. Essentially all of them consist of adding more procedures and more processes. Having been at many universities one of the things that struck me when I came to Cornell a few years is it has more procedures and processes than any other university I have ever seen. I can’t help thinking that many of the problems described here come from the cumbersome situation that you have, which results in faculty members spending less time teaching and doing research. It results in there being more people in the Administration whose job is to manage the process. Many of whom, of course, are faculty members being wasted. I would be much happier to see a set of recommendations that moved in a direction of simplification.”

Professor Lieberwitz: “Thanks for that comment. This is in fact the sort of issue that we did discuss. I’m glad that Brad raised the point to kind of remind you that we did look at other universities and to see that there are other models that have less in the way of process. Ultimately, where we ended up was to say that we thought that what we had could be strengthened. I actually don’t think that we are adding that much in the way of committees. We did discuss that question, or are we just then adding more layers of committees. What we tried to do is when we recommended, for example, the faculty to be on search committees for high level officials, like a president and the provost, etc., was to identify places where those sorts of additional structures would be the sorts of things faculty would want to do, that is, that the input into really important decisions would be meaningful. And there’s just one other thing I would add is that I think that when people feel that working in faculty governance that perhaps they have the sense that ‘oh, I could be doing other things and this feels futile’ come not from the fact that the processes exist, but that very difficult issue of how to make consultation work well so that we don’t feel that we are on committees that spin our wheels, that we work very, very hard and that we see the recommendations of the resolutions that we come up with just sit there. We would like to actually see them effectuate. We were trying to make recommendations with that in mind. Again, if you have other ideas for streamlining, we would love to hear them.”

Professor Peter Stein, Physics: “I have been here a long time and spoken many times at this meeting. I agree with almost everything I have heard said on the floor today. But the problem that I see is that there’s no real way of changing it. The additional process doesn’t change it. When I first came to Cornell it was a long time ago, there was a very process-less faculty governance system. The faculty met in Bailey Hall, sometimes there were twenty people there, sometimes there were two thousand people there. It depended on the issue. They voted. There were no quorums and they made decisions.

“There was something like the UFC, which was called faculty council. The members were elected by the faculty. There were six or eight members. It was prestigious to be on that organization. That organization consulted with the Administration. That organization had no structural power. It simply gave its opinion to the President and the Provost. I believe that that system was a lot better than the system that we have at the moment. If I try to think about why it is that it was better, it was better because most faculty members thought - and probably for good reason - that that body really represented them. What it was that that body said to the President and Provost made a difference. There were cases I could think of when in fact it did make a difference. We used to go to that body and lobby them and say you ought to tell this to the President and the Provost. And they listened. There were meetings. The general perception was that that body played a fundamental role, not a structural role, but an advisory role that was a very serious one. It was important to be on that body. There was just an entirely different feeling among people of the importance of being on that faculty council compared to being on the UFC. I don’t think the UFC is thought of by most faculty members as being a fundamental player in the decision-making that goes on.

“Now how do you get around that? I haven’t the vaguest notion. I don’t think anyone, or very many people, would like to say give the UFC a structural role in making decisions, that the University administration can’t do anything unless the UFC agrees. Nobody wants that. In the end the difference that I see is how the Administration took the advice, and the seriousness with which they took the advice of this body. The propensity they have for accepting the advice of this body when it conflicted with their own view. If the body agrees with you, there’s no problem. The question comes up where the rubber hits the road or whatever metaphor you like. Or it comes up as when that body feels strongly about one and the President and the Provost feel differently about it. I think that’s where the issue is. How it is that you can change something because I believe that Cornell would be a better a better place and that the morale of the faculty would be higher if, indeed, there were a significant number of places whatever this body was that represented the beliefs of the faculty was a) accepted by the faculty as doing that effectively, and b) could believe, that in fact, sometimes that what they thought was a very important input into the decision-making. What that means is that their views got accepted some fair fraction of the case. I just don’t know how you legislate that.”

Speaker Knuth: “Just a note that you have one more minute because we have a Good and Welfare speaker.”

Professor Lieberwitz: “Okay. Let me make a quick comment. One is that, I think the point that you raise is an underlying issue that the Section Two of our report really tries

to address. That is, this is not just a question of finding the perfect committee, the perfect structure. But that in fact what we are looking at is a situation where the shared governance model across the United States is really being weakened. We had a long discussion in there about the kind of courses that we believe. It's not just our belief but based on our research and reading that there are courses, economic kinds of courses, social courses that have really created more of a kind of a business model that we think is inconsistent with governance. And so I think that what you may actually be reflecting is not necessarily that there's one perfect structure and one that doesn't work. But that in fact there is a more broad social issue.

“And then just one other quick thing is that rather than we did discuss the question should we have less governance to address the sorts of issues that you have raised, but ultimately came down to an agreement among the committee members that trying to broaden participation was really a very positive thing. And that that would occur as people felt that they were more effective, which of course we are trying to do by strengthening other aspects.”

Speaker Knuth: “I want to thank you for a good report and encourage those of you who have comments to pass them on to Professor Lieberwitz and her committee. I did promise four minutes to Professor Abby Cohn for Good and Welfare purposes, so Professor Cohn.”

7. GOOD AND WELFARE

Professor Abby Cohn: “I think the remarks I want to make highlight the importance of all the issues that are raised in the faculty governance report. I was shocked to read in last Tuesday's Sun that former President Hunter Rawlings had asked his senior advisor, Barbara Krause, to draft a revision to the Campus Code of Conduct leading to a proposed code which greatly restricts due process and constitutional rights, such as the right to remain silent. There are deeply troubling aspects of this proposal that warrant careful consideration, but I would like to focus my remarks on the procedural matters. Krause evidently consulted with various parties including University Assembly, though not the Senate, but is the sole author of this document. Thus these first steps in revising the Code deviate from the standing procedure, whereby the Code of Conduct falls under the purview of the University Assembly and revisions of the Code are the direct responsibility of the Codes and Judicial Committee of the University Assembly. This document was circulated by Hunter Rawlings to a number of individuals on May 15, but has not yet been made public. This is perhaps due to the change of Administration.

“The first question that I would like to consider is the status of this document. And if indeed it is to be taken seriously as the basis of a revision to the Campus Code, one of the procedures proposed for full consultation with the student body, employees and faculty. In this May 15th memo, Rawlings states that since this is a very important matter he would like to solicit comments for these proposed changes and that these should be discussed in the recommended changes before the Trustees are asked to take action, suggesting further deviation from the standing policy on revisions to the Code. This leads me to a more specific question about this matter has not come before the Senate. The

Code is under the purview of the University Assemblies, not the Senate. Nevertheless, it has major ramifications for the educational matters that normally are under the purview of the Senate and certain provisions of the Code potentially apply to faculty. What to do?

“First, I would suggest that we need to fill the open faculty seats on the University Assembly. Of the seven faculty seats on the University Assembly, only three are currently filled. I would strongly encourage you if you are at all interested in serving in that role to notify the Associate Dean of the Faculty and to talk to colleagues about doing this. I think we need to ask our faculty representatives to the University Assemblies to bring these documents to the Senate and to have the faculty reps of the University Assembly work with the Senate in responding to the proposed changes. I think we need to ask that these documents be made public. We need to direct the UFC and the Dean of Faculty to find out what President Skorton’s intentions are regarding this document. I think we as Senators need to share these documents with our colleagues in our departments. We need to discuss these documents and voice concerns through the Senate and directly to President Skorton and other Administrators. We might want to hold a faculty forum to discuss both the substance and process of the proposed revisions. We might also want to ask the committee on Faculty Governance to consider the articulation between the University Assemblies and the Faculty Senate to consider whether the current procedures for revisions to the Code are appropriate. Thank you.”

Speaker Knuth: Thank you Professor Cohn. If you have comments I suggest you pass those along to Professor Cohn.

“We have reached our agreed upon adjournment time. So I declare this meeting adjourned. Thank you for attending.”

[Meeting Adjourned - 6:00 PM]



Cornell University

Provost's Advisory Committee on Faculty Work Life

Provost Biddy Martin, Chair

Dorothy Ainsworth, Veterinary Medicine

Shelley Correll, Arts and Sciences*

Cynthia Farina, Law School

Herbert Gottfried, Agriculture and Life Sciences

Michael Jones-Correa, Arts and Sciences

Teresa Jordan, Engineering

Ronald Kline, Engineering, Arts and Sciences

Amy Villarejo, Arts and Sciences

Elaine Wethington, Human Ecology

***Added in 2006 to provide linkages with the NSF ADVANCE effort**



Cornell University

Provost's Advisory Committee on Faculty Work Life

Staff: Carolyn Ainslie and Francille Firebaugh

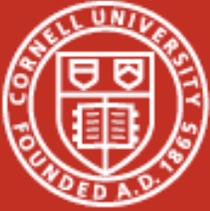
Researchers: Marin Clarkberg and Marne Einarson



Cornell University

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**



Cornell University

Faculty Work Life Survey

Your
work load

Satisfaction
with your work

Your work
environment

Personal and family
responsibilities

Policy
accommodations

Reflections

I. Your Work Load

1. Overall, how satisfied are you being a faculty member at Cornell?

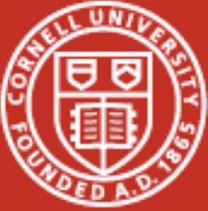
- Very dissatisfied
- Somewhat dissatisfied
- Neither dissatisfied nor satisfied
- Somewhat satisfied
- Very satisfied

2. Is your current appointment at Cornell formally apportioned by the terms of your contract, such as "50% research, 50% teaching" or some other configuration?

- Yes No Not sure

3. [If yes to Q2] According to the formal terms of your appointment, how are your responsibilities apportioned across the following five domains? Please use percentages such that the figures sum to 100%.

____ teaching ____ research ____ extension ____ clinical ____ administrative



Cornell University

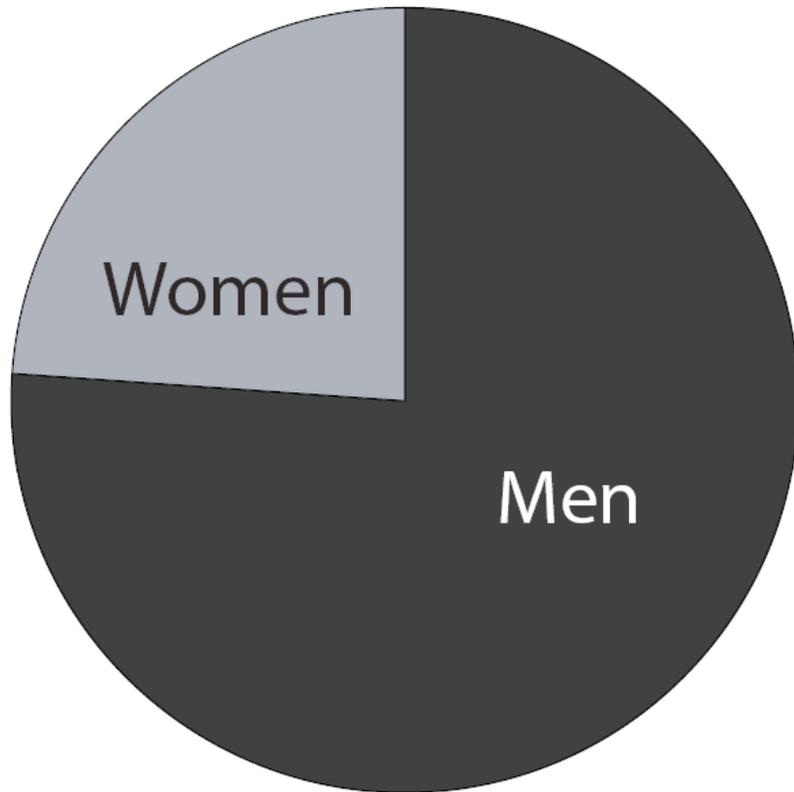
Response

- **65% of faculty responded (962)**
 - **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**

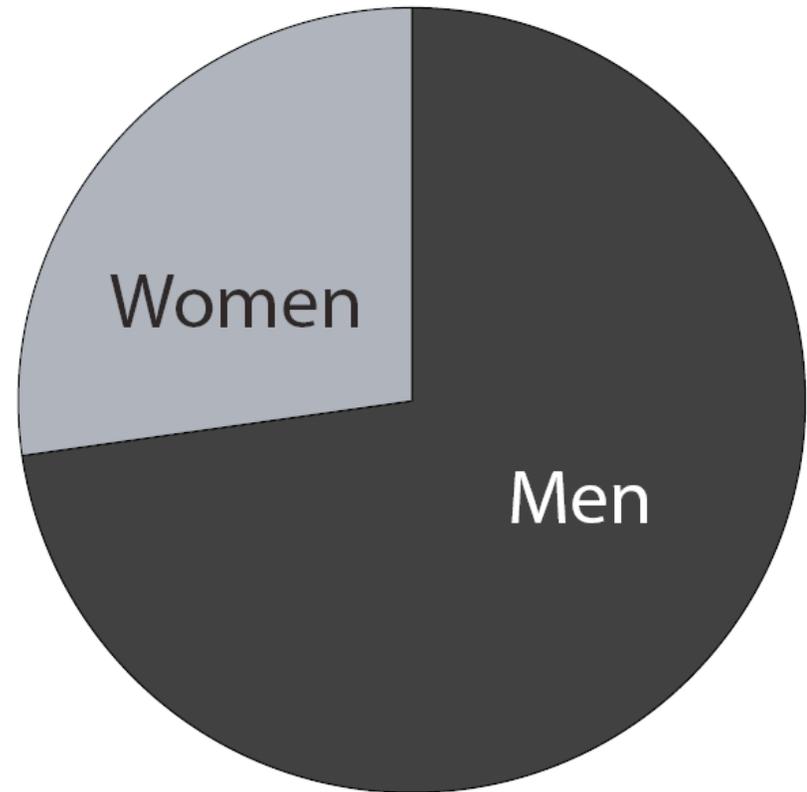


Cornell University

Response and Gender



Faculty Population

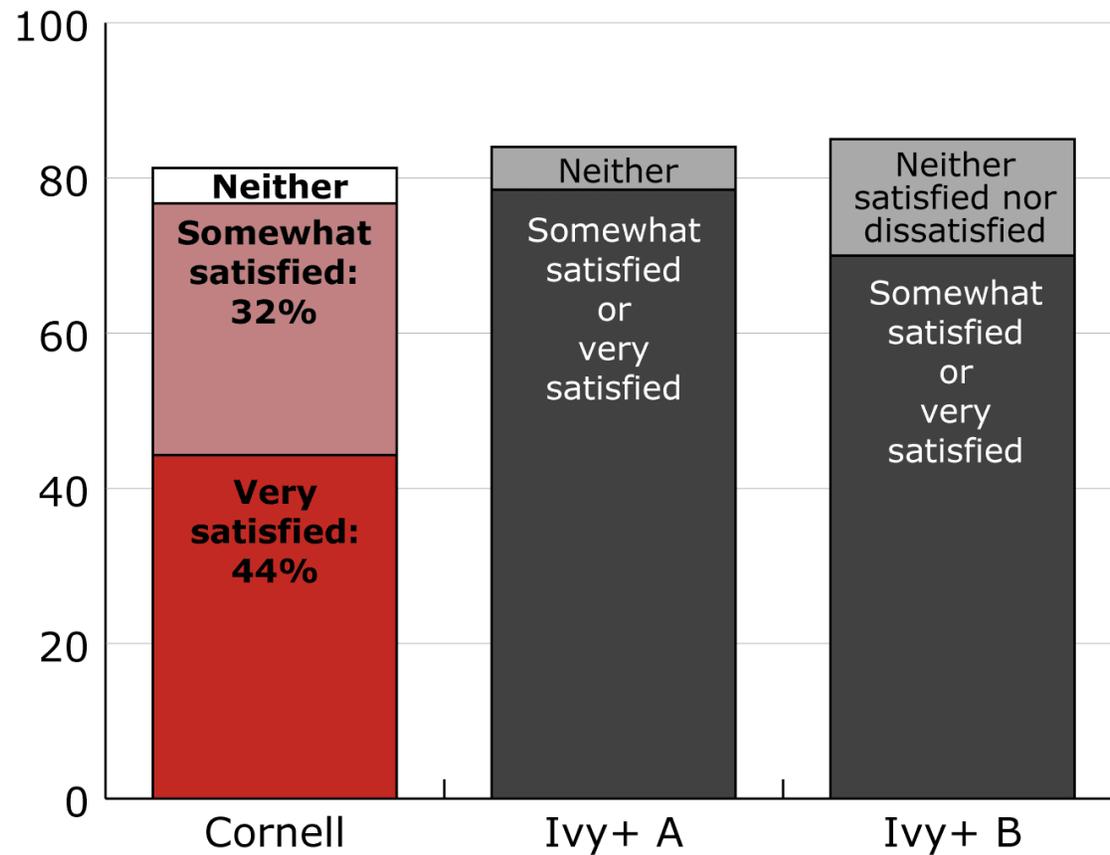


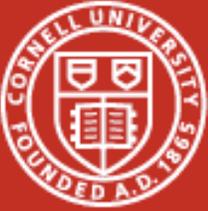
Respondents



Cornell University

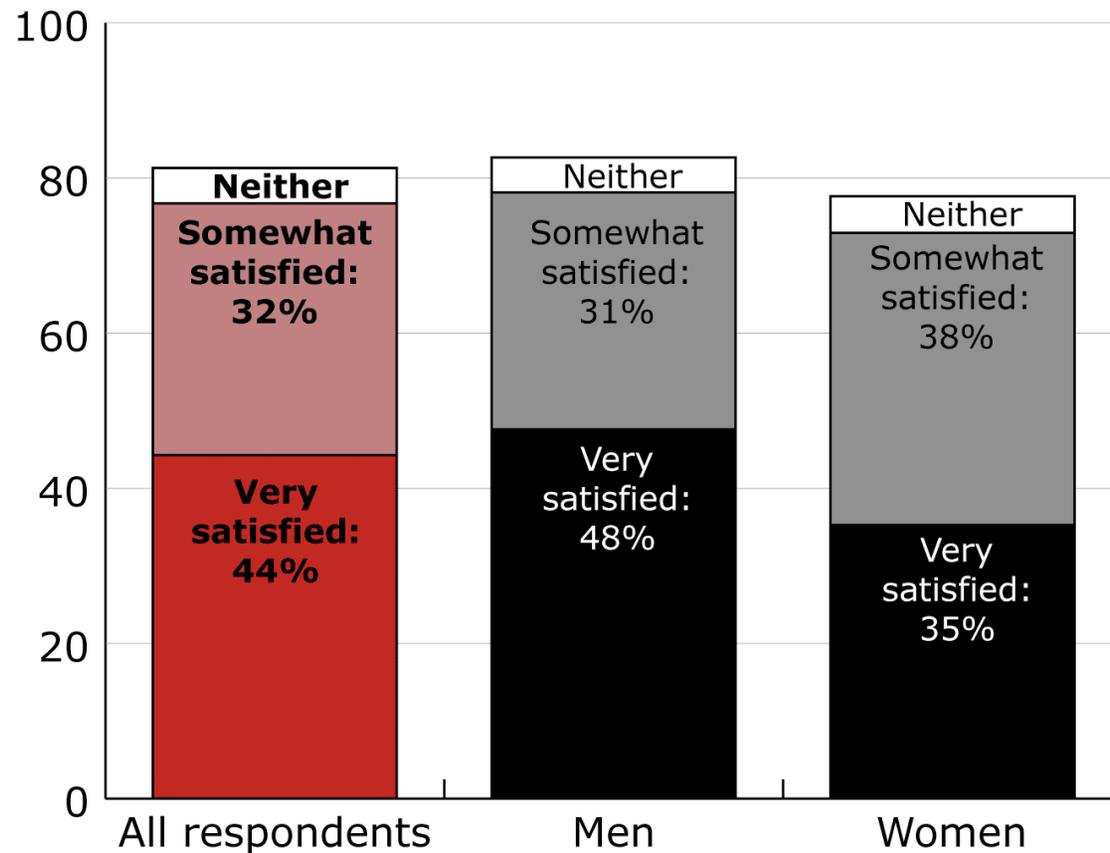
Overall Satisfaction

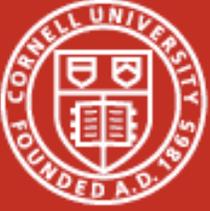




Cornell University

Overall Satisfaction, by Gender

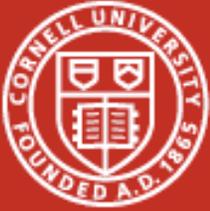




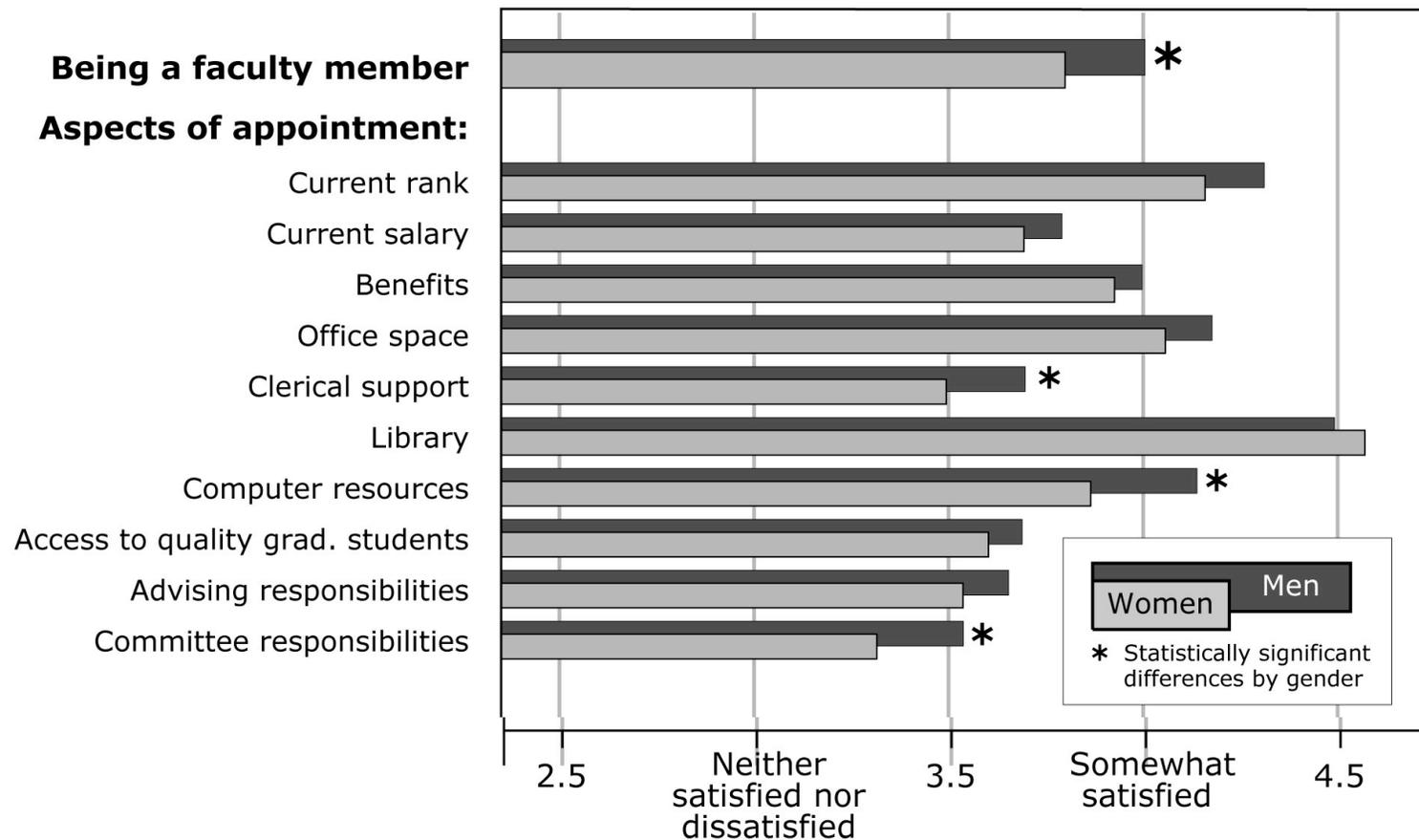
Cornell University

Understanding Satisfaction

- **Structural position:** rank, college, discipline, and department
- **Work load:** courses, committees, publications, and grants
- **Life outside Cornell:** married, children, and satisfaction with life outside
- **Integration:** collaboration, sense of belonging, knowing how to “navigate the unwritten rules” of faculty life



Aspects of Appointment

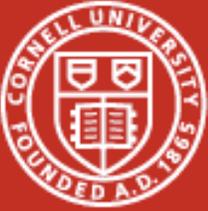




Cornell University

Measures of Integration

- Satisfaction with
"Opportunities to collaborate with faculty in other units at Cornell"
- Extent of stress caused by
"Departmental or campus politics"
- Agreement with
"I feel I am ignored in my department/unit"
- Agreement with
"I can navigate the unwritten rules concerning how one is to conduct oneself as a faculty member"
- Extent considered
"To find a more supportive work environment"
as a reason to leave Cornell



Cornell University

Next Steps

- **Portfolio of analyses based on FWL Survey results available on the web:**

www.dpb.cornell.edu/IP_E_Faculty_Work_Life.htm

- **Create linkages with NSF ADVANCE efforts beyond science and engineering fields**



Cornell University
College of Human Ecology

William D. White, Director
Sloan Program in Health Administration
Policy Analysis and Management
118 MVR Hall
Ithaca, NY 14853
t. 607.254-6476
f. 607.255.4071
wdw8@cornell.edu

August 25, 2006

To: Terry Plater
Associate Dean for Academic Affairs
Graduate School

From: Donald Kenkel, Director of Graduate Studies, PAM
Will White, Director, Sloan Program in Health Administration, PAM

Re: Request for Approval of Dual MHA-MBA Program

We are writing to request Graduate School approval of a dual Master in Health Administration/Master in Business Administration (MHA-MBA) program to be offered in conjunction with the Sloan Program in Health Administration and the Johnson Graduate School of Management.

Background:

The Sloan Program in Health Administration is located in the Department of Policy Analysis & Management in the Graduate Field of PAM. The program currently has two 60 credit degree programs: A two year MHA program and a five year BS/MHA.

Along with its regular 60 credit MBA program, the Johnson Graduate School of Management offers several formal dual degree masters programs with fields such as real estate. In addition, Johnson offers a generic "Custom Dual Degree" program available to students in other Cornell degree programs not covered by specific dual degree programs.

We would like to request consideration of a dual MHA-MBA program to be offered in conjunction with the Johnson Graduate School of Management's generic "Custom Dual Degree" program. This dual degree would provide students interested in health management but also desiring in depth training in the general field of business administration an opportunity to pursue both a MHA and MBA simultaneously.

This dual degree program would constitute a new program for Sloan. Under the Johnson Graduate School of Management's generic "Custom Dual Degree" program, it would constitute no change in the Johnson School's offerings. If approved by the Graduate School, Sloan would plan to offer the program beginning 2007 pending approval by the Commission for the Accreditation of Health Management Education (CAHME), the program's external accrediting body.

Proposed Dual MHA-MBA:

The proposed dual MHA-MBA program would be a 3 year 90 credit program comprised of 45 credits in the Sloan Program (25 credits in required core courses plus 20 elective

credits) and 45 credits (20 credits in required courses plus 25 elective credits) at the Johnson Graduate School of Management.

To participate in the program, students would need to be independently accepted by both Sloan and Johnson. Admission to one program would not guarantee admission to the other. Each admitted student's plan of study would need to be approved in writing by both schools prior to registration.

Core curriculum courses taken in the Sloan Program would cover Healthcare Organizations, Health Policy, Epidemiology, Ethics, Health Law, Information Resources Management and Healthcare financial management. Core curriculum courses taken at the Johnson Graduate School of Management would cover Financial Accounting, Statistics for Management, Microeconomics for Management, Marketing Management, Managerial Finance, Managing Operations and Business Strategy. In addition to core courses, all dual MHA-MBA students would be required to complete the Sloan Integrative Capstone Field Study course and a summer internship at an approved health related internship site.

Dual degree students would spend their First year at the Johnson Graduate School of Management and participate in Johnson's Immersion Learning program during their second semester. Students would then move to the Sloan Program in Health Administration in their Second year. Their Sloan internship would occur between their second and third year. The Third year enrollment would be split between the two programs and used to complete remaining elective requirements and the Sloan capstone field studies course. During their second and third year, students would also attend the Sloan colloquium series, which brings leading health industry practitioners to campus, and participate in related fieldtrips.

The Sloan Program would specifically inform potential applicants of the option of applying for a dual MHA-MBA program in its literature and web site. Currently, the Johnson School's materials already state in reference to its generic custom dual degree program that *"In addition to the programs described below, the Johnson School will work with you to design an acceptable program with any graduate unit at Cornell. All dual degree programs must be approved in writing by the Johnson School prior to your registration"* (See <http://www.johnson.cornell.edu/academic/mba/dualdegree.html>) and no change would be required.

A draft memo of understanding between Sloan and Johnson is attached outlining provisions under which students would be admitted and providing a sample curriculum.

Cc:

Joseph Thomas, JGSM

Cathy Dove, JGSM

Kay Obendorf, CHE

Rosemary Avery, PAM

8/25/06

Proposed Dual MBA/MHA Degree Program Sloan Program in Health Administration and Johnson Graduate School of Management

Proposed dual MBA/MHA degree program:

- 3 year 6 semester program, 90 credits total.
- Students must be accepted, independently, by both programs.
- This is not an official dual degree in the Johnson School, but is permitted under the “Custom Dual-Degree Program” option.
- The student must be registered three terms with the Johnson School and for three terms with the Sloan Program in Health Administration.
- The student can take courses in either place, regardless of current registration, but is responsible for ensuring that degree requirements in both schools are fulfilled.
- Each program establishes its own degree requirements and the student works out an overall plan to meet the requirements of each program. The student is responsible for receiving approval from both schools for the specific plan.
- Typically the first year of dual degree program is spent enrolled at Johnson School, second year at Sloan Program. All core courses must be completed by the end of the second year. The Third year enrollment is split between the two programs and is used to complete remaining elective requirements and the Sloan capstone field studies course.
- Students pay 3 semesters of Johnson School tuition and 3 semesters of Sloan Program College of Human Ecology tuition. (Johnson tuition year 1, Sloan tuition year 2, blend 1 semester each year 3).
- Students take at least 45 credits at Johnson (20 credits core + 25 credits electives) and 45 credits in Sloan Program (28 credits core + 17 elective credits). In addition, a 10 week summer internship is required for the Sloan Program.

Sample Curriculum: Core & Elective Courses

Year 1: Johnson School (30 credits)	
<i>Fall</i>	<i>Spring</i>
<u>NCC 500 – Financial Accounting (2.5)</u> <u>NCC 501 – Statistics for Management (2.5)</u> <u>NCC 502 – Microeconomics Mang. (2.5)</u> <u>NCC 503 – Marketing Management 2.5)</u> <u>NCC 506 – Managerial Finance (2.5)</u> <u>NCC 509 – Strategy (2.5)</u>	<u>NCC 504 – Management & Org. (2.5)</u> <u>NCC 508 – Managing Operations (2.5)</u> <u>Immersion or elective Courses (~10)</u>
Year 2: Sloan Program (30 credits)	
<u>PAM 557 – Health Care Organizations (3)</u> <u>PAM 563 – Health Care Fin. Mang. II (3)</u> <u>PAM 567 – Health Policy (3)</u> <u>PAM 552 - Ethics (alternates between year 2/3)</u> <u>(3)</u> <u>PAM 571 Org. Development & Human</u> <u>Resources (3)</u> <u>PAM 760 Colloquia*</u>	<u>PAM 554 -Health Law (alternates between year</u> <u>2/3) (3)</u> <u>PAM 559 – Epidemiology (3)</u> <u>PAM 564 – Inform. Res. Management (3)</u> <u>PAM 760 Colloquia*</u> Sloan Electives (6)
<i>Sloan Summer Internship</i>	
Year 3: Sloan/Johnson (30 credits)	
<u>PAM 577 Field Studies: Capstone (1)</u> <u>PAM 760 Colloquia*</u> Johnson Electives (12.5) Sloan Electives (2)	<u>PAM 577 Field Studies: Capstone (3)</u> <u>PAM 760 Colloquia *</u> Johnson Electives (2.5) Sloan Electives (9)
*PAM 760: 1 credit S/U seminar: required, but does not count towards 90 credits.+	

**Resolution to Establish Dual Degree
Master in Health Administration and Master in Business Administration**

WHEREAS, the General Committee of the Graduate School has reviewed and approved the proposal to create a new Master in Health Administration/Master in Business Administration (MHA-MBA) degree program in the Sloan Program of the Graduate Field of Policy Analysis and Management and the Johnson Graduate School of Management

WHEREAS, the Committee on Academic Programs and Policies has reviewed and recommends creation of this Master in Health Administration/Master in Business Administration (MHA-MBA) degree

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the establishment of a new Master in Health Administration/Master in Business Administration (MHA-MBA) degree program in the Sloan Program of the Graduate Field of Policy and Analysis and Management and the Johnson Graduate School of Management.

CAPP Approval
10/31/06

Faculty Senate Committee to Review Faculty Governance

Report and Recommendations

(Draft)

November 1, 2006

Table of Contents

I. Introduction.....	2
II. The Shared Governance Model in the University.....	3
III. Trends in the United States Weakening Shared Governance: The Impact on Cornell.....	6
IV. Recommendations.....	11
Appendix A.....	15
Appendix B.....	16
Appendix C.....	17

I. Introduction

The Committee to Review Faculty Governance was created by the Faculty Senate in November 2005 to study the state of faculty governance at Cornell and “to make recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the university faculty on administrative decision-making at Cornell.” (See Appendix A/Faculty Senate resolution creating the Committee to Review Faculty Governance, and committee members). The Faculty Governance Committee (FGC), which consists of seven faculty members from across the university, was established as a result of a perceived crisis in the university governance process. The triggering event for formation of the FGC was the action of the Board of Trustees in negotiating President Lehman's resignation without faculty input from any level, exacerbated by a confidentiality agreement that restricted the public release of information. This issue was not, however, a unique one with respect to raising questions about the importance of faculty input into events that affect the well being of the University. It was the latest in a series of events of the past decade that have now caused the faculty to express concern over their lack of influence in university governance.

To carry out its tasks, the FGC has engaged in work in multiple areas. The FGC: (1) defined issues of faculty governance, both conceptually and in practice at Cornell; (2) researched secondary sources (e.g. reflective essays and empirical studies) on faculty governance models, including faculty governance systems at other universities¹; (3) conducted interviews with individuals and groups of current and former faculty, administrators, and trustees at Cornell²; (4) conducted telephone interviews with individuals outside Cornell; and (5) solicited input and suggestions from the members of the Faculty Senate, department chairs, and the entire Cornell faculty. These five areas of the FGC's activities are interrelated, as the research and interview processes helped to define the key issues of faculty governance and provide information useful for addressing them. The FGC presented a written progress report to the Faculty Senate at its final meeting of the Spring 2006 semester. The FGC has created a web page on the Faculty Senate's web site, which includes the progress report and other information relevant to the committee's work.

Section II of this report discusses the traditional university “shared governance” model, which is linked to academic freedom in fulfilling the university's public mission in a democratic society. This section also describes the roles and responsibilities of the respective elements of the shared governance structure at Cornell. Section III discusses

¹ The FGC researched faculty governance systems of the following universities: California Institute of Technology; Harvard University; Massachusetts Institute of Technology; University of California, Berkeley; University of Chicago; University of Iowa; University of Pennsylvania; University of Wisconsin; and Yale University.

² See Appendix B: List of individuals interviewed or consulted by the FGC. The Faculty Governance Committee is grateful to these individuals for taking their valuable time to answer our questions and to give us the benefit of their insights and opinions on the issues that have been our primary concern.

societal changes in the United States that have led to institutional changes in many universities, including a weakening of shared governance. The discussion analyzes the way these trends in governance are reflected at Cornell, including institutional changes and approaches to governance by the university administration, changes in faculty attitudes toward faculty governance, and the implications of these changes for shared governance at Cornell.

Section IV presents the FGC's recommendations, aimed at preserving active faculty consultation and participation in university governance. These recommendations are based on the view that strong and stable institutional mechanisms for participation are essential to successful university governance, including strong faculty governance processes. Effective leadership is also important in these matters and has been critical to Cornell's success. University governance should not, however, depend only on the philosophies or personalities of particular leaders, but should be built upon institutional structures and processes that withstand the inevitable changes in leadership over time.

The appendices to the report include the charge to the FGC and the list of FGC members (Appendix A); the individuals interviewed or consulted by the FGC (Appendix B); and detailed descriptions of certain events during the past decade at Cornell exemplifying faculty governance concerns (Appendix C).

II. The Shared Governance Model in the University

Creating and preserving a great university depends, in part, on adopting governance processes that promote the institutional role of the university in serving the public good through teaching, research and service.³ The model of university governance widely adopted in U.S. universities is "shared governance," which includes faculty participation in university governance as an essential element of promoting and preserving the quality of the university's core educational functions of teaching and research.⁴ In the absence of formalized structures for consultation, faculty participation in university decision-making occurs primarily in times of crisis and is, thus, reactive rather than proactive. Shared governance processes provide institutional mechanisms to encourage deliberative, rather than crisis-based faculty participation. The shared governance model is linked to the role of academic freedom in preserving collective faculty autonomy over traditional academic matters such as faculty hiring, peer review, curriculum, and student academic standards.

³ See, e.g., Joan Wallach Scott, *The Critical State of Shared Governance*, <http://www.aaup.org/publications/Academe/2002/02ja/02jasco.htm>; Larry G. Gerber, "Inextricably Linked": *Shared Governance and Academic Freedom*, <http://www.aaup.org/publications/Academe/2001/01mj/mj01gerb.htm>; William G. Tierney, *When Divorce Is Not an Option: The Board and the Faculty*, <http://www.aaup.org/publications/Academe/2005/05mj/05mjtier.htm#b1>

⁴The mutual recognition by faculty and university administrations of the importance of shared governance dates back to the joint effort by the AAUP and the Association of American Colleges to restate the principles of academic freedom, which resulted in the 1940 Statement of Principles on Academic Freedom and Tenure, in AAUP POLICY DOCUMENTS & REPORTS 3 (1995) [hereinafter, 1940 Statement]. The Association of American Colleges is now the Association of American Colleges and Universities. AAUP POLICY DOCUMENTS & REPORTS 1 (B. Robert Kreiser ed., 9th ed. 2001).

The shared governance model also recognizes that meaningful faculty governance over academic matters requires broad faculty participation in other aspects of university governance, such as budgets and administrative appointments, which affect the core academic functions of teaching and research. Making faculty perspectives and expertise an integral part of university governance thus promotes decision-making consistent with the university's core missions.

In its 1966 "Statement on Government of Colleges and Universities," the American Association of University Professors (AAUP) describes the shared governance model that reflects the norm at many universities, including Cornell. This Statement enumerates the principal governing responsibilities of university boards (i.e., trustees), presidents, and faculty, and it offers broad guidelines for productive interactions among these groups.⁵ It recognizes that they will each initiate action in different areas, and that the weight of each group's voice may differ depending on the nature of the issue. Faculty have "primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life that relate to the educational process"; the President is the "chief planning officer" with a "special obligation to innovate and initiate"; and the governing board is the "final institutional authority."

At the same time, the AAUP Statement emphasizes crucial areas for joint planning and effort, including long-term institutional planning with "the broadest possible exchange of information and opinion," decisions about buildings and facilities, budgeting, the choice of a new president, selection of deans and other chief academic officers, and determinations of faculty status. The Statement argues that interdependence and joint planning are essential to fulfilling the university's public mission and to preserving the core value of academic freedom.

Cornell's shared governance structure mirrors the AAUP model in the divisions of authority and responsibility. The Cornell Bylaws give the Board of Trustees "supreme control over the university," which is implemented largely through the leadership of the University President as "chief executive and educational officer of the University," and the Provost.⁶ The Bylaws explicitly protect faculty autonomy over academic matters in the individual colleges and schools and questions of educational policy that concern more than one college or department.⁷

Cornell policy expresses the view that good leadership by the Trustees and Administration respects the shared governance model. As described in the Organization and Procedures of the University Faculty (OPUF), 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-

⁵ <http://www.aaup.org/statements/Redbook/Govern.htm>

⁶ University By-Laws, Art. V, §1; Art. VI. §1

⁷ University By-Laws, Arts. XII, XIII. <http://www.cornell.edu/trustees/cornell_bylaws.pdf>

making.”⁸ The University includes institutional positions and structures to implement consultative processes between faculty and the Administration/Trustees. At the college and departmental levels, this consultation is carried out between Deans, Department Chairs, and faculty. At the university level, consultation is carried out among the Dean of Faculty, the Faculty Senate, the Administration, and the Trustees.

The Dean of Faculty and Faculty Senate are included in the Cornell University Bylaws. The Dean of Faculty, elected by the University Faculty for a three-year term with possible reappointment by the Senate for two more years, has an important role of representing the faculty’s interests to the Board of Trustees and Administration. In this capacity, the Dean of Faculty meets with the President, Provost, and Board of Trustees, including the Board’s Executive Committee. The OPUF emphasizes the Dean of Faculty’s role as an independent faculty representative, stating that the Dean “is not a member or agent of the University administration.”⁹ The Dean of Faculty has the responsibility to “oversee and expedite” Senate committee work and to inform committees of problems that should be addressed. The Associate Dean of Faculty, who is also elected by the University Faculty, has duties that include chairing the Nominations and Elections Committee and *ex officio* membership on each committee of the University Faculty and each committee of the Senate.

The Faculty Senate carries out the functions of the University Faculty “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.”¹⁰

The University Faculty Committee (UFC) is a liaison between the Cornell Faculty Senate and the President, Provost, and other senior university administrators. The UFC, whose members are elected for three-year terms by the University Faculty, is an executive committee for the Senate, including setting Senate meeting agendas and acting for the Senate when necessary during emergencies.¹¹ The UFC “has the responsibility to inform and consult the Senate on a regular and frequent basis.”¹² Most recently, the UFC, as a faculty consultative body, has begun to meet regularly with the Trustees.

The Faculty Senate Nominations and Elections Committee, which is elected by the University Faculty, presents to the Faculty Senate slates of nominees for Senate standing and *ad hoc* committees. Faculty may also be members of committees created by the central administration to make or advise on policy issues, or carry out searches. Where the administration decides to appoint faculty members to such committees, OPUF provides that the administration is expected to choose about half the faculty membership on the committee from Senate nominations.

⁸ <<http://web.cornell.edu/UniversityFaculty/gov/OPUF.html>>

⁹ *Id.* at Section V.B.

¹⁰ OPUF Sections IV, IX, X, XII.

¹¹ *Id.* at Sections VIII.A.1.; XI.B.

¹² *Id.*

III. Trends in the United States Weakening Shared Governance: The Impact on Cornell

Current issues of faculty governance at Cornell should be understood in the broader context of national trends over the last twenty-five years that have had an impact on the structure and practices in universities throughout the United States. These trends have been characterized in different ways, including the increasing use of a model based on market and financial concerns of the university as a business.¹³ While the influence of business on universities is not a new phenomenon, dating as far back as the early 1900s, privatization trends since the 1980s have more recently expanded the use of a business or market model in universities. Various factors have contributed to the use of this market model, including: competition for students and research dollars and resulting pressures on universities to “market” themselves; increasing costs, overall, of operating the university; rising costs of research in the sciences and engineering; the growing media use of competitive rankings in *U.S. News & World Report* and other outlets as indicators of presumed educational quality; and the privatization of public functions, with a decrease in public funding to universities.¹⁴ These increased concerns with market issues are reflected in changes in university institutional structures and practices, including: continuing increases in tuition and student financial aid; increased student debt, which affects students’ career choices; a focus on the “branding” of the university; descriptions of students as “customers” purchasing education as a “product”; the expanding importance in the university of sciences as compared to the humanities; the growth of university technology transfer offices to commercialize science and engineering research through patenting and licensing¹⁵; widely divergent faculty salaries across disciplines, based on the scarcity value of faculty in their respective “markets”; pressures on faculty to provide their own research support; the growth of the ranks of lower paid nontenure-track faculty¹⁶; and increased emphasis on commercial aspects of university athletic

¹³ See, e.g., Jennifer Washburn, *UNIVERSITY INC.: THE CORRUPTION OF HIGHER EDUCATION* (New York: Basic Books 2005); Risa L. Lieberwitz,, *University Research Funding: Privatizing Policy and Practice*, in *SCIENCE AND THE UNIVERSITY* (Ronald G. Ehrenberg and Paula E. Stephan, eds., University of Wisconsin Press, forthcoming); Gerber, *supra* note 3.

¹⁴ See MARTIN KENNEY, *BIOTECHNOLOGY: THE UNIVERSITY-INDUSTRIAL COMPLEX* 28-29 (New Haven, Yale University Press 1986); Sara Shipley Hiles, *As Funding Drops, Young Researchers Suffer Most*, *THE BOSTON GLOBE*, Vol. 125, No. 64 (Jan. 25, 2006) (both sources discussing decreasing federal research funds in the 1980s).

¹⁵ See, e.g., David Blumenthal, David, *Academic-Industrial Relationships in the Life Sciences*, 349 *NEW ENGLAND JOURNAL OF MEDICINE* 2452, 2454-55 (2003); Sheldon Krinsky, *The Profit of Scientific Discovery and Its Normative Implications*, 75 *CHICAGO-KENT LAW REVIEW* 15, 22 (1999); Arti K. Rai and Rebecca S. Eisenberg, *Bayh-Dole Reform and the Progress of Biomedicine*, 91 *AMERICAN SCIENTIST* 52, 53 (Jan.-Feb. 2003).

¹⁶ The AAUP reports that “non-tenure-track positions of all types now account for 65 percent of all faculty appointments in American higher education,” with 35.5 percent growth of full-time nontenure-track faculty between 1998 and 2001. This contrasts with hiring practices in 1969, when only 3.3 percent of full-time faculty appointments were nontenure-track. AAUP, *Background Facts on Contingent Faculty*, available at, <http://www.aaup.org/AAUP/issued/contingent/contingentfacts.htm>> See also, John C. Duncan, Jr.,

programs. Both private and public universities have been affected by these factors, particularly as shrinking state funds lead public universities to raise tuition and expand relationships with industry.

One of the chief outcomes of these developments has been the overall expansion of “non-academic” units of the university to address administrative areas such as finance, student affairs, housing, and legal affairs. Yet these "non-academic" areas, for all the above-mentioned reasons, have a growing impact on traditional "academic" concerns. Especially in institutions with residential college structures, housing offices may have various areas of responsibility that overlap with academic concerns. As growing numbers of students seek participation in internships and extracurricular activities (in part to enhance their attractiveness in the job market), the work of student services offices increasingly connects to the academic mission of the university. Legal affairs and efforts to deal with potential or actual litigation now permeate all areas of university operations. And in an era in which universities are under continuing financial pressures, finance and financial management concerns have overriding impacts across all areas and all functions of the modern university.

The expanding presence of this market model and the growing importance of "non-academic" concerns to the core academic mission of the university raise concerns about the preservation of traditional academic values of the university. Will the university be able to maintain the institutional goals and values central to its role in a democratic society; that is, will the university preserve a commitment to its public mission and the culture of collegiality, community, openness of communication, and consultation that are part of academic freedom and shared governance? There is widespread concern that the university's changing identity as a business has been accompanied by institutional and structural changes that alter the unique academic culture of openness, debate, and careful deliberation essential to effective teaching, research, and participatory governance.¹⁷ Many commentators have raised warnings that the shared governance model is eroding in the context of these changes in the university, resulting in more unilateral decision-making by university administrations and trustees and a corresponding decrease of faculty participation in university governance outside of the parameters of undisputed academic issues.

The responsibility for the widespread erosion of the faculty governance role rests with the faculty, as well as with the university administration and governing boards. As faculty have increasingly turned their attention to individual concerns with research funding and to relationships and activities outside their own universities, they have reduced their interest and participation in collective faculty governance “at home.”¹⁸ While faculty members are often more concerned with the research and teaching that drew them to the

The Indentured Servants of Academia: The Adjunct Faculty Dilemma and Their Limited Legal Remedies, 74 IND. L.J. 513, 521-28 (1999).

¹⁷ See, e.g., Scott, *supra* note 3; David A. Hollinger, *Faculty Governance, The University of California, and the Future of Academe*, <http://www.aaup.org/publications/Academe/2001/01mj/mj01holl.htm>; Gerber, *supra* note 3.

¹⁸ See Hollinger, *supra* note 17.

academy in the first place, and because the tenure and merit pay processes typically reflect the value of research and teaching above service, faculty tend to view university service activities, including governance, as less important than other faculty work, too time consuming, and overly burdensome. Yet, without effective faculty governance, the environment for faculty research and teaching may be imperiled. Patterns have emerged of university administrations making decisions without consultation with established faculty governance bodies.¹⁹ Additionally, as university structures have expanded “non-academic” administration, this institutional reorganization limits faculty consultation and participation in decision-making.

These national trends and concerns about the impact on faculty governance are also reflected at Cornell. In interviews with faculty, including Deans of Faculty and Faculty Trustees, and in faculty e-mails, the FGC heard certain repeated concerns, which are discussed below. Appendix C of this report provides a more detailed account of these concerns as they have arisen in the context of the specific events leading to the creation of the FGC.

The concerns expressed by faculty in interviews and e-mails can be summarized as follows²⁰:

- The Administration and Board of Trustees have not consistently consulted in a timely and adequate manner with the University Faculty and Faculty Senate on important issues. Meaningful consultation should include active participation by faculty in decision-making on university policy and plans affecting academic matters. An essential part of meaningful faculty participation is active consultation *early* in the process of considering new or revised university policies or structures. Faculty understand that a serious consideration of faculty perspectives and recommendations may ultimately result in a decision with which many disagree. But the process of consultation should be one in which all parties are engaged in a good faith attempt to reach a consensus.

Faculty concerns about this issue arise from a pattern of the Administration and Board of Trustees making unilateral decisions, which have been presented to the faculty as a *fait accompli* or where there has been insufficient faculty consultation. In April 2000, the Faculty Senate adopted a resolution seeking to rectify the problem of the Administration’s failure to engage in early and adequate faculty consultation concerning reorganization of the Division of Biological Sciences, reorganization of the Department of Computer Science, and the creation of eCornell. In the case of the Division of Biological Sciences, the Faculty Senate was consulted late in the process, long after the Provost had created a task force to make recommendations concerning reorganization. One outcome of the process for reorganizing the Division of Biological Sciences was the creation of the Local Advisory Council, which now provides a governance mechanism for early and ongoing faculty consultation on such issues in the natural sciences. In the case of

¹⁹ See Scott, *supra* note 3.

²⁰ See Appendix C for more detailed descriptions of events cited in the following discussion.

the Department of Computer Science, the Provost unilaterally created and filled a position of Dean of Faculty of Information Science, without consulting the Faculty Senate. Similarly, the Administration announced its intention to recommend that the Board of Trustees create eCornell as a for-profit corporation, without prior consultation with the Faculty Senate.

The April 2000 Faculty Senate resolution instructed the Dean of Faculty and UFC to draft a written agreement with the President and Provost to ensure early and adequate consultation with the Faculty Senate. Although the parties entered such an agreement, which was adopted by the Faculty Senate in May 2000,²¹ the problem of a lack of early and adequate consultation has persisted. The most recent example of this problem, triggering the creation of the FGC, was the resignation of President Lehman, which occurred without any prior consultation by the Board of Trustees with the faculty, including the UFC and the Faculty Senate. After faculty protested the limited extent of faculty participation in the subsequent search for a new president, additional faculty were appointed to the presidential search committee.

Other recent examples of inadequate faculty consultation include the Provost's announcement, in summer 2002, of a proposal to dissolve the College of Architecture, Art and Planning (AAP), without prior consultation with AAP faculty. Faculty were surprised, as well, in summer 2002 by the forced resignation of Professor Philip Lewis from his position as Dean of Arts and Sciences, which was imposed by the President and Provost without prior consultation with the faculty nor explanation after the fact of the reasons for their actions. Criticism of the Trustee's precipitous action in the Lehman resignation, along with the Administration's decision-making process regarding Redbud Woods, were the immediate precipitating events leading to the Faculty Senate's September 2005 resolution creating the FGC. The provisions supporting the resolution described the decision to pave Redbud Woods as "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."

- The growth of "non-academic" administrative offices is structurally exclusionary; that is, defining areas such as student affairs and budgeting as "non-academic" offices excludes an adequate level of faculty consultation and participation on what are actually academic issues. Many financial planning issues, including the setting of tuition levels and commissioning of building projects, directly affect faculty work, as do student housing and other issues dealt with by "non-academic" offices such as Student and Academic Services. Consultation between the administration and faculty should include these issues, which affect core academic matters.

²¹ See Appendix C, descriptions of eCornell and of the Faculty of Computer and Information Science.

- There have been significant instances where communication by the Administration and Trustees of information to faculty on key university matters has been inadequate, resulting at least in part from an overuse of confidentiality as an information sharing criterion. The prime example of this problem was the Lehman resignation. Faculty were concerned that the Trustees did not provide information to faculty through a consultation process that was also sensitive to the unusual nature of the circumstances.²² In the case of the forced resignation of Professor Philip Lewis from the position of Dean of Arts and Sciences, the Administration did not provide faculty with reasons for the resignation, despite Professor Lewis' request that President Rawlings publicly provide such information.²³
- Some Faculty Senate committees do not have a sufficiently strong influence on decisions made by the Administration and Board of Trustees. The Administration has not responded in a timely way to several Faculty Senate committee recommendations or Faculty Senate resolutions. For example, in March 2005, the Faculty Senate passed two resolutions that adopted two separate recommendations of the Faculty Senate *ad hoc* Committee on Nontenure-Track Faculty Status. The Administration has still not taken action to implement these two recommendations to create emeritus titles and professional development opportunities for senior lecturers, senior research associates, and senior extension associates. Another example of an overly long process is the development of a suspension policy covering tenure-track faculty (also referred to as Policy on Sanctions and Job-Related Faculty Misconduct), which has taken almost five years from initial formation of a Faculty Senate task force to final Faculty Senate adoption of the proposed policy. A significant part of the delay was created by two periods of almost one year each, when the policy had left the Senate and was under consideration by the Administration, including the academic deans.

Effective shared governance also requires that faculty recommendations have an adequate influence on the Administration and Trustees' decisions in appropriate circumstances, such as issues that strongly affect academic matters. For example, the Faculty Senate Committee on Academic Freedom and Professional Status (AFPS) has concluded that the AFPS faculty grievance process does not guarantee sufficient influence on the Administration of AFPS recommendations, which often require many hours of investigation and deliberation. The AFPS has proposed changes in the grievance processes to strengthen the influence of the Committee's recommendations on the Administration's final decisions on faculty grievances.²⁴

²² See, Philip Lewis, *On Trusting in Secrecy*, at 1-3, available at <http://web.cornell.edu/UniversityFaculty/announce/LewisOpinionPiece.pdf>

²³ *Id.* at 4.

²⁴ See Discussion of AFPS proposal at the December 14, 2005 Faculty Senate meeting, <http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/2005-2006/121405Minutes/Minutes051214.htm> The UFC transferred the AFPS proposed changes to the FGC for consideration. While the FGC does not make a recommendation on the specific proposal, it has

- Only a minority of the faculty actively participates in faculty governance processes, including the Faculty Senate and Senate committees. Without broad faculty participation over time, including rotation in and out of faculty governance activities, it is difficult to create a deep faculty commitment to the value of faculty governance. Without a norm of broad faculty involvement in governance, it is also difficult to create and enforce a related expectation that the Administration and Trustees will consistently engage in serious consultation with faculty over university policy and actions.

The current and former administrators and trustees interviewed by the FGC do not, in general, share these same concerns. They do support a governance model that respects faculty autonomy over core academic matters such as curriculum, research, and academic degree programs, and that may include consultation with faculty outside these core academic areas. The differences between the Administration and Trustees' perspectives and the concerns expressed by faculty reside, often times, in the gray areas of defining which issues should include consultation between the administration and faculty and the degree of influence that faculty consultation should have on the final decision.

IV. Recommendations

The recommendations in this report are designed to improve and strengthen faculty governance at Cornell and by so doing, to improve the overall quality of the University. The recommendations are directed to the issues and address problems identified by the FGC in its work, with a particular focus on openness and meaningful consultation between faculty and the administration, toward a goal of consensus as decisions are made.

1. The Dean of Faculty and University Faculty Committee (UFC) shall develop a program to inform the full faculty of university governance processes, including the role of the Faculty Senate, Faculty Senate committees, UFC, and Faculty Senate procedures. It is especially important to educate new members of the Senate and newly hired faculty about these processes and procedures.
2. The Administration shall consult with faculty about a broad range of issues, including both academic and non-academic matters that affect faculty and academic life at the university (e.g. capital campaign planning; housing; budget/finance; new construction). The President, Provost and Board of Trustees Chair/Executive Committee Chair shall use their regular meetings with the Dean of Faculty and the UFC to raise issues for faculty consultation. In general, these issues shall be raised early enough to provide time for meaningful consultation with the faculty, including consideration by Faculty Senate committees, *ad hoc* faculty committees, or joint faculty/administration committees. The goal of consultation shall be to reach

concluded that the recommendations of the AFPS and other Faculty Senate committees should be given greater weight in final decisions by the Administration. See FGC recommendation #7.

consensus between the Administration/Trustees and Faculty. In the unusual case where the President, Provost, or Board of Trustees believes that action must be taken quickly, they shall work with the Dean of Faculty and the UFC to provide for adequate faculty consultation.

3. The President shall hold a meeting with the faculty, as a whole, at least once each semester to report on the state of the University and answer questions. In addition, the Dean of Faculty shall hold university faculty fora on crucial issues, as they arise. The agendas of these meetings shall be publicized, with a general discussion following the particular agenda items.
4. The faculty shall be informed about the work of the Board of Trustees in the following manner: The UFC shall report to the Senate on its regular meetings with the trustees and this information shall be disseminated by senators to their departments or Colleges. The Board of Trustees (at a minimum, the Chairs of the Board and of the Executive Committee) shall hold a “town meeting” with the faculty, as a whole, at least once a year to provide information to the faculty about issues being considered by the Board of Trustees, answer faculty questions, and to enable faculty to inform the Board about issues of concern to the faculty.
5. Departments should encourage broad and active participation of faculty in the Faculty Senate. Faculty Senate representation shall be given appropriate weight among other faculty committee and service roles. Faculty Senators shall report to and seek input from the faculty they represent, on a regular basis, on the matters considered by the Faculty Senate.
6. The role of the UFC and faculty awareness of the UFC shall be expanded:
 - At least five members of the UFC shall be current Senate members at the time of their election; as many as four need not be current members of the Senate at the time of their election.
 - The UFC shall make an oral report at each Faculty Senate meeting, with sufficient time for questions.
 - During the summer and winter breaks, when the Faculty Senate does not meet, the UFC shall have executive authority to consult, on behalf of the Faculty Senate, with the Administration and Board of Trustees when necessary to deal with crises or other important issues that arise. In dealing with such matters, the UFC shall attempt, whenever possible, to find interim solutions until such time as the Faculty Senate is able to meet and consider the matters.
7. Faculty Senate Committees shall review their committee charges to determine if the charge should be amended to provide mechanisms that add weight to committee recommendations to the CU Administration. Committees that seek to change their charge shall bring a resolution to the Faculty Senate.²⁵ Each Faculty Senate committee shall establish regular meeting times at the start of each academic year.

²⁵ At the December 2005 Faculty Senate meeting, the Faculty Senate Committee on Academic Freedom and Professional Status (AFPS) proposed amending its charge to strengthen the weight of its

8. Procedures for ensuring timely implementation of Faculty Senate resolutions shall be adopted:
 - The Dean of Faculty shall work with Faculty Senate committees to establish procedures for presenting resolutions to the Faculty Senate in a timely fashion.
 - To increase the potential for timely implementation of Faculty Senate resolutions, Faculty Senate committees shall seek responses from the Administration or Deans, where appropriate, to proposals that the committees are considering for submission to the Faculty Senate.
 - The Dean of Faculty, UFC, and the Administration shall establish timetables for definitive responses from the Administration, be they positive or negative, to Faculty Senate resolutions. In general, Faculty Senate resolutions accepted by the Administration calling for structural changes shall be implemented within two semesters.²⁶ Other Faculty Senate resolutions or Faculty Senate committee recommendations shall be implemented more quickly. The Dean of Faculty and UFC shall report to the Senate, at least once a semester, on the status of implementation of Senate resolutions.²⁷
9. In recognition of the importance of the position of the University President, the appointment and subsequent reviews of the President shall be carried out in as open a manner as possible, including broad faculty input and consultation in search and review processes. Faculty shall compose at least one-half of the members of any search committee or performance review committee for the President. Faculty appointments to these search and review committees shall be made through a procedure of nominations by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate.
10. Appointments and performance reviews of senior level administrators shall be carried out in as open a manner as possible, including broad faculty input and consultation in search and review processes. While recognizing that the President has the prerogative to appoint the University Provost, faculty shall participate actively in the search process for Provost, with faculty composing at least one-half the members of any search committee or subsequent performance review committee. Faculty shall compose at least one-half the members of any search or performance-review committee for the positions of Dean of the Graduate School, Dean of Students, and Deans of the Colleges. Faculty appointments to these search and review committees

recommendations to the Administration concerning faculty grievances. The UFC referred the AFPS resolution to the FGC. The AFPS should consider re-submitting its resolution to the UFC for debate by the Faculty Senate.

²⁶ Examples of structural change are the suspension policy recommended by the AFPS and approved by the Faculty Senate in September 2006, and the Faculty Senate *ad hoc* Committee on the Status of Nontenure-track Faculty recommendations for emeritus status and professional development opportunities for senior level nontenure-track faculty. See Appendix C.

²⁷ Examples of current Faculty Senate resolutions that have not been implemented more than one year after Senate approval are the emeritus status and professional development opportunities recommended by the Faculty Senate *Ad Hoc* Committee on the Status of Nontenure-Track Faculty. See Appendix C.

shall be made through a procedure of nominations by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate.

11. In addition to the recommendations in #10 (above), a Faculty Senate Committee on Administrative Appointments and Reviews shall be created for consultation by the Administration on appointments, reappointments, and performance reviews of University Vice Provosts and Vice Presidents. The faculty members and Chair of this Committee shall be appointed by the Faculty Senate Nominations and Elections Committee, under the same procedure used by the Nominations and Elections Committee for appointing members of other Senate committees. University Vice Provosts and Vice Presidents shall create faculty consultation mechanisms for their units.
12. Prior to accepting the resignation or considering the discharge of the President, the Board of Trustees shall consult with the University Faculty Committee, which body will report these discussions to the Faculty Senate and seek its advice.
13. Prior to accepting the resignation or considering the discharge of the Provost, the President shall consult with the University Faculty Committee, which body will report these discussions to the Faculty Senate and seek its advice. Prior to the resignation or consideration of the discharge of other senior level administrators, the President or Provost shall consult with the University Faculty Committee.

APPENDIX A

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.

(Resolution passed by the Faculty Senate on October 12, 2005)

Members of the Committee to Review Faculty Governance:

Brad Anton, Chemical and Biomolecular Engineering

N'Dri Assie-Lumumba, Africana Studies & Research Center

Eric Cheyfitz, English, Arts & Sciences

William Crepet, Plant Biology, Agriculture & Life Sciences

Cornelia Farnum, Biomedical Sciences, Veterinary Medicine

David R. Lee, Applied Economics & Management, Agriculture & Life Sciences

Risa Lieberwitz (Chair) Collective Bargaining, Labor Law & Labor History, Industrial & Labor Relations

APPENDIX B

Individuals Interviewed or Consulted by FGC

Cornell University Administration and Board of Trustees

President Dale Corson
Professor Philip Lewis (former Dean of College of Arts and Sciences)
Provost Carolyn (Biddy) Martin
Board of Trustees Chair Peter Meinig
Cornell University Counsel James Mingle
Board of Trustees Executive Committee Chair Edwin Morgens
President Hunter Rawlings
President David Skorton

Cornell University Deans of Faculty and Faculty Trustees

Professor Emeritus Robert Cooke (former Dean of Faculty)
Professor Ronald Ehrenberg (former University Vice President and current Faculty Trustee)
Professor Cynthia Farina (former Associate Dean of Faculty)
Professor Emeritus Walter Lynn (former Dean of Faculty; former Faculty Trustee)
Professor Kathleen Rasmussen (former Associate Dean of Faculty; current Faculty Trustee)
Professor Peter Stein (former Dean of Faculty; former Faculty Trustee)
Professor Charles Walcott (current Dean of Faculty)

Cornell University Faculty

Professor Pierre Clavel
Associate Professor Abigail Cohn
Senior Lecturer Stuart Davis
Professor Terrence Fine
Professor Dominick Lacapra
Professor James Turner

APPENDIX C

Events at Cornell University Raising Faculty Governance Concerns

Resignation of President Lehman

On June 11, 2005, at the conclusion of his State of the University address and without prior warning, Jeffrey Lehman announced his resignation as Cornell's eleventh president, stating:

I am proud of what Cornell has achieved during my tenure as president. Over the past few months, it has become apparent that the board of trustees and I have different approaches to how the university can best realize its long-term vision. In light of our differences, it is best for the university that I step aside. I know that this remarkable university will continue to prosper and move forward under different leadership. As a Cornell graduate, I remain deeply devoted to the university, its faculty and students.

(<http://www.news.cornell.edu/stories/June05/President.steps.down.html>, accessed 09/25/06)

That same day, Peter Meinig, Chairman of the Cornell Board of Trustees, issued a statement to the Cornell community, in which all he said by way of explanation of the resignation was:

While much has been accomplished over the past two years, we believe that this decision is in the best interests of Jeff and the University and all of its constituents. The Trustees and all of the members of the University community appreciate Jeff's many contributions to Cornell over the past two years, and wish him every success as he goes on to the next stage of his career. (http://www.news.cornell.edu/stories/June05/Meinig_statement.html, accessed 09/25/06)

Meinig's statement also announced that he would "appoint shortly" a search committee to begin working on finding Cornell's twelfth president.

Nothing more of an official nature was said of the resignation and in an interview with Lehman, reported on June 15 by Linda Grace-Kobas of the Cornell News Service, he

dismissed speculation that he and the trustees were at odds over the direction of the university or its academic goals, or that they were unhappy over his handling of contentious local issues. "This was not about an issue, not about people or personalities. It was about a philosophical difference over how Cornell should reach our goals," he stated emphatically. "I think my departure signals an

opportunity for the board to find a new president who is more in tune with their strategies for how to reach those goals.”

(http://www.news.cornell.edu/stories/June05/Lehman_interview.lgk.html, accessed 09/25/06)

In the absence of any concrete explanation for the resignation and in the face of a confidentiality agreement signed by the trustees and Lehman, speculation ensued. In an article on June 17, 2005, *The Cornell Daily Sun* reported that the “board...had, by almost all accounts, forced his resignation”; moreover, although “University representatives have consistently characterized the issues as ones between the president and the Board, many members of the Board told *The Sun* they were unaware of the rift until the day of Lehman's announcement.”²⁸ The article continues:

Many in Day Hall and on the Board itself say that Meinig forced Lehman to resign or face removal. Why Meinig would want to remove a president who had reigned over two of Cornell's most lucrative fund raising years ever is a closely guarded secret.

Day Hall observers have spent endless hours debating various theories about what caused the final break, which occurred sometime shortly after commencement.

Most attribute at least some degree of the relationship's breakdown to the sudden departure of Inge Reichenbach, Cornell's former vice president for alumni affairs and development. Although University representatives were quick to characterize her departure to Yale as her decision to take a more lucrative offer, Reichenbach had made every sign of making Ithaca her permanent home.

(<http://cornellsun.com/node/14929>, accessed 09/25/06).

In its July/August 2005 issue the *Cornell Alumni Magazine Online* emphasized the speculation, now taking place in a range of publications, local and national, noting:

In the absence of substantive information, there was a great deal of conjecture, much of it centered on fund-raising issues. The Chronicle of Higher Education reported that “there was speculation on the campus that the trustees blamed Mr. Lehman for the sudden departure of Inge T. Reichenbach, the university's chief development officer, just as the campus was in the early stages of a major capital campaign. Ms. Reichenbach, who had been at the university for twenty-five years, left with little notice to become Yale University's vice president for

²⁸ In a Faculty Senate meeting of October 12, 2005, Provost Biddy Martin offered the following explanation for what part of the Board participated in the resignation: “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.”

development." Lehman denied this allegation, telling the Ithaca Journal that the disagreements were not over "a personnel matter."
(<http://cornellalumnmagazine.com/Archive/2005julaug/depts/FTH.html>, accessed 09/25/06)

Because Lehman's resignation occurred in the summer, the faculty was not able to respond to the event in any formal or unified way until the fall semester of 2005. But on August 30th, answering an invitation from the presidential search committee to meet with it, faculty filled Hollis Cornell auditorium and turned the meeting from one about the search for a new president into one about the lack of information afforded the Cornell community concerning the reasons for the resignation and the lack of consultation with the faculty in making such an important decision in the first place. The faculty expressed its dismay and anger to Meinig at the absence of communication between the Board of Trustees and the faculty in the Lehman matter. The sense of the faculty on that occasion is captured by Professor Abby Cohn in the minutes of the October 12, 2005 meeting of the Faculty Senate, the meeting in which the Senate voted to create the Faculty Committee on Governance:

I guess the biggest concern for me ... 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.... 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 [Search] Committee, which I am grateful for, we have yet to start to get this two-way thing going. I really hope that you [the UFC] 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.
(http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/2005-2006/101205Minutes/101205.htm (11 of 27)9/8/2006 2:14:22 AM)

The August 30th meeting yielded no new information on the Lehman resignation. Citing the confidentiality agreement, Meinig would not disclose any specifics beyond his June 11th statement.

In the wake of the August 30th meeting two faculty initiatives took place. One, to constitute a faculty body to review governance at Cornell, was initiated by an independent group of faculty affiliated with the Cornell University Faculty for Justice and Peace (CUFJP), many of whom had been involved in the action to save Redbud Woods. This eventuated in the Senate resolution to create the Faculty Committee on Governance. The other initiative was generated by the Senate itself and took the form of the *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* (<http://web.cornell.edu/UniversityFaculty/FacSen/050914SenateMtg/OpenDialogueRes.pdf>, accessed 09/27/06). The resolution, which was passed at the September 14th meeting of the Senate, notes how "very seriously [the faculty takes] its obligation to advise the Administration of the University on the conduct of the University's business" but that it "cannot perform this function in a climate of secrecy." Further, the resolution notes "the

abruptness of the resignation of President Lehman and the lack of any meaningful explanation for it have, to our knowledge, no precedent at Cornell or at other prestigious American universities.” Registering the “distress[...]

of the Senate that the faculty had to turn to journalistic speculation “rather than to an official University source” for its information on the resignation, the resolution states: “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,” thus expressing its anxieties about the state of governance at the university. In view of the situation, the resolution 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” the specifics of the Lehman resignation and further 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.”

At the October 12th meeting, minutes of which are given at the URL cited above, Professor Kathleen Rasmussen reported on the Board’s response to the resolution, which came in the form of a letter, distributed to the Senate. While this reporter has not read the letter, the gist of it, as summarized in the minutes of October 12th, was that the Board would and/or could not (within the terms of the confidentiality agreement) elaborate further on the disagreements between the Board and President Lehman that led to his resignation. Professor Rasmussen remarked: “For those of you who wanted all of the details, this response will surely not be satisfactory.”

Members of the Senate whose responses were recorded in the minutes variously voiced their concerns at the response. Professor Martin Hatch remarked: “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 Steve Shiffrin noted: “It occurs to me that there are questions to be raised that the Trustees could address without violating the confidentiality agreement.... 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, one of the authors of the resolution, added: “Meinig’s statement was nothing more than what was stated originally in announcing the resignation.” And Professor Peter Stein, another of the authors, said: “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.”

There have been no further official disclosures in this matter. But it is safe to conclude that one of the “several events during the last year [that] have raised questions about the relationship among the Faculty Senate, the central administration, and the Board of Trustees at Cornell University” (Senate Resolution on Faculty Governance”) was the Lehman resignation and the sense of the faculty that it marked a crisis in governance.

Reorganization of the Division of Biological Sciences

One of the most contentious issues in the past 10 years has been the reorganization of the Division of Biological Sciences. When established under President Corson's leadership in 1964, the Division lent visibility and coherence to Cornell's significant, but dispersed assets in basic biology. The new Division controlled the biology major and introductory biology courses. This structure was emulated at a number of major institutions. However, things had changed by the time of Hunter Rawlings' Presidency. Exemplary basic biologists had been hired in traditionally applied departments and, excluded from the Division except via joint appointments, they sometimes felt out of the decision-making loop and distanced from participation in the introductory biology courses. There was also growing dissatisfaction with Division leadership, exacerbated by the slowdown in faculty hiring related to a series of austere budgets.

The Division structure came under increased scrutiny when Cornell lost ground in biochemistry, molecular biology and genetics in the National Research Council rankings. While maintaining an excellent position [4th place] in areas related to ecology, evolution and behavior, plant biology and zoology, all other areas were ranked below the 21st position. Provost Randel appointed a 14 member task force to review the effectiveness and structure of the Division of Biological Sciences. The Task Force began its deliberations in the summer of 1997 and was co-Chaired by representatives of the two principal Colleges contributing to the biological sciences: then Associate Deans Biddy Martin (CLAS) and Ronnie Coffman (CALS). The Task Force membership included the Chairs of each of the Sections of the Division (Ecology and Systematics, Neurobiology and Behavior, Genetics and Development, Biochemistry and Molecular Biology, Plant Biology, Microbiology, Physiology, and the L.H. Bailey Hortorium) and representatives of the three Colleges contributing faculty members to the Division. In addition to evaluating the efficacy of the Division, the membership was explicitly charged with recommending an optimal administrative structure for the basic biological sciences.

Task Force deliberations were time consuming, lively, contentious, and protracted (the Task Force met for at least 4 hours per week for almost one year). Faculty input was sought through meetings between the Task Force members and the Faculties of each of the Sections. Other relevant individuals--various administrators, including representatives of non-division departments, division administrators etc., were interviewed or gave presentations to the Task Force during the process. After considerable and prolonged discussion, the Task Force issued its report on the Division of Biological Sciences Structural Review as a draft report on February 6, 1998, in order to facilitate discussion with the biologists in the Division (the final report was released on March 12, 1998). Among other things, the Task Force recommended eliminating the Division in favor of a number of discrete departments, retaining an undergraduate office to oversee the biological sciences major, and creating a biological sciences institute to foster excellence in what appeared to have been neglected but vital areas in the biological sciences. The Task Force leadership agreed to meet with the faculty of the Division for discussion (but not a vote) and two meetings were held; one on February 10th and one on the 12th. The first meeting was dominated by those opposed to dissolving the Division

while the second was characterized by a more balanced debate. In any event, it was clear that a substantial number of faculty members opposed the recommendations found in the Task Force report. Professor Howland organized a faculty response to the Task Force report on the Division Structural Review that was released on March 2, 1998, ten days before the final Task Force report was released. On May 13, 1998, the Faculty Senate considered the issue for the first time,²⁹ passing the following resolution:

Resolved: The Senate urges the University Administration not to disband the Division of Biological Sciences without further and full consultation with the faculty of the Division and the University, with the Faculty Senate and with outside experts, and without the same thorough and careful deliberation used in the creation of the Division in 1964.

The following summer, concurrent with self studies going on in each of the Sections, and with outside reviews of each in various stages, the external review group (Arnie Levine, Gerald Fink, Peter Raven and Nina Federoff) was called to evaluate the state of the biological sciences at Cornell. Their report, delivered in September of 1998, expressed the view that Cornell University had a mismatch in resource allocation and in productivity in the biological sciences. They further observed that productivity in molecular and cell biology and genomics, in structural biology, and chemical biology, needed to be enriched if Cornell was to resume its leadership position in the biological sciences. They further suggested that a vice provost be appointed to foster the biological sciences and that an external advisory board be appointed to advise her/him. They also made a few specific recommendations including investing resources in genomics, structural biology and building a transgenic mouse facility.

Pursuant to the resolution of May 13th, the issue was again taken up by the Faculty Senate at its meeting of October 14, 1998.

At this meeting a panel discussion of the Task Force Report took place and extensive discussion ensued. At the end of the day the following resolution was passed:

WHEREAS, the Task Force Report (Division of Biological Sciences: Structural Review, March 1998) has been discussed within the Division of Biological Sciences but neither it nor the Response to the Task Force Report on the Division of Biological Sciences Structural Review (March 1998) has been available to or discussed by faculty with interests in the life sciences who hold appointments outside of the Division of Biological Sciences, and

WHEREAS, about one-third of Cornell's faculty is engaged in research in the life sciences and, therefore, any decision made based on these reports or on the Report of the

²⁹ Prior to the May 1998 meeting, the issue of the reorganization of the Division of Biological Sciences was raised in the Faculty Senate only through a question by Professor Howland during Provost Randel's regularly scheduled question and answer period (March 1998 meeting) and by Professor Howland during the "Good and Welfare" period in the April 1998 meeting, stating his intention to propose the resolution eventually adopted at the May 1998 Senate meeting.

External Review Committee for the Biological Sciences (September 1998) and will affect a high proportion of Cornell's faculty directly or indirectly, and

WHEREAS, reviews of the programs of affected units are currently underway, and

WHEREAS, there is no pressing deadline by which any structural reorganization of the Division of Biological Sciences must take place, and

WHEREAS, informed discussion of options by interested and affected faculty members may result in a better and more widely accepted solution than those already proposed; therefore,

BE IT RESOLVED, that the Faculty respectfully requests that the Administration make no decision on the future existence and/or structure of the Division of Biological Sciences until such time as the faculty as a whole has had an adequate opportunity to provide informed input on this important issue.

Vice Provost Cutberto Garza was asked by the Administration to gather broad community input on the reorganization of the Biological Sciences. As a result of his efforts, he presented several alternatives in a memo dated October 20, 1998 that were gleaned from “*a distillation of reports, reviews, and oral and written recommendations and observations made by individual faculty to the President and Provost, and at meetings that have been held with various faculty and student groups.*” His goal was to receive information before the Faculty Senate Meeting of November 11, 1998. These options were also presented at a University Faculty Forum on the Biological Sciences, which was scheduled by Dean J. Robert Cooke for October 21, and further discussed in an update on the reorganization by Vice Provost Garza.

On November 11, 1998 the Faculty Senate met to consider variously modified options for organizing the Biological Sciences. This meeting began with a series of questions from Professor William Lesser, a member of the Faculty in the Department of Agricultural Economics and Management, to Provost Don Randel on the Administration's position on the relevant issues. Professor Lesser's third question is now particularly relevant to the current Faculty Governance Committee's deliberations: “*What do you hope to receive from the Senate discussions in this area?*” And, relevant too was Provost Randel's reply: “*What we seek from the discussion of the Senate, indeed, what we have been seeking from the discussions in various other orders, is a sense of the Faculty's view on how we ought to proceed on this matter. And in that sense, I clearly can't give you a view of what the central administration is going to do because we partly await the outcome of this discussion as well as many others. I think after this one, we will begin to proceed to set down on paper what we ought to pursue.*” A full discussion of the options occupied the remainder of that meeting, with faculty speaking for and against options that eliminated the Division of Biological Sciences. No votes were taken but Professor Richard Harrison, Task Force member, arguing in favor of the Task Force recommendation to eliminate the Division of Biological Sciences noted that, with respect to retaining a division structure,

“The majority of faculty within the Division favor that option.” This opinion was based on sentiments expressed by the faculty at previous meetings. As it was not clear whether biologists outside of the Division were in favor of retaining the Division structure, it was uncertain how the entire population of biologists would have voted on reorganization.

Rumors spread throughout the Faculty that Vice Provost Garza had advised Provost Randel against eliminating the division structure and that Provost Randel was also disposed to retain the Division. Thus, there was some surprise when President Rawlings sent a letter on November 17 in which he revealed his decision to “*implement the primary recommendations of the Task Force on the Future of the Division of Biological Sciences.*”

President Rawlings attended the Faculty Senate meeting of December 9, 1998 to make a statement about his decision and to answer questions. At that meeting, he expressed a desire to maintain Cornell’s strength in organismal biology while building strength in molecular biology, genetics and structural biology. With apropos references to the classics (Pericles v. Odysseus), Professor Howland asked about the role of the democratic process in future administrative decisions (with reference to the North Campus initiative in addition to the Division). President Rawlings noted that there had been a great deal of discussion on both sides before these decisions were made, including his efforts to seek several additional layers of advice including a multi-level outside review of all components of the Division of Biological Sciences. Ultimately, the biological sciences have prospered since the end of the Division with the *Genomics, Life Sciences and Biodiversity Biocomplexity Initiatives* providing impetus and resources. The biology major and its introductory courses are now administered by the Office of Undergraduate Biology.

Creation of a Faculty on Computing and Information Science (FCIS) and the Administration of the Department of Computer Science (CS)

The 1999-2000 academic year saw an intense involvement by the Faculty Senate (FS) and its Committee on Academic Programs and Policies (CAPP) in issues arising from unilateral Administration actions that commenced in March 1999 when the Provost created a Task Force on Cornell in the Information Age. In Summer 1999, the Provost created a Dean for Computing and Information Science (CIS) with responsibilities for the management of the Department of Computer Science (CS). The Administration's positions on this divisive issue were publicly represented by Provost Don Randel and then by Vice Provost Cutberto Garza. The magnitude of the changes and the manner in which they were brought about over strong objections from the Faculty Senate undoubtedly required the active participation and consent of President Hunter Rawlings, although he had no public presence on this issue.

The FS considered and/or adopted motions and received reports on this matter at every one of their AY 1999-2000 meetings, including an additional special meeting in October 1999. Throughout, J. Robert Cooke, Dean of the University Faculty, provide strong support to the deliberative processes of the FS and CAPP and their interactions with the Administration, which chose to act unilaterally on these issues. Vice Provost Garza also made serious efforts to reconcile the positions taken by the Provost and President in opposition to recommendations from the FS and CAPP.

By the April and May 2000 FS meetings, the *pro forma* and reluctant cooperativeness of the Provost and President regarding the issues surrounding the role of the new Dean for CIS, CS, and a proposed Faculty of Computing and Information Science (FCIS), as well as their similar lack of cooperation regarding the disposition of the Division of Biological Sciences, and the creation of eCornell, had all contributed significantly to the adoption by the FS of an agreement entitled, "Principles of Cooperation and Consultation between the President and Faculty Senate." Harold Tanner, then Chair of the Board of Trustees, met with the University Faculty Committee, to oppose the FS proceeding to this written agreement that was adopted unanimously by the FS at its May 2000 meeting.

A brief chronology of significant events surrounding the new Dean for CIS, CS, and FCI is as follows:

The first significant event was the publication in June 1999 of "Cornell in the Information Age," prepared as an initial response from a Provost-appointed Task Force, which promised a final report in November 1999. Strong objections to the content of this initial report were raised in late May 1999 at a meeting of Chairs and Directors of departments in the College of Engineering that was unanimous but for CS. There was no public announcement of the creation of a new Dean for Computing and Information Science, in the person of Robert Constable, a former chair of CS, and then transfer of the administration of CS to this Dean from its former administration by the Dean of the College of Engineering. The removal of the management of CS from the Engineering

College was strongly opposed by its Dean John Hopcroft, himself a former chair of CS and recipient of the Turing Prize, the highest research honor in the CS community. As this slowly became known, there was much expressed concern by faculty in Engineering and in Arts and Sciences about the secrecy of this process and about precisely what had been done over Summer 1999. The Provost then issued an explanatory memorandum on 19 August 1999. Dean of the Faculty J. Robert Cooke organized a forum on 15 September 1999 to discuss these issues. At the start of the fall semester, CAPP had lengthy discussions with newly-appointed Dean Robert Constable and with Engineering Dean John Hopcroft.

CAPP provided the Faculty Senate in October 1999 with a series of motions, culminating in Motion 6 which carried 30-10-3 at a special 20 October meeting. Motion 6 as adopted states: "The President, Provost, and Deans of Engineering and Arts and Sciences are urged to rethink carefully the management of the Computer Science Department, taking into account the intellectual reach of this department and its roles in the Colleges of Engineering and Arts and Sciences and assessing whether radical change is justified by the reasons offered thus far."

At the Senate meeting of 8 December 1999, resolutions were addressed to the "Final Report of the Provost's Task Force on Computing and Information Sciences," which had been made available on 16 November. CAPP presented a motion that carried by vote of 49-3-4, reaffirming that the Senate Motions 2 and 3 passed on 13 October should be a "sound basis for initiating an adaptation to the needs for computing and information science and technology in instruction and research..." reiterating its support for its Motion 4. An indication of the mistrust that had developed concerning the Administration was reflected in an element of the motion stating, "The Faculty Senate instructs the Dean of the Faculty to advise the Board of Trustees, in addition to the President and Provost, of this resolution adopted by the Faculty Senate." Discussion revealed that two months earlier the Faculty Senate had urged a discussion between the Deans of Engineering, CIS, and some others but that the Provost did not organize such a discussion. Dean of Faculty Cooke commented, "I did have a very pointed conversation with the President and the Provost about this issue in which I stated that we were headed for a train wreck, and I urged them to be involved in the conversations before we reach a point where there are strongly held positions that are not reconcilable. His response was that the Dean's Council would discuss this in December and that after that input from a large number of parties would be taken into account."

By the 9 February 2000 Faculty Senate meeting, Vice Provost Garza had been actively engaged, with meetings having been held during the Winter intersession period. Garza reported on these meetings and confirmed that there would be a Dean of Computing and Information Sciences, that Computing and Information Sciences will have an outreach role through the University, there will be an Executive Board advisory to the Dean and appointed by the Provost, and an FCIS will be created and managed by the new Dean. All of this plan was to be advisory to the Provost. By the 8 March meeting, the Provost noted that Garza's ideas presented at the February meeting had yet to be implemented.

The Senate's difficulties in partnering with the Administration on issues of substantial faculty concern, led to the following motion (omitting ``Whereases") at the 12 April meeting that carried by a vote of 64-4-3.

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

BE IT FURTHER RESOLVED that the Senate instructs the UFC to present the agreement at the May 10, 2000 meeting for formal Senate ratification.”

The following motion (omitting ``Whereases") passed unanimously on 10 May.

“THEREFORE, BE IT RESOLVED that the Faculty Senate ratifies the document titled "Principles of Cooperation and Consultation between the President and Faculty Senate", and

BE IT FURTHER RESOLVED that Senate instructs the Dean of the Faculty and the UFC to meet with the President and Provost at the end of the 2000-2001 academic year to review the effectiveness of these principles and to consider any needed modifications. Any modifications of these principles will be submitted to the Faculty Senate for ratification.”

This unprecedented formal agreement between the President and the Faculty Senate, “Principles of Cooperation and Consultation between the President and Faculty Senate,” was unanimously approved at the 10 May Faculty Senate meeting.

On 27 April 2000, with the President having adopted the Vice Provost's plan, negotiations regarding initial FCIS members ensued between the Vice Provost, the Deans of Engineering and of Arts and Sciences, and the Dean for Computing and Information Science. On 15 May the Vice Provost announced agreement on the FCIS founding membership of the Dean for CIS and 18 others that included 7 from CS. The first meeting of the FCIS was led by the Dean for CIS on 28 June 2000.

Dean for CIS Constable continues to have administrative control of CS, which remains housed in Engineering but hopes to acquire funds for a building of its own. The size of the CS faculty grew. The FCIS remained a small structure in its first year of operation in AY2000-2001 and acted as the Executive Committee advising the Dean. Since then the Dean for CIS gained sway over a number of units, including the Department of Statistical Science and the Cornell Theory Center. The CIS website informs us that, “The mission of CIS is to integrate computing and information science---its ideas, technology, and modes of thought---into every academic field.” The mission of the FCIS is that it “engages with every college at Cornell and shares the information revolution with every Cornell student

to invent the fields of tomorrow.” There have been a number of appointments of current and new faculty, all with primary memberships in pre-existing departments, with partial support from the FCIS and its Dean. Association with FCIS has been helpful in attracting some of these new faculty, although such an association could have been achieved through graduate field memberships and part-time appointments in CS.

eCornell

eCornell was a contentious issue, in large part due to the administration's failure to engage in early and active consultation with the Faculty Senate. Although a joint administration-faculty committee was eventually created to make recommendations on distance learning models, this action came only after significant conflict between the administration and the Faculty Senate. The conflict was precipitated by the administration's notice to the UFC, in January 2000, of its plans for eCornell as a *fait accompli*. At that time, the administration told the UFC that it intended to seek Board of Trustees approval, in March 2000, to create eCornell as a for-profit distance learning corporation. The Faculty Senate acted quickly, and within two months broadly debated the issue and passed a resolution at the March 8, 2000 Senate meeting asserting the Senate's entitlement to active consultation and participation prior to the creation of eCornell.³⁰ The resolution, which was resoundingly passed by a vote of 65 in favor, 1 opposed, and 2 abstentions stated:

THEREFORE BE IT RESOLVED, that the Faculty Senate expects to participate with the Administration and Trustees in the development of principles and plans for distance learning including any potential establishment of a for-profit corporation. Such plans, once formulated, should be presented to the Faculty Senate for faculty review.

One week later, however, the Cornell Board of Trustees voted to create eCornell as a for-profit corporation. The Board's action, in the face of the Faculty Senate's resolution, created significant frustration in the Senate. Following a series of discussions with the UFC, President Rawlings agreed to appoint a joint administration-faculty committee to study all types of distance learning models. This action avoided further conflict over eCornell, as the joint committee completed a report that was circulated to the Faculty Senate in July 2000, endorsed by the UFC on August 10, 2000 on behalf of the Faculty Senate, and discussed at the September 13, 2000 Faculty Senate meeting.³¹ The joint committee report supported the creation of eCornell to deliver distance education only for nondegree programs, on the condition that faculty retain autonomy over course content.³²

At its April 12, 2000 meeting, the Faculty Senate passed a resolution (by a vote of 64-4-3) instructing the UFC "to draft a written agreement between the Faculty Senate and the President, covering the process by which decisions of the central administration on academic matters will be handled."³³ This resolution was prompted by the Administration's inadequate consultation with the faculty on issues of eCornell and the reorganization of the Division of Biological Sciences and the Department of Computer

³⁰ http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000308.html

³¹ http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000412minutes.html

³² The committee did not take a position on whether eCornell should be a nonprofit or for-profit corporation, based on the committee's view that it lacked sufficient expertise on that issue.

³³ http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000412minutes.html

Science. President Rawlings and Provost Martin entered a written agreement, “*Principles of Cooperation and Consultation between the President and Faculty Senate,*” to engage in early consultation with the Faculty Senate on issues of concern to the faculty.³⁴ While these Principles were ratified by the Senate at its May 10, 2000 meeting, it is unclear whether this document is still active, as most current members of the Faculty Senate are not aware of its existence.

³⁴ http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000510minutes.html
<http://web.cornell.edu/UniversityFaculty/FacSen/Pres/FSCooperation.pdf>

Decision to Investigate Dismantling the College of Architecture, Art and Planning

The following account is written from the perspective of City and Regional Planning (CRP):

1. To CRP, the College of Architecture, Art and Planning (AAP) had always seemed a diverse and tolerant place. The three departments operated with a lot of autonomy. This caused no problems; and all seemed to flourish. Core competencies were different. Special projects across departments did well, notably the Rome Program.
2. But AAP had always been underfunded, resulting in part from a lack of endowments for faculty chairs. College level finance administration was problematic under successive deans. CRP adapted partly by working across college lines through the Einaudi Center and other parallel units; and notably, with the Graduate School.
3. In mid-July 2002 President Rawlings and Provost Martin summoned the dean and three department chairs for a meeting in Rawlings' office, at which Rawlings, noting a series of difficulties and issues, announced the intent to dissolve the college and asked the three chairs to investigate alternative "homes." The chairs tried to get some elaboration:
 - a) They asked Rawlings whether, having made this announcement, it would now be possible to initiate discussions within AAP with more attention by faculty. He indicated that while AAP faculty were free to have internal discussions, he preferred to let his statement of intent stand.
 - b) Rawlings listed a number of issues that "caught our [his and the provost's] attention" – management issues like the tardy submission of required faculty conflict of interest declarations; failure to keep spending under Day Hall targets.
4. There were the following responses over the fall 2002 semester:
 - a) Dean Olpadwala communicated the President's statement to the faculty and to AAP alumni, through the AAP Alumni Council, a body with which he had regularly interacted, exchanging views with about the direction of the College. He had also enlisted the Council's help in fund raising for a new AAP building. The Alumni Council resisted the idea of dismantling the College.
 - b) CRP was strongly against any dismantling of AAP. It hoped for a continuation of the College, with improved administration and resources. CRP faculty spoke to faculty and associate deans in Agriculture and Arts and Sciences, and concluded that the department would not do as well in these environments, much as they respected their capacities and envied their administrative structures.

- c) By September, Olpadwala and Martin had set up a process to study the AAP situation. –
- Martin announced a target number for budget, faculty lines and staff lines.
 - The chairs of the three departments and selected faculty formed two committees
- d) The fall of 2002 was a major strain. Faculty sitting on the committees were frustrated that it was so difficult to get comfortable enough with one another to make progress. Staff morale became a major preoccupation. Their jobs, not faculty jobs, were on the line. They were operating heroically to provide services to students, while hearing their jobs would be gone.
- e) The situation notwithstanding, the central administration did devote serious administrative time to our situation. The Vice Provost, Walter Cohen, interviewed every faculty member and held regular hours in Sibley Hall. Day Hall also assigned a very competent financial administrator, who was quite helpful.
- f) Throughout, no one seemed to know the real reasons for the decision the President had announced in July.
- g) At the end of the fall, the Provost addressed the College faculty. She stipulated that AAP would continue as a college, and concern itself with built environment issues campus-wide, with a dean having a “capacious view” of architecture. There would be a search for a new dean, and the College would come back together. All these things have happened, or begun to happen.
- h) The next three semesters included a year of administrative fixing and exercises in goal setting, and a successful search of a new dean, who took office in July 2004.

Resolution to Establish a Committee to Investigate and Make Recommendations Concerning the Status of Non-Tenure-Track Faculty

Background

A resolution was passed by the Faculty Senate in October 2002 to establish an *ad hoc* committee of the Faculty Senate to study the status of on-tenure track faculty (NTTF) at Cornell. Following the adoption of Clinical Professor titles by the Faculty Senate in September 2002, it was clear that individuals holding clinical professorial titles had been granted several rights and privileges that were more analogous to those of tenure track faculty than to those of other non-tenure-track academic faculty at Cornell. Therefore, following the approval of the Clinical Professor titles, a task force was established to investigate and make recommendations concerning the status of non-tenure-track faculty. A copy of the report of the task force, including membership and recommendations, can be found at <http://instruct1.cit.cornell.edu/~sad4/NTTF/>. Several additional documents can also be found *via* the Faculty Senate website.

The specific charge to the committee, made in January 2003 by the then Dean of the Faculty, Bob Cooke, was “*to investigate and make recommendations concerning the status and conditions of employment of non-tenure-track faculty, paying particular attention to such matters as titles, job security, rights to academic freedom, access to appropriate grievance and appeals procedures, eligibility for sabbatic/study leave, eligibility for emeritus/a status, and voting rights.*”

The deliberations of the committee were held in an on-going timely manner over a two-year period, including reporting back to the Senate at frequent intervals (Feb 2003 - March 2005). However, more than 18 months have gone by since the final passing of two significant resolutions brought by the committee to the Faculty Senate, with no apparent follow through.

Time line of actions by the Faculty Senate concerning NTTF

The following is a time line of actions taken by the Faculty Senate during subsequent years relative to this Task Force.

October 2002:	Resolution to Establish a Committee to Investigate and make Recommendations Concerning the Status of Non-Tenure-Track Faculty
February 2003:	Finalizing membership on the Committee on Non-Tenure-Track Faculty
March 2003	Initial report from the Committee on Non-Tenure-Track Faculty
May 2003	Interim Report, Committee on Non-Tenure-Track Faculty

December 2004 Discussion of final report of Committee on Non-Tenure-Track Faculty

March 2005 Resolutions:
That the Provost and Board of Trustees create emeritus titles for Senior Lecturers, Senior Research Associates and Senior Extension Associates
That the Provost and officers of Schools, Colleges and administrative units employing non-tenure-track faculty create professional development opportunities (specified as non-paid study leaves every ten years)

Follow-up on specific recommendations

a. Research titles: Research Scientist and Principal Research Scientist

The report of the *ad hoc* committee, submitted by the co-chairs, Donald Holcomb and Norman Scott, on behalf of the Committee, is dated August 2004. It includes in it both a recommendation and a resolution for establishment of new research titles of Research Scientist and Principal Research Scientist. The idea for these titles had been originally grown out of efforts by faculty in the Engineering College. The UFC had first brought consideration of these titles to the Faculty Senate in May 2003. Following Senate discussion, further development of this proposal was assigned to the Committee on NTTF.

The Committee on NTTF brought this to the Faculty Senate in May 2004, but further discussion was postponed until the fall of 2004. At the October 2004 meeting of the Faculty Senate the UFC brought the proposal for establishment of the titles Research Scientist and Principal Research Scientist to the Faculty Senate, it passed with two abstentions, and has since been approved by the Trustees.

b. Creation of emeritus titles for Senior Lecturers, Senior Research Associates and Senior Extension Associates

No action has been brought to the Faculty Senate since the passing of the resolution in March 2005.

c. Creation of professional development opportunities

No action has been brought to the Faculty Senate since the passing of the resolution in March 2005.

In his annual report to the Board of Trustees for 2004-2005, dated April 2005, the Dean of the Faculty reported on the three resolutions, and noted that “In addition, there were a number of other issues in the report, including voting rights and grievance procedures that are going to require further action by both the Senate and the university administration.”

Summary of where we stand now

Currently there remain two Faculty Senate resolutions (creation of emeritus titles, and opportunities for professional development) that have passed through the Faculty Senate. The momentum for continuing action (the resolutions were passed in March 2005) is now at the level of the Provost, Board of Trustees, and officers of Schools, Colleges and administrative units employing non-tenure-track faculty.

In addition, several other recommendations made by the Committee on NTTF require further action by both the Senate and the university administration.

Resolution to Establish a Suspension Policy for Tenure Track Faculty

The following is the time line of actions taken from the time a committee was formed to develop a Suspension Policy covering tenure track faculty (also referred to as Policy on Sanctions and Job-Related Faculty Misconduct), to the final Faculty Senate adoption of the proposed policy. From initial formation to the final vote of the Faculty Senate was 4.75 years. There were two periods of almost a year each (May 2004 - May 2005; May 2005 - April 2006), when the policy had left the Senate and was under consideration by the administration, including the academic deans.

- November 2001 **Senate Resolution to create a Task Force on Appeals and Grievance Procedures**
- This Task Force consisted of a subgroup of members of the Senate Committee on Academic Freedom and Professional Status of the Faculty (AFPS), as well as non-tenure-track faculty and graduate student representatives.
- During the next two years the committee met on a regular basis. It turned out that tracking current suspension procedures was difficult due to the presence of conflicting policies, a high degree of autonomy by deans within individual colleges for making the decision, and difficulty in getting accurate information about how often suspension had occurred, under what circumstances, and for what duration. The committee met twice during this period with different subsets of deans for the purpose of discussing initial draft reports and specifics of the current procedures. The committee also met with other individuals such as current and former deans of the faculty and the ombudsman.
- The committee early on decided to restrict its recommendations to tenure track faculty.
- March 2004 **Senate: Initial discussion of the Suspension policy, brought by the AFPS**
- April 2004 **Report to the Faculty Senate from the Chair of the Task Force**
The Dean of the faculty said he had discussed the policy with the President and the Provost, and the deans had some reservations; the deans formed a group to meet with the AFPS.
- May 2004 **Announcement that the Suspension Policy would be reported on again in the fall.**
However, there was no further discussion of the Suspension Policy by the Faculty Senate in the fall of 2004.
- May 2005 **Adoption of the Policy on Sanctions and Job-Related Misconduct (Suspension Policy)**
The policy was brought to the Faculty Senate and passed.
- April 2006 **Senate: Update on the Suspension Policy**
The Dean of the Faculty said that the policy had gone back to the deans, and then to the Provost where it now resided; it will then go back to the AFPS and then back to the Senate.

The issue of grounds for an “emergency suspension” became an area of some disagreement. Initially clinical faculty at the Veterinary College were not to be covered in the same way as other faculty of the University under the emergency suspension provision (specifically as it related to their clinical duties). This issue was resolved within the Veterinary College following the bringing of a resolution by the General Committee and a vote by faculty at the Veterinary College affirming their desire to be covered under the University’s emergency suspension procedure in the same way as other university faculty.

- May 2006 Suspension Policy brought to the Faculty Senate, but there was no quorum so there was no vote. The policy had been modified in a variety of minor ways since the original passing (May 2005), but essentially was a nearly identical document.
- Summer 2006 e-mail vote on the Suspension Policy by the current Senate membership; this was not considered to be a final vote, but only a “straw vote” to demonstrate the level of approval by the Senate members who had heard the 2006 discussion. One third of Senators turn over each year. The e-mail vote passed by a large majority.
- September 2006 Suspension policy approved unanimously by the Faculty Senate

The Suspension Policy can be found on the website of the Faculty Senate.

The Provost has given verbal assurance that the policy, as passed by the Senate in September 2006, will be brought to the Board of Trustees, presumably at their October meeting.

Redbud Woods

Resistance developed early among community members, students, and faculty to the University's plans to pave two acres of urban green space in order to build an off-site parking lot on University Avenue for the West Campus Residential Initiative. By December 2003, neighbors, the City Planning Board, and the Landmarks Preservation Commission had opposed the project; at that time, fifty-two faculty headed by J. G. Schurman Professor of Entomology Tom Eisner and W. H. Crocker Scientist Emeritus Carl Leopold wrote President Lehman to object, their letter remaining unanswered for six months. Once Cornell had secured court decisions against municipal opponents, it sought to proceed with the paving of Redbud Woods in 2005. Students occupied the President's office in protest in April and were removed; student protesters in the Redbud Woods Working Group occupied the Woods when cutting began, halting it, and held the Woods for forty-one days. More than 300 faculty signed petitions against the project, while a smaller group sought to intercede with Presidents Lehman and Rawlings, Vice President Murphy, and the Trustees, to little avail. Protestors withdrew July 18 after they and the University signed an eight-point agreement committing the University to sustainability and governance initiatives, and cutting began in the Woods on July 20.

Many of the faculty involved came to believe that Cornell's administration had dealt poorly with opponents, variously disregarding and seeking to coöpt them and on at least one occasion acting in less than good faith. A faculty group felt that planners and decision-makers responsible for the Redbud decision inadequately addressed issues of environmental sustainability and good community relations. They found the decision to pave Redbud Woods "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."

So they maintained in a resolution presented to the Faculty Senate on September 19 calling for a commission to study the Faculty's role in University governance and propose changes. It was that resolution (and another urging greater public dialogue over the resignation of Jeffrey Lehman from the presidency in June) which, after being committed to the University Faculty Council and returned to the Senate, resulted in the appointment of the present Committee to Review Faculty Governance.

Senate 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

University Faculty Senate Approval
12 October 2005

Governance Committee Membership

Brad Anton, Chemical & Biomolecular Engineering
N'Dri Assie-Lumumba, Africana Studies & Research Center
Eric Cheyfitz, English
William Crepet, Plant Biology
Cornelia Farnum, Biomedical Sciences
David R. Lee, Applied Economics & Management
Risa Lieberwitz, Committee Chair, Industrial & Labor Relations

Minutes from the December 13, 2006 Faculty Senate Meeting

Speaker Barbara Knuth: “I would like to call to order this meeting of the Faculty Senate. I’ll begin with a number of announcements. Please remember that no photos or tape recorders are allowed during the meeting. Please turn off your cell phones. When you speak, please stand and project your voice and please identify yourself and your department or unit. To my knowledge we have no good and welfare speakers, so we can allocate that additional ten minutes to other discussions later on in the agenda should we need it. Let me ask Dean Walcott if we have a quorum.”

Dean of Faculty Charles Walcott: “We have one shy of a quorum.”

Speaker Knuth: “I have been informed that we have one shy of a quorum, who is just now walking in the door. We now have a quorum, so we will be covering all of our business this afternoon. And our first item is to call on Provost Martin, who is going to give an update on the 2007/08 budget. We have about thirty minutes for this discussion.”

1. REMARKS BY THE PROVOST

Provost Biddy Martin: “Good afternoon. Hello. Okay. I really appreciate the opportunity to talk about the budget. You know we take the primary budget elements to the Trustees in the middle of January, so it makes a lot of sense to come and talk to you all about it in December. Before I begin I just want make sure that all of you, I know most of you, but all of you have met Carolyn Ainslie, Vice President for Budget and Planning, who is outstanding. That is well-deserved applause for Carolyn. Carolyn works closely with our Financial Policies Committee on budgetary and financial issues. So this is a high level, as they say, overview.”

“Here’s just a little introduction. We work very hard to make the University budget and its planning reflect our academic priorities. We have a challenge at Cornell. I know you all have heard me say this before, but it has the virtue of being true. We do more with less at Cornell, and I think that everybody here probably feels that, the effects of it, and either you take some pride in it, or you don’t. But it remains the case that our endowment is smaller and our revenue streams in general are less than some of our peers, yet we manage to compete pretty well with all of those peers. We intended to review that.” (Note: The overheads that the Provost showed at the meeting will not be part of the official minutes.)

“Our primary budget goals for 2007/08 include the obvious things - at least I hope they would be obvious to you - to remain competitive with faculty and staff salaries, maintain student access, which all of you know is becoming harder and harder, and costing more and more, and raise funds for current initiatives. Let me say just one thing about raising funds for our current initiatives. I’ve said this in the context of talking about the capital campaign, so I think most of you have heard it before, but Carolyn and I believe that we are about three to five years behind in raising the funds through a campaign, that we actually need to cover those things to which we have committed over the past six or seven years or even longer back. We hope, in the context of the campaign now that is in its

public phase, to catch up quickly, to be able to bring in funds in our priority areas. But it's simply the case that we are behind, that is, we have committed to things and we are already doing things for which we have not raised enough money from gifts."

"Okay. Every time I talk about the budget I show you this kind of picture and so many of you have seen it before. This is based on the 2006/07 financial plan, and the interesting aspect of the graph really has to do with what our major sources of revenue are. Tuition and fees account for 35% of the operating budget for Ithaca. Sponsored programs 23%, and you can see there the sources. If you have any questions as I go, please feel free to ask them. Our revenues for 2006/07 budget are expected to total \$1.698 billion. That's our revenue. One category that you won't understand immediately is 'other sources.' That includes such things as the Statler, the Vet Hospital - those sources of revenue."

Professor William Arms, Computer Science: "Biddy, sponsored programs, does it include sponsored research? What else is in there?"

Provost Martin: "Yes. That is research and non-research grants and contracts."

Professor Buzz Spector, Art: "Biddy, what are enterprises then in this context?"

Provost Martin: "Ah, enterprises. You know that our student services functions are run as enterprises. Our facilities functions are enterprises. Those are the sources of revenue included there. I wanted to let you know, by the way, since investments account for 12% of our operating budget, that our performance for this past year was 16.4% for the long term pool, which is again an improvement over what our performance had been, and the market benchmark for our peers was 11.4, so we did quite a bit better than the market benchmark for this past year."

Charles Walcott, Dean of the Faculty: "Does government appropriations include the funding for the statutory units?"

Provost Martin: "Yes. Did everybody hear Charlie's question? Yes it does. Are there any other questions about revenues?"

Associate Professor Risa Lieberwitz, Industrial & Labor Relations: "Where is the Technology Transfer Office included? Any revenues come through technology transfer?"

Provost Martin: "In the deficit column. Is that enough said about that? That's why we are trying to improve our 'C-tech' operation and make it a revenue generating as opposed to a revenue consuming operation."

"Okay. Operating-expense side. Here again I show you something that most of you have seen before and that you understand well, I think. And that is, that we as other institutions of higher education, are heavily labor intensive. Salaries and wages and benefits together come to 59% of the total operating budget. And if we were to count the benefits supplied by New York State for some of our contract college lines, we'd be at 61% of the total budget in compensations. And that's one percent higher than the average for higher education, which is 60%. So, you see where most of the money actually goes. And student aid, 13%, and that includes graduate students and undergraduates. It also includes tuition waivers, which are not strictly speaking a form of financial aid, but they

cost money, and they support graduate students.

Associate Professor Brad Anton, Chemical and Biomolecular Engineering, and Associate Dean and Secretary of the University Faculty: “The graduate student stipends that are paid from sponsored programs and grants and contracts, do those go in salaries and wages?”

Provost Martin: “No. Salaries and wages are the faculty and staff. I’m not sure what you are asking.”

Professor Anton: “On the revenue side we have the sponsored programs. This is all money that comes in from grants and contracts; then we use those grants to pay our PhD students and so forth. Where does the expense of paying them their stipends show up on the graph?”

Provost Martin: “It’s in the financial aid for students.”

Professor Anton: “Okay, I see.”

Provost Martin: “Any other question about expenses? Okay, so what I wanted to do is just go over two major budget policy issues that will be taken to the Board of Trustees in January for their consideration and for approval - undergraduate tuition and financial aid policy. I think you also know about Cornell, and you know about need. I think we need to take pride that we are one of the few remaining completely need-blind admit schools in the country. There are not that many left. It’s our goal to remain a need-blind admittance school and to provide enough financial aid to assure that we are accessible to students from all economic backgrounds. On the tuition side, we aim to stay in the middle of our peers, balancing tuition growth with adequate financial aid.”

“Just a little about the tuition policy process. Tuition is what scholars of higher education, at least some of them - Ron can tell you more about them and the language they use if you wish to hear about it - but tuition is only a sticker price. It’s doesn’t reflect the total cost of education as it’s calculated by scholars of finance of higher education. So that’s the sticker price, and we plan for reasonable year-to-year increases, both for families and for financial aid budgets. Financial aid is the tool by which we reduce the sticker price, but only based on need. Right. So financial aid reduces what we are calling here the sticker price, the tuition, but only based on need, because we are a need-blind and need-based financial aid institution.”

“Contract residence students benefit from state appropriations when they increase. And the multi-year objective we have is to move the contract college non-resident tuition as close as we can get it to endowed tuition. How, and especially to what degree, to raise tuition? So let me show you now increases in undergraduate tuition in 2007 dollars. This is from 1967 to 2006. The point of this slide is simply to show you the rise in undergraduate tuition rates for the past 39 years. The rate of growth has leveled a little bit over the past ten years. As you see we have been trying to set tuition no higher than two to three percent higher than the rate of inflation. Inflation is projected for this next year to be 3.5 percent. By the way, 58% of our contract college undergraduate students are in-state and pay resident tuition, 58%.”

“Tuition and fees. This is Cornell relative to our peers and you see that we are now closer to the bottom than we were. That is not in the middle, which is our goal, to be in the middle. And you also see that the change last year in the rate of growth was lower for Cornell than for many of our peers. So we raised tuition last year 4.8 percent on the endowed side and 5.0% for the contract non-resident students again in our effort to get the tuition for contract non-residents to the same or close to the same as endowed tuition. We were low compared to many of our peers. I’m assuming you are fine with this.”

“Sources of support for grant aid. Given the rise in tuition and its steady increase and even greater increase in the cost of education, we need to ensure access for students from a range of economic backgrounds, we need to provide financial aid. What are our sources of grant aid for students? Cornell unrestricted dollars in the general-purpose budget - restricted funds that are the outcome of gifts primarily, government sources and other external sources. You see the downtrend in government sources of grant aid. You probably realize the federal government is providing much more loan aid than grant aid at the moment. That’s a trend, and less also comes from the state. “

“Unrestricted grant aid as a percent of tuition revenues. This is something we track very carefully, what is called by some the ‘discount rate.’ This is the ratio of unrestricted grant aid to gross tuition, so unrestricted grant aid to gross tuition or tuition discount. From 1988/89 through 1996/97 the ratio grew to almost 20%. And when it reached 20%, the Trustees and the administration decided to take a hard look at what we can do to bring that down. The ratios fell as a consequence of the scholarship campaign, restricted gifts, and endowment support, which were added as a result of that campaign, that mini-campaign as it was called. The recent uptake partially reflects the change in financial aid policy. We became part of what’s called ‘consensus approach’ among our peers. In fact Hunter Rawlings led the effort to change to what was called ‘consensus approach.’ That changed the need formula in a way that benefited more middle-income families. “

“At the same time I want point out to you something that I reported on here before and which I think is worth emphasizing, and that is Cornell’s number and percent of Pell Grant recipients, relative to our peers. So you see, Cornell is red, and Berkeley and Columbia are ahead of us in the number and percent of Pell Grant recipients, but we are not far behind, and we are quite substantially ahead of other peers. This indicates, of course, for those of you who haven’t spent a lot of time thinking about this, that we have as a percent of our students and in absolute numbers economic diversity of a sort that we don’t find at many of our peers. Pell Grant recipients come from families with incomes of \$45,000 or less. So that gives you a sense of who these students are. The other thing people often assume, at least our Trustees, when we show this graph and talk about it, is that we have significantly more Pell Grant recipients because of contract colleges. But the truth is that they are spread evenly across Cornell very methodically. They are not concentrated in the contract colleges, these students who qualify for Pell Grants.”

“2007/08 tuition planning. Endowed tuition is currently \$32,800. As I just showed you, that has put us closer to the bottom. We are no longer in the middle of the peers. We are going to propose a range, an increase in the range of 4.75 and 5.25, which would still

potentially put us below some the increases of our peers, about which we don't know anything other than what they have done the past couple of years. But if the trends among our peers continue, we wouldn't be on the high side with such increases. This is the question in our minds and the big issue honestly, is the question of net tuition. That is, at what point would we raise tuition to a point where we couldn't afford the financial aid to ensure that students from lower income could attend. So we have to be able to increase our financial aid dollars when we increase tuition, and when does it become a loss rather than a gain."

Professor Steven Beer, Plant Pathology: "What is the administration's thinking on the importance of the tuition rate relative to our peer institutions? Does it attract more students, or does it repel students?"

Provost Martin: "Well, that it's a really complicated issue. I wonder if you all read the article, was it in the Times, suggesting that the cost in tuition for colleges and universities serves as a kind of proxy for quality? And that if we fall below our peers the assumption is, I don't mean we, Cornell, but in general the point is made, to have a tuition rate that is lower is an indication then of lower quality and less attractiveness, lesser attractiveness. This is all perverse. Nonetheless, it's the world in which we live. While it might be, perhaps it isn't. My view of perversity is different from some people's. But in any case I think it's not that we care about, being exactly where our peers are in the absolute sense, but relatively speaking. One of the things that some of our Trustees pointed out is that if we raise our rate more slowly than our peers over just a few-year period, we will then never be able to catch up. That's indeed what we need to do to because of our costs, or in order to stay where our peers are. The reason for that is obvious, I suppose, and that is in order to catch up once you fall significantly behind, we have to raise tuition by an extraordinary amount in a given year or over a couple of years. And that's not something we want to do."

"I'll tell you what guides tuition policy. I'll tell you three things. One, we want to be a premiere research university. That cost is an extraordinary amount of money. It costs more money than we have and less if we continue to increase the rate of tuition. But we don't want to increase tuition to such an extent that we can't afford the financial aid to pay for students who can't afford the sticker price. Being at the level of our peers is secondary, but it's not completely insignificant."

Unidentified Speaker: "What's the current percentage of the student population who is getting some form of financial aid?"

Provost Martin: "Forty-eight through grants but over 50 get financial aid of some sort."

Unidentified Speaker: "Is that fairly stable or has there been an increase to that?"

Provost Martin: "No. It's stable. Actually the need-base population has gone down instead of up. But only slightly over the past couple of years."

Unidentified Speaker: "How do we compare with our peer institutions in that regard?"

Provost Martin: "Well, I think we are quite close to our peers when it comes to the percentage of students on aid. Carolyn - correct me if I'm wrong about that. But I think

that with 48% of our grant aid and over 50% on some aid, we are close to our peers.”

Professor Peter Davies, Plant Biology: “The article that you quoted in the Times went on to suggest that higher tuition can be easily offset by giving higher financial aid. But you indicated that that was a losing game. I don’t understand this, because if you raise the tuition, let’s say 10%, and you only give out 50 to 60 or even 70% in financial aid, you are still ahead. That is not a losing game.”

Provost Martin: “No, no. It can become a losing game. But losing relative to what, not in absolute terms, but it can become what is considered to be a losing game. But we have to figure out the point at which that would occur.”

Unidentified Speaker: “Our so-called peer institutions reflect no land-grant universities in that list. How do we stack up against the Wisconsin or the Davises, the Ohio States?”

Provost Martin: “On resident tuition we are where our peers are. For non-residents we are at the very high end. But we feel justified in that higher rate, because those students are also benefiting from the teaching and research resources on the endowed side. So we have a different cost structure.”

Professor Rich Burkhauser, Policy Analysis and Management: “Let me push you a little bit on that. I assume that the quality of education that one gets on the endowed and the contract college is the same. It costs the same to provide it. So how can we possibly drive it for \$14,000 less if the government is not making up that difference, which it isn’t? We have seen that the state salaries are level, so how can we continue to do that? Doesn’t the contract college salary or tuition have to go up at an even faster percentage than the endowed?”

Provost Martin: “The resident tuition?”

Professor Burkhauser: “Yes, even faster in percentage than the endowed?”

Provost Martin: “Well, no not as long as the state appropriations are subsidizing.”

Professor Burkhauser: “But I thought they were level. You showed us a graph that showed us that the government monies coming in were not rising. It had actually fallen from the 80s, yet the gap between the two salaries is rising. So I see that as a problem.”

Provost Martin: “But it has risen, the appropriation from the state over the past couple of years. We are doing better. It’s true over the longer haul, that it’s gone down. But that’s as a percent.”

Carolyn Ainslie, Vice President for Planning and Budget: “When the state appropriations weren’t going up, we changed our policy probably six or seven years ago, we pushed tuition, so actually the contract college tuitions grew between eight and ten percent over that same period. So we were trying to put that right, and this assumes that we get state appropriations increasing to be able to keep the tuition rate the same. If we don’t get the state appropriations next year we are going to have to push tuition to keep the quality preserved.”

Professor Ronald Ehrenberg, ILR: “If the state appropriation doesn’t go up by 4.75 to 5.25 percent, which you are now planning on tuitions to go to, then the total amount that

the statutory units will get will not go up as rapidly as the total amount that the endowed units will get in terms of tuition revenue. So I think that's Rich's concern."

Vice President Ainslie: "Right. So we don't have the state appropriation yet. And so we try to watch those. We just put this parenthetical comp there with that four percent, just so you had an idea of how much there was per student, so we'll watch that. We put in a budget request for next year for the contract colleges of a ten percent increase."

Provost Martin: "It might or might not be good news."

Speaker Knuth: "If I could just remind people to please identify yourself and your unit when you speak, particularly if you are in the back or up front stand when you speak. Thank you."

Professor Chris Wien, Horticulture: "So how does Cornell's contract college in-state's tuition compare with our peers in other states of the union?"

Provost Martin: "It compares favorably, the in-state rate. It's a little high but it's not way out of line. Would you agree Carolyn?"

Vice President Ainslie: "We're pretty high."

Provost Martin: "We are up pretty high. We are in the high end."

Professor David Delchamps, Electrical and Computer Engineering: "In a lot of these discussions of tuition planning, people act always as if that piece of the pie, the revenue pie - the tuition piece - is the only thing we can mess around with. I'm just curious about what is the current rate of endowment payout? How rigid is that? Have people considered things like, for example, making endowment payout a constant fraction of the revenue pie and playing with the payout rate?"

Provost Martin: "Well, yes we have considered that. In fact when I first became Provost there was a recommendation from our Deans that we push the endowment payout up at a faster rate, because the view was timed to the late nineties, before we hit that year 2000, was that we were benefiting the future at the expense of the present. But you know what happened then with the markets, and we actually have a policy, and we got outside the bounds of our policy and were losing purchasing power of our endowment by virtue of having raised the payout to too high level, given the performance and the market themselves. So we are now just getting back within range. I think actually it wouldn't be wise to try and put pressure again at this moment on payout for the endowment. We will increase it this year. Our performance was certainly strong enough and now that we are back within the bounds of our payout policy, we can raise it by five percent. That's what we expect to get approved."

Professor Delchamps: "Are you ball-parking the five-percent range now?"

Provost Martin: "Yes. That is exactly what it is. But you are right. There are not that many things on the revenue side over which we have control and that we can change. And tuition is a primary one. As I said earlier we are hoping for gifts. Not only hoping but depending quite seriously on the campaign and the gift-funding that we get, not only for financial aid but for virtually everything else. Are there other things?"

Professor Paul Houston, Chemistry and Chemical Biology: “Is sponsored research increasing as fast as tuition?”

Provost Martin: “No.”

Professor Houston: “That’s a problem because you are assuming for graduate education that as your tuition rises the grants will also rise. But the pool of federal funds is not rising nearly that rapidly. In fact, it’s falling. It means we have to have fewer graduate students.”

Provost Martin: “Yes. I mean that logic is correct. Since we agree with you, we are doing two things. One, we have a major priority in the campaign on graduate fellowships, and we are bundling them with professorships in the hope that we will be better on graduate fellowships than we have done in the past in the context of the campaign. We also have been working very, very hard on graduate tuition policy. We are going to have a proposal, which will be ready soon, that will help a little bit with that gap that you are pointing out. It will help people on the endowed side a little more than it will help on the contract side. But I think, I don’t want to unveil a proposal that we are not yet ready to unveil, but you are right. And so we are working on that.”

“I’m still thinking about the losing battle with tuition and financial aid. What I am tempted to do is try to give a better explanation of the sources of funds for each of those and explain why it becomes a losing battle for us even though in absolute terms it wouldn’t. But I think we don’t want that to (cough) but I’d be happy to talk to you about it afterwards, if you want to know more about why that actually does occur and what it will lose for us if we increase tuition too much above financial aid.”

Faculty Salaries. “I think you all remember that as recently as May I gave you a report on our faculty salary program. Our Financial Policies Committee also gave you a report on the success we had in our faculty salary programs over the past five or six years. So I will not dwell on this since my time is coming to an end and you may have questions about other things. But we have made great progress relative to our peers both on the contract and endowed side on salaries. These graphs just give you a sense of the progress we have made.”

“Here you see endowed Ithaca faculty salaries. You see where we are in relation to our peers. The average change for our peers is 3.6 percent over a five-year period and for Cornell, 5.2, which is the reason why we were able to change our position relative to our peers. When we started the faculty salary program Cornell’s average salary was 89% of the peer average. It’s now 99% of our peer average.”

(Graph). “Here are a contract college faculty salaries. The peer group average five-year change is 3.2%, while Cornell’s average five-year change on the contract side is 6%. Contract average salaries were at 88% of the peer average in 98/99, and they are now at 104% of the peer group. Our objective is to stay competitive, and so we are imagining a range of increases for this next year, of say, four and five percent. Any questions about faculty salaries?”

Professor Peter Davies: “Those figures - do they include all ranks of faculty, one, and

second, do they include all fringe benefits?”

Provost Martin: “This is all ranks. No fringe benefits are included.”

Vice President Ainslie: “It’s nine month salaries.”

Provost Martin: “This is just nine month salaries so it actually is a little bit misleading, especially on the contract side where there twelve-month salaries are still quite significant. Any other questions about the salary effort?”

Professor Eric Cheyfitz, English: “I just wondered if you have a breakdown for rank.”

Provost Martin: “Yes. I didn’t bring it with me because I just showed it in May. But I do. We are doing very well at the assistant professor level, very well at the associate level. We are doing well, much better based on our goal at all levels. However, we do less well at full professor level than we do at the assistant and associate professor level relative to our peers.”

Professor Fran Kallfelz, Vet School: “Is that data available?”

Provost Martin: “Absolutely. I just showed it in May. I’ll bring it again. It’s absolutely available and accessible and if you want to look at it just write to me and I’ll send it to you. It might actually be on my web site. I think it is. Fran write to me and I’ll send it to you. Yes. This is readily available and you should feel free to ask for it.”

“This is my conclusion. My conclusion is the same as my introduction, and that is that we try to do something that is very extensive, and that is be a premiere research university and provide the best possible education to graduate students and undergraduate students. It costs quite a bit. We have less. We do more with less. Again, I’ll repeat that. I believe it’s documentable. Some institutions have made a decision that they are going to make affordability a higher priority than research distinction. And I think we seek a good balance, or that we find a good balance. But we certainly push our resources by virtue of our desire to take advantage of new interesting, exciting research and technological innovations. Right now our budget is under a lot of pressure. As you see we are financially extremely healthy and strong, but we need to have the campaign support those areas to which we committed long ago for which the Provost’s general all purpose budget is currently paying more than its fair share. Are there any other questions or comments?”

Professor Tim Mount, Applied Economics and Management: “Cornell has a new President and we are soon to have a new governor, is there going to be a new initiative to try to strengthen the relationships with the state?”

Provost Martin: “That a very good question. Yes there are already new initiatives under way. In fact we have had a state strategy team, for which Carolyn is the Chair. It’s been working for over a year and a half on state strategy. At the moment, really even our folks in Albany who are sort of the sources of the latest gossip, about what might happen as a result of having a new governor, they say there’s just no way to tell. They are actually predicting what seems counterintuitive to me about what might occur the first year of Spitzer’s governorship. But, as you know, Hunter Rawlings was appointed to the

Governor's transition team and is the co-chair of the educational policy committee for Spitzer's transition. He has made, I think, every effort to show that he's a friend of higher education and that he will be a supporter of both SUNY and certainly of Cornell. I feel that the contacts that we have established by various means with Spitzer and his team and that continue to grow, actually those contacts, put us in a good position but also probably put SUNY in a good position. We are hopeful, but we really don't know exactly what he's going to do."

Professor Ronald Ehrenberg, ILR: "Yes. On behalf of the Financial Policies Committee, I would like to thank Carolyn for working with us so intensely this semester. And I would like to thank you for the really fine presentation you made and engaging the faculty so much in question and answer. I would just point out to the group that one of the problems with raising tuition is not so much the financial aid population, but is what happens to the non-financial aid population, and therein lies the real danger of losing middle class, upper middle class students who are not eligible for financial aid who can get merit scholarships at competitors such as Washington University, St. Louis, and NYU. I think one of the reasons not to be very aggressive on tuition is I can't see too many negatives. One of the reasons to be careful about raising tuition, we will always gain more revenue by raising tuition by a greater amount, but we run a great risk of losing high-quality students who will be blown away by our aid. I know this is something that Carolyn is concerned about, and I hope we continue to track what's happening to that population."

Provost Martin: "We are tracking what's happening to that population. It's a good point. And to be honest, as you know, as long as we are really dedicated to the need-blind, we will always have some difficulty competing for really talented students with schools that are not need-blind and that offer merit aid. That's just a difference in principle. I think no matter how extreme we are, at least as far as I know, we all agree that remaining need-blind is what we want to do. But you are right. We are tracking that. The only thing I would say is that Carolyn and I are much less aggressive than our Trustees would like us to be. Why would they like us to be more aggressive? Not simply because they think we can use the revenue well. I mean I hope they think we can use it well, but not simply because they think the revenue looks good. But we hope they really believe that those who can pay and those who can't benefit from what those who can afford to pay, pay. And that logic is sound to some extent, but I think you introduced one of the caveats. It is a delicate balancing act. I think we do probably need to be a little more aggressive than we were last year, because of where we now stand relative to our peers, and to keep the pressure on the budget in advance of the campaign, working to provide funds for our priority issues. But we won't be quite as aggressive as you might hear some of your colleagues on the Board of Trustees are suggesting. Thanks a lot."

Speaker Knuth: "Thank you very much for this discussion. Just a reminder that it's important for you to stand when you speak, not only so others can hear you in the room, but so the recording device picks up your voice. Please stand and introduce yourself when you speak. Now I would like to introduce Dean Charles Walcott to provide remarks."

2. REMARKS BY THE DEAN

Charles Walcott, Dean of Faculty: “Thank you Barbara. I don’t have any particular remarks. Are there any questions that anybody has for me?”

Professor Davies: “This is a question for both you and Biddy. Seeing the article in the New York Times about four weeks ago it was reported the salaries of university presidents throughout the nation, Cornell was ranked number four, quoting President Lehman’s salary as over a million, which exceeded every Ivy League school and every state university. Given that we are not the wealthiest of the Ivy League schools, maybe you or the Provost would care to comment on this fact as it was quoted in the press.”

Dean Walcott: “I would not care to comment.”

Speaker Knuth: “And since this was the point on the agenda for Dean Walcott’s comments and remarks, I’m not sure that we have anything more to say on this.”

Provost Martin: “I would just like to comment, or what’s the word, deflect, I don’t think that was accurate. I think that was what was paid out in a given year.”

3. APPROVAL OF THE MINUTES OF THE NOVEMBER 8, 2006 MEETING

Speaker Knuth: “Thank you for the clarification. We are going to move on now to the next item of business, which is to approve the minutes of the November 8th Faculty Senate meeting. The minutes from the November meeting were available to you on the web site to review. So I ask for approval of these minutes by unanimous consent. Seeing no apparent objections, I’ll declare the minutes approved. I would like to now move on to call on Brad Anton, Associate Dean and Secretary of the Faculty who is going to present a committee on the nominations and elections report.”

4. REPORT FROM NOMINATIONS AND ELECTIONS COMMITTEE

Professor Anton: “The Nominations and Elections Committee met last Thursday to find people for the last remaining vacancies in faculty committees. We were fortunate enough to be able to, for the first time in years I understand, fill all seven positions in University Assembly for faculty members. And also we were able to fill some of the Assembly subcommittees. We still have requests out to about a dozen people I’m waiting to hear from for other committee positions. Remember at the beginning of next semester the canvas will go out for nominations for the elected positions. We’ll have the faculty election next semester, as we always do. Are there any questions?”

University Assembly

David Rosen, A&S

ASSEMBLIES COMMITTEES

Committee on Dining Services

Joe Regenstein, CALS

Transportation Advisory Committee

Timothy Fahey, CALS

Transportation Hearing and Advisory Board

Bruce Halpern, A&S

Speaker Knuth: “I do have to ask for approval of the report by unanimous consent. Seeing no objections, it’s approved. Thank you.

“I will now call for approval of the report on the resolution from the Committee on Academic Programs and Policies. Professor Hatch will present a resolution to approve the establishment of a new Master of Professional Studies/Real Estate-Master in Business Administration in the Real Estate Program, Department of City and Regional Planning and the Johnson Graduate School of Management.”

5. CAPP RESOLUTION TO APPROVE ESTABLISHMENT OF A NEW TWO-YEAR DUAL DEGREE MASTER OF PROFESSIONAL STUDIES/REAL ESTATE-MASTER IN BUSINESS ADMINISTRATION IN THE REAL ESTATE PROGRAM, DEPARTMENT OF CITY AND REGIONAL PLANNING AND THE JOHNSON GRADUATE SCHOOL OF MANAGEMENT

Professor Martin Hatch, Music and Chair, CAPP: “The committee received this proposal ([Appendix 1](#)) a while ago, and after a few questions to the proposers, the committee voted unanimously to bring this resolution ([Appendix 2](#)) forward. We have with us today David Funk who is the Director of the Program in Real Estate, which is based in the Department of City and Regional Planning, College of Architecture, Art and Planning, but has connections through a working relationship with the Business School and the Hotel School. I won’t read the resolution. I don’t think I have to. Do I? Is that part of the rules? We ask unanimous consent for approval. Are there any questions?”

Speaker Knuth: “Actually, on this we will take a vote.” **Professor Hatch:** “Okay. If you have any questions, address them to me or Mr. Funk.”

Speaker Knuth: “All those who are in favor of the resolution that you see before you, please indicate by saying aye. All those opposed, please say nay. The resolution passed. One abstention so noted. Thank you.”

Speaker Knuth: “We will now move along to a discussion item. I will call upon Professor Risa Lieberwitz, who is chairing the committee to review the faculty governance.”

6. UPDATE FROM COMMITTEE TO REVIEW FACULTY GOVERNANCE

Associate Professor Risa Lieberwitz, ILR, and Committee Chair: “I am coming back to report from the Committee to Review Faculty Governance, following up on the draft report that we made at the November 8th Faculty Senate meeting. And as you know we had the faculty forum on November 15th. We are coming back at this point to give you an update on the revision process and also to give you a sense of the timeline that we are working with and to keep you apprised of what’s going on. This is intended to be an update, a brief report. In addition to the Senate meeting and the faculty forum we have received e-mails and had conversations with faculty. We’ve found the input very, very useful for the revision that we are looking at in the report.”

“In addition, we had on December 5th a meeting between the Faculty Governance Committee and three of the Cornell Trustees. Also, just let me interrupt myself to say that we have most of our committee members here today from the Faculty Governance Committee. So I’m sure that in addition to things that I have to say, they may have comments as well and be able to answer any questions you have. But now returning to the December 5th meeting that we had with three of the Trustees - we had a very good meeting with the Chair of the Board of Trustees, Peter Meinig, and two other Trustees who came with him, the outgoing chair of the executive committee, Ned Morgens, and the incoming chair of the executive committee, Diana Daniels. This meeting was a follow up to the initial meeting that we had had when we were first gathering information for our draft report. “

“As I said we found it to be a very good meeting, a very productive meeting and discussion. We appreciated the fact first of all that they were willing to, on really pretty short notice, come to Ithaca to meet with us. And also it was clear in our meeting that they had read the report quite carefully and were taking it quite seriously, which we also thought was really good and appreciated and that meeting then was able to be very productive. We found that the three Trustees that we were meeting with were quite responsive to the report and recommendations, and they came having read the report and recommendations quite carefully and provided feedback to us that quite focused on aspects of the report recommendations. We also thought that their focus was on useful things, but also that their feedback was quite constructive and useful as well.”

“As a general matter we found that they were quite positive and in agreement with many of the aspects that we raised about increased consultation, increased input and dialog and exchange of information between the Trustees and the faculty. For example, they were very supportive of the work that they are doing right now in building a relationship with the University Faculty Committee. Some of the concerns that they expressed that we had discussions on had to do with just flushing out the meaning of consultation and the terms that we used, like consensus, in the report and recommendations, and so there were questions that were raised and that we are pursuing further on the way in which consultation would work in practice. But as I said, overall we really found this to be a very positive meeting and found that there were many areas of overlap and agreement, as well as areas of concern raised that we felt we could really work with them on. “ “Our faculty governance committee will meet jointly with President Skorton and with Provost Martin in January. Then we are looking toward issuing a final report. Hopefully we will be able to give you our final report and recommendations at the February meeting of the Faculty Senate. That is our goal - to give this final report considering all the revisions and any additions or any additions or edits.”

“What we plan to do at the point, when we give you the final report and recommendations, is to provide a resolution that we would ask the Faculty Senate to vote on. The resolution that we plan to provide is not a vote on specific recommendations in the report. We are not going to ask that you as a Senate vote to support or not support, or whatever, a vote on specific recommendations, because in our discussions at the Faculty Governance Committee, we came to the conclusion in looking again of course at our

charge that the charge was to do the research, to write the report and make recommendations. Having fulfilled that charge at the point when we have our final report and recommendations, we feel it's appropriate to provide a resolution to you that recognizes that we have fulfilled our charge. In that resolution we'll call on the Dean of Faculty and the University Faculty Committee to take appropriate actions to consider implementing the specific recommendations of the final report. The actions of the Dean of Faculty and the University Faculty Committee could take to initiate that process of considering implementation can take various forms, things like *ad hoc* committees as necessary to be put together by standing committees as necessary, discussions with the administration and the Board of Trustees, specific resolutions to be proposed to the Faculty Senate for the Faculty Senate to vote on. Also, we plan our resolution to include a specific recommendation that the Dean of Faculty make a progress report to the Faculty Senate by the May 2007 meeting to update the Faculty Senate on the progress that's been made toward considering implementation of our specific recommendations.

"So that's the update. I don't know if anybody has questions for me or other people on the committee."

Assistant Professor Andre Kessler, Ecology and Evolutionary Biology: "It sounded as if you had a very big confirmation, but I was wondering if you can identify some controversial parts that come up in the discussion with the Board of Trustees."

Professor Lieberwitz: "I'll just repeat a little bit of the question. The focus of the question was in addition to the overlap and agreement were there specific areas and what specific areas were there of controversy or perhaps some disagreement. The places where we discussed the most had to do with the recommendations of course that involved the Trustees, in particular. I think what the Trustees were concerned about the balance between consultation, as opposed to responsibility for decision making - whether that was responsibility for decision making by the Trustees or by the administration. That question of where does consultation end and other people's decision-making take over. And so that question about what does consensus mean I think is something that really needs to be flushed-out. Again, other people on the committee could answer that, but I think that we went away from this meeting feeling that there was room in our recommendations to either make further explanations or greater clarity to really fill out that notion of what a consultation means, that back and forth toward the goal of trying to reach agreement between parties in a way that increases the possibility of that goal being furthered. We feel that there's room for us to make conditions of the report so that we have a situation with a greater chance of the meeting of the minds between our report and some of questions the Trustees raised. You can imagine that there are certain recommendations. I'll just point them out to you where there were discussions. For example, recommendation number nine, about the make-up of the presidential search committee and how definite should percentage of the faculty be. Other things were about resignations or discharge of a President, as well as review, and just what will be the nature of the faculty participation."

Professor Martin Hatch: "I believe there's some recommendations in the report or at least in the discussions about empowerment or relative strength of the roles of faculty

committees in policy areas, in campus use, campus transportation and other matters. I'm wondering if there was extensive discussion about that."

Professor Lieberwitz: "In the areas that are labeled non-academic areas questions about where is the impact of those so-called non-academic areas on academic issues. We had some discussion about that. As I recall, and maybe other people can fill in, I don't recall any specific issue on that matter that was really an area of focus in our discussion. We talked generally about that question, which is always kind of the gray area where it is that so-called non-academic issue. I keep saying so-called because of course that label doesn't really work very well. You know there is certainly agreement between the Trustees and the faculty that areas at the core of academic matters, like curriculum and others of core teaching and research issues, are very much in the faculty purview. But then as we get farther away from that into those gray areas of what affects faculty and academic matters in the more indirect way, there are certain areas where we would disagree with Trustees about some of those gray areas. We talked about that in general, but one of the things that the Trustees pointed out I think is very true and I think the committee would agree with me on, the Trustees pointed out that there isn't a monolithic relationship between the administration and the Trustees. And so one of the things for example they'll look at in the report is when we say Trustees/Administration or Administration/Board of Trustees we may need to choose that out a little bit more and be more nuanced in terms of the relationship between sometimes the Board of Trustees and the faculty, sometimes between the Administration and the faculty and sometimes between the Board of Trustees and the Administration, because a lot of our recommendations about the so-called non academic areas really have to do with relationship between the faculty and the administration as opposed to the Board of Trustees. So our discussion to raise that was on that question of the relationship between the faculty and the Board of Trustees itself."

Professor Howard Howland, Neurobiology and Behavior: "I guess I had expected a little bit more feedback from the committee on substantive issues before we were actually called to vote on it. As I recall the list of recommendations, there were some that seemed to me to be quite controversial. I fear that if you bring this sort of holus-bolus and ask us to approve it, you may find some things that people really don't like. Although they may feel that on a whole the report is good, those are going to be sticking points. I know, having been through as many of us have, many revisions of curriculum and seen how disastrously things can happen, I just would like to bid a little bit of warning and ask you to rethink a little bit before you just try this in one shot."

Professor Lieberwitz: "Okay. Well let me just clarify something in terms of what you just said, Howie. One thing in terms of the resolution that we are going to bring to the Senate, we are trying to be sensitive to, I think, just the point you are trying to make. We decided that it would be a mistake and really not advisable to come to the Senate and ask the Senate to vote on any specific recommendation that are included in the report. Because as you pointed out there's a whole range of recommendations and some of those recommendations may be very easy to get agreement on. There may be some where people say well this is really uncontroversial and there's lots of agreement. There may be other and will be other recommendations where for example, when we

recommend that some of the committee, like the academic freedom and professional status committee, where we recommend that that should have greater strength, for example. There might be some disagreement about just the way to go about changing the committee charge where we can't anticipate that that would just be, well please approve that recommendation and there won't be any controversy over it. "

"We are not going to ask the Faculty Senate to approve any specific recommendations. What we are going to do is ask in the resolution is for the Faculty Senate to basically accept our report and to then instruct the Dean of Faculty and the University Faculty Committee to take the next steps, which is to say look the Faculty Governance Committee fulfilled its charge. They wrote a report. It made recommendations. Now is the point where those recommendations will need to be further considered by the appropriate bodies and that might include, as I said, Senate standing committees, *ad hoc* committees, a product of perhaps the UFC discussing with the administration. We are calling on the Dean of Faculty and the University Faculty Committee to take our specific recommendations and do with them what is appropriate - to take that step after the distribution of the recommendations for different committees to come back to the Senate with specific resolutions to vote on where changes are needed. So for example, the AFPS Committee may come back to you with a specific resolution to change their charge. There may be places where other committees need to be created and the specific resolution will come back to you for a vote before anything would actually be implemented."

Professor Bill Arms, Computer Science: "Can I just echo the last point. I think you failed to understand how narrow the support is for this resolution. I mean the sort of people who are part of the Faculty Senate are not typical of the faculty in general. The people on this committee are not typical of people who are in the Faculty Senate. I find this report, quite frankly, an embarrassment. I think the intellectual argument is self-serving and weak. I think the tone is strident. It's all full of shall do this, should do this. Almost everyone in the University is told how to do their job. And I think about at least a third of the resolutions are really ones that no self-respecting administration or the Trustees... I mean my respect for the administration and Trustees would be greatly reduced if they agreed with those resolutions because they haven't been doing their job. We need a way early on before we move this forward to find out if there's anything worth moving forward and get rid of the rest before we're just embarrassed in front of the people we want to respect us."

Professor Lieberwitz: "Okay. Well, thanks, I appreciate your frankness. That's exactly what we want to get from people's input. I would say that a lot of the input we've had is very positive and so one of the things we'll consider as a committee, is the full range of reaction. And in fact from the Trustees one of the things that we found was that in general that said there were many aspects of this that they found very positive and certainly we are looking forward to hearing from the Provost and from the President what they view of our report because certainly the tone that we were going for, and that I thought that we achieved, was in fact really the opposite of strident. But if there aspects of it as you think do that then certainly we welcome your input. What we were looking for

were ways to productively move a consultation process forward. I don't know if other people on the committee want to have responses or comments about this."

Professor Anton: "I'll say something more detailed about how the Trustees responded to this. Some parts of it, I think, some of the recommendations they don't care so much about. They were curious about how faculty committees are selected, how Nominations and Elections operates. They didn't really understand that. They were under the impression that we only selected people from the Faculty Senate. So this was the only group involved in faculty committees. They thought that the recommendations for consultation with them that involved them appearing at Faculty Senate meetings or faculty forums or things like that, they were positive about those things. They said we should not specify the faculty composition on search committees. They said every search could be a different circumstance with a different purpose, and they want the power to determine the composition of the search committee. They thought that adding more faculty members the last time around was productive. "

"Then on resolution number 12, that was just "No. No." Number 12 is the one that says before accepting the resignation of the President or firing the President the Trustees will consult with University Faculty Committee. The University Faculty Committee will report to the Faculty Senate. They said, "There's no way you are going to report this to the Faculty Senate." But they did not say, "We won't agree to talk with the University Faculty Committee." That was left a little bit ambiguous."

"One of the recommendations talks about having a committee that would be involved in appointing Vice Presidents and other high-level administrators, about having faculty involved in that. The University of Iowa has a committee like that, and President Skorton found it a very useful instrument for his administrative appointments at the University of Iowa. So maybe some of the recommendations are hare-brained, but we've actually had some feedback that quite a few of them are not hare-brained at all. There are some things to fix, though."

Speaker Knuth: "We have two more minutes."

Professor Eric Cheyfitz, English: "I can do it in two minutes. I'm on the committee. First thing to point out, I'll say it again. It doesn't seem to have gotten across is this is a report for the Senate. It was commissioned by the Senate; it will be discussed by the Senate. The Governance Committee has no power to implement, not to implement any of these recommendations. It's up to you folks to discuss it and also to get feed back from your constituencies, which I think is important. If this is a representative body, then you are representing people. You should bring them the report and get feed back from them, if you are doing your job. That's the first thing."

"The second thing is many of these recommendations our peer institutions have already implemented in one form or another; the University of Pennsylvania, the University of Chicago, University of Wisconsin. We did not do this research in a vacuum. We looked at the way governance went on across the country. So I think that's very important. You think these recommendations are hare-brained. I think you also then ought to look at the way governance goes on at other institutions that we've looked at. Some of which are

much more democratically run than this institution, by the way. And so we tried to look at the specific circumstances here at Cornell and we tried to look at circumstances at other peer institutions and come up with a set of recommendations that we thought would be worth discussing by you, the Senate, and your constituencies.”

Speaker Knuth: “One final comment.”

Professor Lisa Earle, Plant Breeding and Genetics: “Could you run over the time line for the next steps again? When are we going to see a copy of the revised recommendations and how long before the next Faculty Senate meeting?”

Professor Lieberwitz: “Well the goal that we had in mind was to work as quickly as possible to get the final report to you, and that’s why we were aiming for the February Faculty Senate meeting. We don’t have a specific date for exactly when we, I mean the latest if we are going to meet that February goal for the Faculty Senate meeting, the latest that you would get a final report would be when the agenda goes out. But, because we think that responding to people’s views on issues is very important and that’s been the heart of our recommendations, if what we are hearing is that people feel that we need yet another round to have a response to another progress report, that’s always a possibility. We were trying to weigh the desire and what we felt was an advisable approach of working as quickly as possible to get to the final report, weighing that with the revisions that we have been getting in. And so we have been seeking as many revisions as possible, and the ideas that we are getting in the revisions, I have to say, are not really radical in the sense of advising us to make very large changes. Given the revisions and suggestions that we have been having coming in, our view was that it was realistic to aim for that February meeting. Now we were not able to get on the calendar of the Provost and President until mid-January. We were hoping to do that sooner. And that creates some limitations for us in terms of getting the feed back from the administration. If it looks like we cannot get the kind of revision out to faculty in time for further consultation, we can adjust our calendar. From what I’m hearing that’s something we should consider.”

Speaker Knuth: “Thank you. Thank you very much for the report and the discussion. Our last item of business is to call on Professor Ellis Loew from Biomedical Sciences who is also the faculty chair of the University Assembly. Professor Loew will provide a report on the University Assembly discussion on the Campus Code of Conduct.”

7. REPORT FROM THE UNIVERSITY ASSEMBLY ABOUT THE PROPOSED REVIEW OF THE CAMPUS CODE OF CONDUCT

Professor Ellis Loew, Biomedical Sciences: “Thank you. I thought this was going to take a long time, but fortunately the President was kind enough to send everybody an e-mail on the 7th of December, that in fact, I would like to use the word ‘caved in,’ but I’m going to not use that word, but say that he looked at the situation and realized that it was best to follow the procedures that were already in place. I’d like to think that it was more of a problem of ignorance along the way than anything purposeful. But I would like to thank the faculty for coming to the aid of the University Assembly in at least bringing this

issue right up front and making it impossible for it to be ignored. I should by way of reminder..... you should all know by now, that a report was presented to President Rawlings last April by Barbara Krause, who was tasked to basically review the Campus Code of Conduct and come up with recommendations concerning potential changes and revisions to the Campus Code of Conduct as it existed. She was in a good position to do that, having been a Judicial Administrator, and she also had the time to do it.”

“I’d like to make it clear that from the point of view of the University Assembly and the Codes and Judicial Committee of the University Assembly that at the time we were wholeheartedly for and endorsing the task that Barbara had undertaken. The Code by agreement needed to be reviewed, and we were very happy that this process was undertaken. We were however surprised when the report was looked at, and in particular the process by which the aspects of the revisions were going to be reviewed and potentially brought into force. It appeared at the time that the University Assembly was going to be worked around, and that the University Administration had co-opted what we felt was the authority of the University Assembly in examining issues pertinent to the Code. For those of you who may not know this the University Assembly actually has a mission statement. You won’t find this on the web site. Actually I had to dig through a lot of old correspondence to find it. But of particular relevance is that technically the University Assembly is supposed to have some kind of purview over issues of the Code. And this certainly was evident when one actually looks at the actual charter, and right in the very beginning it says ‘authority of those aspects of conduct of members of Cornell University now covered by the Campus Code of Conduct’. It was felt at the time that a statement had to be made and made forcefully that the process must start with the University Assembly, and that the University Assembly should be the body tasked to take the Krause report, assemble the information and all the views of all the constituencies, and present the report to the President, as opposed to having an administrative working group sort of involve the University Assembly, but not necessarily take the University Assembly into account in coming to whatever its views were relative to the report.”

“I’m happy to say that that issue would seem to have been completely resolved, certainly to the satisfaction to the Codes and Judicial Committee and the University Assembly. This is a copy of the email that we have all seen, and in fact the President acknowledges that the University Assembly is the appropriate body to assemble views and comments and generate a report concerning the changes or potential changes in the Campus Code of Conduct. It recognizes that the Codes and Judicial Committee, which had been tasked by the University Assembly to basically undertake this review is the appropriate body. One thing that was really quite nice about this was that basically somewhere in here, I don’t remember, he actually says that the working group, which was a point of contention for many of us, really no longer had a reason to exist. And that in fact made us all feel quite good. Although I must say that, if I’m not mistaken, the CJC has certainly welcomed input from members of the working group, who will take part in the discussions of the CJC, however as non-voting members. And so we are not ignoring the interests of the administration, but now everything would seem to have basically fallen into place, and at this instance in time, thanks to I think community input, everything in my opinion is as it should be as far as the process is concerned. Did I cover

that pretty well?

“That actually brings up the second part of the problem, and that is the actual report itself. There are certainly a number of issues and recommendations that come out of the report that a number of us find to be quite objectionable. Some of this is my personal view; some of it, I think, is shared by members of the University Assembly. Given the time that we have - the President would like a report by April 7th - basically, given the break, we really have the month of February to assemble information and come up with some kind of response. Although something that we had worried about, but which the President covered, is that in the event that something happens and we could not generate a report by the 7th, he is willing to extend this deadline. I also like the fact that he pointed out that we do have a Code that actually works. There tends to be the impression at times that this whole process evolved because there was something radically wrong with the Code the way it was, and that students were getting screwed, and faculty members were being fired at random, and that somehow the code was a total waste of time. And in fact that was not the case. It certainly needed changing, but the Code really does function quite well in many ways.”

“Certainly from the point of view from the University Assembly, the two issues that are really paramount in importance to us are first of all the independence of the Judicial Administrator, and this also seems to be a point that is certainly contentious. We asked students who spoke up at a forum that we held, and faculty have pointed out that the independence of the Judicial Administrator is something that is really good. And second the idea of moving the Judicial Administrator into ultimately the Dean of Students Office would not necessarily be in the best interest of the Code. Along with that mode basically to remove all of the Code from the University Assembly, which is really an elected body - a representative body - and it would be moved into administration. Obviously, and since we are members of the University Assembly, that would be like asking us to build our own gallows. So it's hard to imagine that we would come up and say 'yes, let's do away with what we are supposed to be doing so that we have one less committee to serve on'. Two of the major issues that are going to be looked at in great detail are the pros and cons of where the Judicial Administrator should in fact be located administratively and also who owns the Code, us or them, if I can be a bit adversarial?”

“The third issue is really one of who is covered by the Code and where are they covered by the Code? There are issues about off-campus coverage as far as the Code is concerned; the relationship of the Code to employees and faculty, and these are also issues that have been raised at our forums and in our own discussions. There are other points that are raised, and what I would do is to first of all, for those of you who have not done so, one can see the entire report right here at the Office of Assemblies website, and you can just go to the Assemblies website and click your way to it. There is a summary at the beginning, but it's really worthwhile to read the entire thing. Some of the points are not without merit. Many of them would change substantially the way that the University deals with infractions and who in fact is responsible for administering and what kind problems might arise due to the fact that you know you can't remain quiet in issues of jeopardy and the like.”

“The other thing that I would point out is that we have established a blog site right here, and we would like to encourage everybody to give us whatever opinions they have of the recommendations raised in the Krause report, because these will be looked at with a great deal of detail and used by the CJC for assembling the report to be given to the University Assembly, hopefully by the March meeting. So we all have a stake in this in my opinion.”

“Lastly I would really like to thank Hunter Rawlings for doing something that I certainly have been unable to do for a number of years, and that is actually get faculty to want to be on the University Assembly. And I know that offering hockey tickets was the only way to do it but in fact having an issue that really is of substance can really point out the importance of something the University Assembly, which for years a lot of people didn’t think existed.

“That is where things stand, and hopefully you will all provide input to the CJC at the UA as regards to the final report. Any questions?”

Professor Lieberwitz: “I know you used the term lightly initially about the President ‘caving in,’ but what I would say is that I think it’s interesting to hear your report after the discussion of our Faculty Governance Committee draft. The result of a process aspect of this, in regard to the Campus Code I think is a testament to how well things can work when there is a good interaction between the administration and faculty, students and staff who had input about a problem with the process and the way that it was handled. But that it’s an example of when consultation works well, and that is that the President, in hearing all the input on this, said ‘I’m going to change my mind and I’m going to do something different. I’m going to change that.’ It seems to me that that’s a very positive example, and in fact the President is to be commended for his willingness to in fact say, ‘I’m going to take a different road and go back to a process that took place in regard to University Assemblies’ role.’ So I think it’s a really great example of that.”

Professor Loew: “I have nothing but praise for the President in his handling of this. I was speaking a little light when I said ‘caved in,’ because in fact I think when the process was really pointed out to him, he inherited this and a lot of things happened when he was in the midst of the campaign, and I think when he really saw what was involved and the feelings of the campus community in terms of the process that had just been thrown out, that he was very, very quick to respond and did so positively. I think that may be his nature. He seems to be that way in talking with other people who have interacted with him. He seems to be really good that way. I’m very happy with the way things worked out.”

Professor Cheyfitz: “Just a quick correction. The report suggests that the JA be disbanded and moved to the Vice President for Student and Academic Services, not to the Dean of Students, which is what you had said, just a clarification because that’s a substantial difference.”

Professor Loew: “It says incorporated into the Dean of Students office. Right, Vice President for Student and Academic Services. I stand corrected.”

Professor Delchamps: “First a comment, then a question. I think it would be very useful to encourage the central administration to circulate widely a description of the entire

chronology and genesis of the Krause report. There's a lot of misunderstanding on campus about when this started, why this started, and I think that copies of memos, documentation of meetings, who said what to whom, when and frankly stated to everybody, would clear up a lot of misunderstanding. Secondly, I was happy to see the e-mail from President Skorton as well. I'm not sure that I feel quite as touchy, feely soft and well-cuddled about it as everybody else seems to, because it seemed to me, 'I read it. Yes, now I realize there's a process, so I'll look at that process and I'll take a report and then I'll do what I want. Okay.' That's sort of how I read it."

"Now to my question after those two comments. I served on the CJC for several years. I was the chair for a couple of years. I know how the intricacies work, and getting the CJC and getting something through the UA can be like pulling teeth. Later I worked on the committee that was attempting to draft anti-hazing legislation by virtue of the Code. Getting that through the CJC was a problem, getting it through the UA was like going to the dentist and having root canal. My impression was that if the UA said no, the buck stopped there. We had no further recourse. Is it not true that if the UA says no about something to do with the Code, the buck stops there? And if it is not true, does central administration have the right to rip the Code away from the UA without the UAs consent?"

Professor Loew: "That raises an interesting point about how one reads the actual charter. This is something that was raised in discussion. If you go and actually look at the charter, it says by delegation from the President we have this legislative authority. I'm not sure exactly what that means. You have indicated that there was some discussion about what delegation from the President meant."

Speaker Knuth: "Just a comment. We literally have one more minute."

Professor Loew: "Briefly in this particular case I doubt that it would be acceptable for the University Assembly to get a report from the CJC. The CJC says we reject the entire report. The University Assembly says fine, we agree, and just lets it die. I do not think that neither the President nor the administration at this point would allow that to happen. What we would do is we would have to generate some kind of a statement as to our feelings and why we did that. At which point according to legislation ultimately the President is basically free to do what he wants. Yes. You are right in that regard. Whether he would do it not, I don't know."

Speaker Knuth: "So thank you for raising your additions. We are out of time so I will declare this meeting adjourned. Thank you."

[Meeting Adjourned - 6:00 PM]

Respectfully submitted,

A. Brad Anton
Associate Dean and Secretary of the University Faculty

MEMORANDUM

To: Alison Power; Dean of the Graduate School

From: Cathy Dove, Associate Dean, Johnson Graduate School of Management
L. Joseph Thomas, Associate Dean, Johnson Graduate School of Management
David Funk, Director, Program in Real Estate

Cc: Jerry Hass, Professor, Johnson Graduate School of Management

Date: 8-6-06

Re: Two-year joint MBA and MPS/RE Degree

The purpose of this memorandum is to confirm approval to proceed with establishment and announcement of a joint two-year joint MBA and MPS/RE degree program.

The objective of establishing the two-year MBA and MPS/RE program is to enhance the attractiveness of the Johnson Graduate School of Business and the Program in Real Estate to good students with career interests in real estate and provide an alternative program structure to the existing three-year joint MBA/MPS in real estate. Note that while it is assumed the majority of prospective students would choose the two-year (five semester) option, applicants that want an additional summer internship or more coursework may prefer the three year program (six semester), and this proposal is not intended to be a replacement.

Many business schools have a real estate department and support courses of study in real estate as part of their general MBA curriculum offerings. Providing an additional dual degree program would provide more focus on the opportunities available at Cornell for students with real estate interests and attract better students to both the MBA and MPSRE degree programs. In particular, it would provide the opportunity for real estate-focused MBA students to broaden their knowledge base, including design and development, marketing, construction planning and operations, property and asset management, and sustainable development.

The MPSRE, while only about a decade into its existence, is making steady progress as a world-class program, and competes favorably with several other well-established programs for students. Many students with career interests in real estate choose schools which provide real estate training within an MBA program. Others have MBA aspirations and are initially attracted to the dual program currently in place at Cornell, but find the 3 year duration of the program too onerous in terms of out-of-pocket and opportunity costs.

The two-year MBA/MPS-RE is proposed as a minimum 79 credit hour program with the dual degree students in this track joining the Johnson School Twelve Month Option (TMO) students in the summer of the first year to take several core MBA courses, followed by four semesters of course work.

The TMO program admits students who have advanced (masters or PhD) scientific or technical degrees and, as such, are thought to have very good quantitative skills. Students enter the program with 15 credits of advanced standing in recognition of their previous graduate degree, take six core courses during the 10 week summer term, and then take two full semesters of courses to complete their degree over a twelve month period. TMOs take a one-week "refresher" program and then are expected to exempt out of the MBA-core Statistics course. A total of 60 credit hours are required in the regular TMO program, which includes 20 credit hours of required core courses and 40 credit hours electives, 15 of which are advanced standing credits or can be taken outside the Johnson School (presumably more via appeal to the JS Academic Standards Committee). The following table shows the MBA TMO credit hour distribution:

MBA Twelve-Month Option (TMO)		Credit
Advanced Standing Credit		15
Summer I		
	Financial Accounting	2.5
	Managerial Finance	2.5
	Managing Operations	2.5
	Marketing Management	2.5
	Microeconomics for management	2.5
	Strategy	2.5
	Statistics refresher (One Week)	2.5
	Leadership Development	1.5
Fall I		
	Managing/Leading Organizations	2.5
	Elective	3
Spring I		
	Elective	3
	Elective	3
	Elective	3
	Elective	1.5
	Elective	1
Total		60

The current MPS degree in Real Estate requires 62 credit hours, which includes 37 credit hours required core courses and 23 credit hours electives, with the 23 credit hours including at least 5 from an approved list of "leadership and management" courses, 10-12 credits in an approved concentration, and the remaining 8-10 credits as electives subject to advisor's approval. Included in the electives are three courses/5.5 credits – Hospitality Real Estate Finance, GIS Applications, and Communication in Real Estate – that are strongly recommended and enroll the majority of MPS/RE students. The following table shows the MPS/RE credit hour distribution:

<u>MPS/RE Curriculum</u>		
		Credits
Fall I		
	Core	
CEE 595	Construction Planning and Operations	3
CRP 532	Real Estate Development Process	3
CRP 537	Real Estate Seminar Series	0.5
HADM 620	Principles of Real Estate	3
NCC 556	Managerial Finance	3
HADM 621	Hospitality RE Finance ELECTIVE	3
CRP 629	GIS Applications in RE ELECTIVE	1
Spring I		
CRP 537	Real Estate Seminar Series	0.5
CRP 556	Design in Real Estate Development	3
CRP 657	Real Estate Law	3
CRP 658	Residential Development	4
HADM 628	Real Estate Finance & Investments	3
CRP 529.99	Communication in RE ELECTIVE	1.5
Fall II		
CRP 533	Real Estate Marketing & Management	3
CRP 537	Real Estate Seminar Series	0.5
	Elective	3
	Mngt. & Leadership Requirement	3
	Elective	3
	Elective	3
Spring II		
CRP 537	Real Estate Seminar Series	0.5
CRP 655	Real Estate Project Workshop	4
CRP 659	Real Estate Trans & Deal Structuring	3
	Mngt. & Leadership Requirement	2
	Elective	4
	Elective	1.5
Total		62

The following table shows the new two-year MBA/MPS-RE credit hour distribution:

MBA/MPS-RE Joint Degree

		Credits	RE Core	JGSM Course	Elective
Summer I					
	Financial Accounting			2.5	
	Managerial Finance			2.5	
	Managing Operations			2.5	
	Marketing Management			2.5	
	Microeconomics for management			2.5	
	Strategy			2.5	
	Statistics refresher (One Week)			2.5	
	Leadership Development			1.5	
Fall I	15				
	Managing/Leading Organizations			2.5	
CEE 595	Construction Planning and Operations	3			
CRP 532	Real Estate Development Process	3			
CRP 537	Real Estate Seminar Series	0.5			
HADM620	Principles of Real Estate	3			
	Elective			3	
Spring I	14.5				
CRP 537	Real Estate Seminar Series	0.5			
CRP 556	Design in Real Estate Development	3			
CRP 657	Real Estate Law	3			
CRP 658	Residential Development	4			
HADM628	Real Estate Finance & Investments	3			
	Elective			1	
Fall II	15.5				
CRP 533	Real Estate Marketing & Management	3			
CRP 537	Real Estate Seminar Series	0.5			
	Elective			3	
	Elective			3	
	Elective			3	
	Elective			3	
Spring II	13.5				
CRP 537	Real Estate Seminar Series	0.5			
CRP 655	Real Estate Project Workshop	4			
CRP 659	Real Estate Transactions & Deal Structuring	3			
	Elective			3	
	Elective			3	
	Elective			1.5	
		34		45	
		Total Minimum Requirement	79		

The program structure would recognize the eventual award of the MPS in Real Estate as the student's advanced degree and thereby grant 15 credit hours towards the 45 credits earned within the five semester program to total the 60 credits required for graduation for the MBA. During the five semesters the student would also complete the core coursework in the MPS/RE program, which totals 37 credits. (Note that the 3 credit hour Managerial Finance is part of the MPS/RE core but for purposes here is included in the JGSM credit column). The leadership and management requirement within the MPS/RE is fulfilled through the 45 credits earned through JGSM coursework. Students must complete a concentration as any other real estate MPS student, and a student must utilize JGSM coursework and/or other courses to meet the 10-12 credit hour requirement. In circumstances where a student needs an additional course or course(s) that are not available in the JGSM in order to complete his or her concentration then the student may appeal to the JS Academic Standards Committee for flexibility in fulfilling the JGSM elective requirements with coursework outside of the Johnson School.

The five semester program structure would extend the total time commitment beyond the normal MBA by only three months and yet provide a substantial opportunity to take coursework that satisfies both programs and provide for a summer internship (especially important for students using the MBA/MPSRE to change their career orientation).

It is understood that students would have to be admitted separately into both programs, and particular emphasis in the admissions process placed on assessing the quantitative abilities necessary to keep up with the compressed core course teaching in the summer of the first year. Students would also have to have taken some prior statistics coursework so as to be able to pass the exemption exam in Statistics.

Students would register and pay tuition as Johnson School students in semesters 1, 4 and 5, while in semester 2 and 3 would be registered with the Program in Real Estate. An affirmative field vote from the Real Estate Field Faculty on August 14, 2006 enabled the Program to change the number of required registration units in the field of Real Estate from three (our current requirement for award of the MPS/RE) to two for purposes of this program.

**Resolution to Establish Two-year Dual Degree
Master of Professional Studies/Real Estate (MPS/RE)-Master of Business Administration (MBA)**

WHEREAS, the General Committee of the Graduate School has reviewed and approved the proposal to create a new Master of Professional Studies/Real Estate-Master in Business Administration (MPS/RE-MBA) dual degree program in the Program in Real Estate, Department of City and Regional Planning, and the Johnson Graduate School of Management

WHEREAS, the Committee on Academic Programs and Policies has reviewed and recommends creation of this Master of Professional Studies/Real Estate-Master in Business Administration (MPS/RE-MBA) degree

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the establishment of a new Master of Professional Studies/Real Estate-Master in Business Administration (MPS/RE-MBA) degree program in the Program in Real Estate, Department of City and Regional Planning, and the Johnson Graduate School of Management.

CAPP APPROVAL

November 28, 2006

Minutes from the March 14, 2007 Faculty Senate Meeting

Speaker Barbara Knuth called the meeting to order. “We are still working I believe on attaining a quorum. So I will the Dean of the Faculty, Charlie Walcott, inform me when we have achieved that. I would like to begin with the usual reminders as we always do this reminder. Please remember that no photos or tape recorders are allowed to be used during the meeting or taken during the meeting. Please turn off all your cell phones or at least put them on vibrate. But please turn them off if possible. When you speak, and this is important, so I am going to emphasize this, when you speak please stand so that we can hear you and so that you can be recorded for the minutes. And, please identify who you are so your name and your unit or your department here at Cornell can be recorded. So please stand when you speak. And, I will remind you if you forget.

We do have one Good and Welfare speaker this afternoon so we have included that in the agenda. The first item of business is to call on Provost Martin for remarks and to field questions. We have fifteen minutes allocated to this.”

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Martin: “Good afternoon everybody. Everybody is chomping on cookies. I see you are enjoying them. I have just a few things and then I will be glad to take questions.

“First of all, this is the most exciting time of the year I think at least in my view because you are all making appointments. Perhaps you are not all making appointments because not everybody got to search this year. But, many, many of you are making faculty appointments. Some of you have called on me to help you with recruitments and I certainly hope that everyone succeeds well. It would be nice to have a report sometime in this body of the successful faculty hires in one year across the colleges. You would be amazed I think.

“The other items I wanted to just mention briefly. We are coming to the end of the search for Dean for the School of Veterinary Medicine. We will have two candidates for the Deanship of the Johnson School visit campus in the beginning of April. So both of those searches are coming to a close. And your assessments of the candidates in those two schools are critical. So I hope you will have already submitted your feelings to the search committee. If by any chance anyone didn’t submit views earlier or wishes now to submit confidential opinions to me, that’s also fine, as I think you all know. So, it’s still not too late.

“Finally, the book project for this next year, the book is Nadine Gordimer’s, “The Pickup.” I don’t know how many of you will have read that novel. It’s quite a wonderful novel. Nadine Gordimer is a South African writer. I hope that all of you in this room will sign up to lead discussions. A couple people said to me they are beginning to feel worried with the novels that we are choosing, that they don’t have the expertise to lead discussions. And all I want to say about that is, that is the point. That’s the point that you not have the expertise in a particular field to discuss the novel but you engage in a general discussion of the issues with the students. This is a novel that raises just a host of fascinating questions and issues. So I think you would really enjoy discussing it with a

group of eighteen to nineteen year olds. So I urge you please to sign up to lead discussions to first year students on “The Pickup.”

“And now I am happy to take questions about anything you would like to ask.”

Professor Peter Stein, Physics: “What’s the novel about?”

Provost Martin: “Well it’s about. Let’s see what is it about? Now I’m going to turn into a literary critic. Its main story line concerns a literal pick up of a young white South African woman by a young man from an African country that’s never identified specifically, but is a Muslim country. And it’s about their relationship to one another at one level, but what it’s also not entirely about are questions of colonialism, cultural imperialism, integrations, inequality, just about any issue you could imagine, race, religion.”

Professor Stein: “Sign me up.”

Provost Martin: “Sign you up? Good. Have I interested a lot of you in signing up? It’s just an extraordinary novel. It’s not a long novel. It raises all of those issues and more. And they are all organized around a “love story.” It’s really an amazing read I think. The language is very interesting. Probably many of you have not read Nadine Gordimer, but she is an extraordinary writer and the language of the novel is just a treat in itself. That’s something to think about.”

“Any other questions?”

Speaker Knuth: “Thank you for that. I will remind you that if you ask a question, please stand up and identify yourself. Peter we know who you are and I’m sure we know everybody else, but please stand and identify yourself. Thank you.”

Professor Lisa Earle, Plant Breeding and Genetics: “What’s happened as a result of the Work Life Study, or at least what are the next steps now that the data has been analyzed?”

Provost Martin: “Did everybody hear Lisa’s question? Yes. Good. The Faculty Work Life Survey, the summary analysis has been posted on the Provost’s website. I know I announced that before, but let me emphasize it again and ask all of you who are interested to go to the website and read the analysis of the survey. What’s happening now is that we are focusing on integrating our NSF Advance Grant, which as you know focuses on the hiring of women in the science, engineering and math fields. Integrating our goals and strategies to which we are committed there, with the results of the faculty work life survey. So we are working on clarifying and publicizing. You can see it on the website, our goals for the hiring of women and actually under-represented minority faculty in all of those fields over the next several years.

“In addition we are focusing on department chair training and working with the deans on questions about department culture. Because as many of you will remember one of the major findings of the Faculty Work Life Survey was that women tend to feel less satisfied than men, overall, and in large part, not for some of the reasons that other universities found to be a problem, such as salary and equities, for example, partly because we have been working on that for five or six years. But really more about issues of what people

call integration or senses of being more or less well integrated, particularly into department culture. And so the whole question of how departments operate at what, we decided to call micro-inequities, enter into decision-making and just daily life in the context of department and program cultures. That's something that we are very heavily focused on now with the deans in our university-wide department chair training sessions. And those are two of our indices.

“One is really clarifying what our goals can reasonably be in the hiring and retention of women and under-represented minority faculty. But, perhaps even more importantly given what we learned, how we can get the chairs and program directors and all of you to ensure that department cultures don't feel exclusive. And the form that that exclusionary practice takes can be quite subtle, as we all know. And it's going to be a question of how committed we all feel to ensuring that people feel comfortable in the units in which we live and work. That takes everybody. It's a harder thing to get at and something that can be quantified. But if we don't work on it – I think it's really related in a major way, (and know I'll go back to my last Wednesday talk), but it's really related to this challenge we are going to have over the next ten to fifteen years hiring enough faculty given the competition, and keeping faculty. And if departments aren't operating in a way that feels to people conducive to getting work done and having a rich intellectual life, we're not only not going to be able to keep the people we have, we are not going to be able to hire the greatest people that we most want to hire in the coming years. So I think it's important, though it sounds softer, than an equity issue of the kind that can be quantified. And you should see changes in your department culture right away from these department chairs training sessions. Well, maybe not right away.”

Brad Anton, Associate Dean and Secretary of the Faculty: “Explain what the training is.”

Provost Martin: “Well, right now the department chair workshops are run out of the President's office. I attend every one of them. The change we made this year is to ask the deans to attend the department chairs' workshops with the department chairs. So they are university-wide and they now include the deans and the department heads. We raise different issues that we want to emphasize at each one. Depending on what the issue is, we bring in people to speak. In the past we have had people from HR, Counsel's office, but really it's the Provosts, the deans and the faculty doing it ourselves more than anything else.”

Professor Anton: “So it's not focused on HR environment-type issues?”

Provost Martin: “Well, for example, we had an entire session on tenure and promotion standards with the deans and the chairs, and not only the standards but the processes and some of problems that those of us who read tenure cases see. I'm thinking about members of FACTA who work extremely hard reading all those dossiers with me and some of the problems that we have detected over the years in the way the dossiers are actually put together. Some of the common things that arise and even inadvertent problems that cause inequities in the process. So we focused for two hours on the tenure process, and I focused on the importance of high tenure standards. After reading

promotion dossiers for seven years, I tried to articulate some of my worries about upholding high enough standards. So, that's one. The Faculty Work Life study and the question of department culture is the focus for the spring department chairs' workshop. No, it's not HR issues, per se, always, sometimes it quite concrete operational issues. But in the spring it is going to be department cultures."

Professor Abby Cohn, Linguistics: "Perhaps a mean question, but how is the level of chair participation at those workshops at this point? In the past it was sometimes spotty."

Provost Martin: "Oh, it's excellent."

Professor Cohn: "So you have managed to achieve that. Great."

Provost Martin: "It's not a mean question. Even if I had to say no one comes, it wouldn't be a mean question."

Professor Cohn: "Well, it's sort of mean to chairs, but the problem is that if that's our crucial mechanism and we are underutilizing it..."

Provost Martin: "Charlie comes to all of them, and I think at the last one we had between 80 and 90 chairs and deans. And so that's good attendance. In general, we have had excellent attendance. As long as the sessions are focused on something that really matters to all of us, and certainly tenure and how really to do it well and equitably is a crucial one, as is the question of department culture and diversity. I think the attendance has been excellent. I think Charlie would agree. And I think it will continue to be."

Professor John Forester, City and Regional Planning: "Biddy, it seemed from your talk the other day that you have been spending lots of time thinking about teaching and the ways that we all think about teaching and how we can articulate that better. I wonder if you could say a little more about whether there are things you are thinking of doing that will improve certain infrastructures for all of us. I know for some of us having access to the Knight Institute and the work on writing there is enormous help for teaching and there might be several other things like that. The particular concern that I have though, in addition to a more general question about the support of teaching, is whether anybody is going to be paying attention to what I would call clinical education. The aspect where studies here, especially in the applied fields, really can connect quite intimately with off campus communities and everybody can benefit. It's a huge opportunity that I think we are just sailing by right now and not really looking at it."

Provost Martin: "Well, thank you for asking. Yes. I am very focused on teaching. And partly because on the national scene I think there are two separate issues. One, can we improve the excellence of our teaching and students' learning? I think we can. I think its time to take it forward in a vigorous way. I have been asked to be involved by a couple of foundations and some of the discussions in response to the Spellings Commission Report. That report is extremely critical of the universities and faculties for our failure to teach in a way that will ensure good "learning outcomes," as they call it.

"So, I have a double strategy. One is to try to help people understand better what faculty actually do and to defend us against some of the outlandish charges that get made about universities and how they work. That's the one side of the strategy; and the other strategy

is to ensure that we actually do better.

“I hadn’t intended to bring this up but you permit me to do it, so I will. What I would like to do now is actually get a faculty committee together that would be organized, charged, and staffed jointly by the Provost’s Office and the Senate. But I haven’t yet talked to Charlie or the UFC. So I wasn’t going to bring it up today. But now I’ll bring it up anyway. What I would like to do is, do a careful study where we can actually produce for the use of everyone a set of, I don’t like this expression, either, but I’ll just use it for shorthand, “best practices” across the university and at other universities. That’s one thing; best practices in the building of teaching cultures and the support of teaching innovation, so pedagogy.

“The other thing I really want to do is to transform the Center for Learning and Teaching into something that would really be much more useful to faculty, and move the funding that I have put into the teaching innovation grants through technology assistance into a transformed Center for Learning and Teaching, so that we really had for the faculty greater access to information and also technologies to assist where that makes sense. But in general to have much livelier, more dynamic and interesting set of discussions on campus and services related to innovations and excellence in teaching.

“And then finally, to look at, with a faculty group, my question about whether it doesn’t make sense to require peer review of teaching for tenure dossiers, which I realize has already stirred up some controversy. A lot of units on campus routinely do peer-review of teaching either through team-teaching cultures or visitation of classes by faculty - one another’s classes through the ranks, not just for assistant professors. But there are some units on campus that rely completely on teaching evaluations by students and then on evaluations of course syllabi and that sort of thing. In FACTA, we have at times found it difficult really to decide whether there is sufficient information to make a judgment about whether the teaching is outstanding or not outstanding, given that all we typically have in many cases is a set of teaching evaluations, which are frequently not even analyzed and commented upon by the department chairs and the dean’s office. So there are a whole set of things that I think we should undertake to do and that I want to do.”

Speaker Knuth: “Thank you. I will let the group know at this point that we are one shy of a quorum, so if anybody is here who has not signed in, please come down and do so. Thank you. We are going to move forward with comments from Dean Charles Walcott. We have five minutes for this.”

2. REMARKS BY THE DEAN OF FACULTY

Dean Charles Walcott: “Thank you, Barbara. I just have a few general remarks to make. First, the University Faculty Committee had a dinner with representatives of the leadership of the Board of Trustees last Wednesday. We had a very pleasant general discussion about a variety of items. The Trustees were particularly interested in faculty recruitment. Specifically, how are we going to, over the next ten years, recruit 600 faculty? They wondered if there was anything that they could do kind of at the margins to make Cornell more attractive. So you will be astonished to hear that transportation to and from Ithaca was an issue that arose. Particularly, how to get back and forth to

Washington to extract more money out of the Federal Government came up as an issue. There was some discussion of the Campus Code of Conduct, and those were the two major kinds of topics. Mostly it was a kind of general but very pleasant and very positive discussion.

“A second item I would like to report to you about is that the Campus Code of Conduct. The Codes and Judicial Committee of the University Assembly has reviewed three principal questions in the Campus Code of Conduct, has produced a preliminary report, which is available on the website of which is at this very moment, as we speak, being presented to the University Assembly, which is probably why we don’t have a quorum here. I know there are at least two Senators there. So it will be up to the University Assembly of what to do about that.

“My third item is what we fondly refer to in this body is the Suspension Policy, otherwise known as Policy 1.5. You may recollect that the body here passed this policy. It then met the policy mill and was turned into something that was different in substantial respect from the policy we had passed. I met with the senior staff and the President yesterday to talk about this problem, and Mary Opperman has agreed to work with the Committee on Academic Freedom and Professional Status of the Faculty to see if we can’t find a meeting of the minds and bring you back something that closely resembles the policy that you passed. That is a work in progress. It seemed useful to work on it in committee before bringing the issue back to this body as a whole.

“And that’s my report. Are there any questions?”

Professor Terrence Fine, Electrical and Computer Engineering: “Since you have already addressed what I was thinking of asking you, in your remarks right now I am concerned that there is a history here about campus governance. You know we have had some difficulties there. You will recall we had some problems with the policy on sexual harassment. We are talking years before it was ever finally settled. It’s now six months since we finally adopted the resolution on job-related faculty misconduct. I would like to ask you to schedule an opportunity for the Academic Freedom and Professional Status Committee to report to the Senate at its next meeting, the April meeting. And let us know what has happened at that point.”

Dean Walcott: “Thank you. I can say that the AFPS requested time at this meeting to address the policy but we had a full agenda, partly because we didn’t have a quorum last meeting, so that business got carried forward. And I thought also that if we could resolve some of our difficulties first, so that AFPS could report more favorably to this, findings that that would have a more positive outcome. So that’s why this will be postponed until next time. But, next time, yes, the plan is to have it on the agenda.”

Speaker Knuth: “Thank you very much.”

Provost Martin: “Charlie, I’ll say one quick point.”

Dean Walcott: “Yes, please.”

Provost Martin: “Well, just about this because I am unhappy about it, too. I think you all know that you passed it, and then I agreed to it. So I just want to go on record saying

that I still agree to what you passed. There are a couple, of what I think relatively minor, problems with conflicts between existing policies and the policies that we, you passed, and I agreed to. And I think it won't be hard to iron it out but I think the policy group saw more problems than actually exist. And so I think we can get beyond this. I, myself, am not on the policy group so all I can say is I still agree with what we passed."

3. APPROVAL OF THE MINUTES OF THE DECEMBER 13, 2006 SENATE MEETING

Speaker Knuth: "Our next item of business is to approve the minutes from the December 13th, 2006 Faculty Senate meeting. The minutes were available to you in advance on the website. I ask for approval of these minutes by unanimous consent. Seeing no objections. I'll just ask if there are any corrections to be made. Seeing no hands come up, I'll declare the minutes approved.

[Minutes approved.]

"So we will move on. Thank you. Now I would like to call on Brad Anton, Associate Dean and Secretary of the Faculty and Chair of the Nominations and Elections Committee, and Brad will give us a report and also I think present us with the slate of candidates."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Anton: "First of all, Nominations and Elections Committee met within the last month to pick some people, lots of people, to fill some committee positions. We still have a few more to go so we will be meeting again and coming up with more before the end of the semester. But we were fortunate to find these faculty members to serve:

Report from Nominations & Elections Committee March 14, 2007

Financial Policies Committee

David Lewis, AAP

University Benefits Committee

Robert Connelly, A&S

Student Assembly Committee on Dining Services

David Levitsky, CHE

"Now a bigger issue is the upcoming faculty election, and I present to you the slate of candidates that was arranged with a combination of recommendations that came to us by mail from the canvas that went out to the entire faculty and also a few people who were recommended at a meeting of the Nominations and Elections Committee. We had a lot. The original list of candidates that came from the campus was much longer than what I present to you today. But of course we start calling these people, and we find out that so-and-so is going on leave and will be gone all of next year. This person will not agree to do the job because they are too busy, and so forth, and so forth. So it gets whittled down to a much shorter list. But we are thankful to those people who sent in recommendations, and also I am very thankful to the people on the Nominations and

Elections Committee who helped get this all done.” “We have five people to be considered for three vacancies of at-large members of the Faculty Senate. We have two people for one vacancy for the at-large member of the Faculty Senate untenured. We have three candidates to fill two vacancies on the Nominations and Elections Committee and six people for four vacancies on the University Faculty Committee. Any questions?”

Report from Nominations & Elections Committee

SLATE OF CANDIDATES (All terms commence July 1, 2007)

AT-LARGE MEMBER, FACULTY SENATE (tenured) - 3 vacancies, 2 three-year terms and 1 two-year term

Dorothy Ainsworth, Professor, Clinical Sciences

N'Dri Assie-Lumumba, Professor, Africana Studies & Research Center

Rosemary Avery, Professor, Policy Analysis & Management

Joseph Fetcho, Professor, Neurobiology & Behavior

Roger Loring, Professor, Chemistry & Chemical Biology

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

Tarleton Gillespie, Assistant Professor, Communication

Sharon Sassler, Associate Professor, Policy Analysis & Management

NOMINATIONS AND ELECTIONS COMMITTEE 2 vacancies, 3-year term

William Fry, Professor, Plant Pathology

Jere Haas, Professor, Nutritional Sciences

Ronald Hoy, Professor, Neurobiology & Behavior

UNIVERSITY FACULTY COMMITTEE 4 vacancies, 3-year terms

Rodney Dietert, Professor, Microbiology & Immunology

Howard Howland, Professor, Neurobiology & Behavior

Vicki Meyers-Wallen, Associate Professor, Biomedical Sciences

Dennis Miller, Professor, Food Science

John Sipple, Associate Professor, Education

Dotsevi Sogah, Professor, Chemistry & Chemical Biology

Speaker Knuth: “Thank you Brad. You see the slate of candidates and heard the report. I would like to ask for approval of this by unanimous consent. If there is no objection, we will proceed. Okay. Thank you. We will proceed and my thanks to the committee.

“I think we now have the next item, which is Professor Peter Davies who is a member of the Committee on Academic Programs and Policies. Peter will present a resolution from the committee to approve the creation of a new Master of Science Legal Studies degree.”

5. RESOLUTION FROM THE COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES TO APPROVE THE CREATION OF A NEW MASTER OF SCIENCE (LEGAL STUDIES) DEGREE PROGRAM IN THE GRADUATE FIELD OF LAW

Professor Peter Davies, Plant Pathology and member of Committee on Academic Program and Policies Committee: “The Committee on Academic Program and Policies recommends the approval of a new master degree program in Legal Studies in the Graduate Field of Law (**Proposal – Appendix 1**). You have already had this information in your packet. This proposal was reviewed by the Graduate School and by the Committee on Academic Program and Policies Committee, and we recommend the approval. I should point out at this stage that the chair of this committee, Martin Hatch, apologizes for his absence but he is at the University Assembly.

“The resolution (**Appendix 2**) is on the screen and I would like to ask if there are any questions.”

Professor Howard Howland, Neurobiology and Behavior: “Why is this a Master of Science rather than a Master of Arts Degree?”

Professor Davies: “We have some representatives from the Law School who will address this topic. Will one of you care to answer that?”

Charles Cramton, Assistant Dean of the Law School: “Master of Science was felt to be more appropriate because the Law School historically is one of the Social Sciences as opposed as to one of the arts at this point. That’s a short answer to why MS Legal Studies, and it is the nomenclature that’s been used by some of our peer schools that have similar degrees.”

Speaker Knuth: “Are there any other questions or discussions? Okay, seeing none I am going to call for the vote. You see the resolution before you and I think have it in your packet. All those in favor, please indicate by saying aye. All those opposed, please say nay.

[Resolution passed.]

“The next item is to call on Professor David Delchamps, who is chair of the Educational Policy Committee, and we will hear a resolution to amend the Code of Academic Integrity. You have fifteen minutes.”

6. RESOLUTION FROM THE EDUCATIONAL POLICY COMMITTEE TO AMEND "THE CODE OF ACADEMIC INTEGRITY"

Professor David Delchamps, Electrical and Computer Engineering, Chair of the Educational Policy Committee: “I don’t know if I want to use these transparencies because they are too hard to read from the back. Let me tell you where we are coming from on this. I’ll just review briefly the current procedures regarding violations for alleged violations to the Code of Academic Integrity in a course. (**Resolution-Appendix 3**)

“An instructor for a course, if he or she feels that a student has violated the Code of Academic Integrity, the first step that instructor takes is to hold what is called a “primary hearing” with the accused. At the primary hearing, which is held in the company of

witnesses, the instructor informs the student of the charge, the allegation of academic integrity. The student either accepts guilt or denies guilt. If the faculty member decides the student is guilty, having heard the student's response, has the right to impose a grade penalty. That's the worst the instructor can do to a student is impose a grade penalty, up to and including failing the course. If the student is okay with what happens at that point, the process ends except for reporting. The faculty member has to report to the dean of the student's college, etc.

"If, however, the student wants to appeal either on the grounds that the student feels that they were wrongly accused, or the student feels that the grade penalty is too harsh, then the student may appeal the result of that primary hearing to the Academic Integrity Hearing Board in the student's college, not the course's college, but the student's college.

"Alternatively, if the faculty wishes to pursue a penalty more harsh than a grade penalty, for example, getting the student suspended or expelled, the faculty member has a right to take it that one step further to the Academic Integrity Hearing Board in the student's college. There are two ways that it can move from the primary area up to the hearing board. It can either be a student appealing a grade penalty, a student appealing the finding of guilt, or a faculty member wishing to impose a penalty harsher than a grade penalty.

"The Hearing Board hears the case and has some choices. Now, the way the Code of Academic Integrity is written currently, the Hearing Board may recommend to the faculty member that the faculty reduce the grade penalty. One of the members of the Educational Policy Committee who serves as an Associate Dean brought up the fact that he had seen cases where, at least one case, I don't want to say plural for sure. I don't see him in the audience so I don't know what the exact count is. But, where the Hearing Board recommended a reduction in grade penalty, and the professor said, "Thank you very much. I will stick with my original grade penalty." And he felt that there wasn't much purpose in the appeal process for a grade penalty if whatever the Hearing Board decided was not binding on the faculty member. So, he thought we should somehow change the language of the code to make rulings by the Hearing Board regarding grade penalties binding on the faculty member, rather than simple suggestions.

"After the Hearing Board-step in the process, it goes to the dean of the student's college. If the student wishes to appeal the outcome of the Hearing Board, he or she can appeal the decision to the dean. And the dean subsequently has the right to do the same kind of thing that the Hearing Board does, recommend a reduction in the grade penalty, for example. The way it's written in the Code now, that recommendation isn't binding on the faculty member. It's a mere recommendation or suggestion.

"So, what we wanted to do is change the language in the Code, so that this court-process actually produced binding outcomes on the faculty member in terms of grade penalty. So that is the substance of the change (Appendix 4), and if you look at the text, either the text that you have in your meeting packet or up here, you will see this is what the Hearing Board can do. Remember, it goes to the Hearing Board, and if the faculty member wants to do something worse than a grade, or if the student wants to appeal the grade penalty,

the Board can either find the student innocent of the charge, in which case everything ends, or find the student guilty of the charge and act in one or more of the following ways: affirm the faculty member's decision, then it ends subject to student appeal; or *direct* the faculty member to change the penalty given. Now it says *recommend* to the faculty member's decision. All the rest of this is just renumbering in Section 4. And then in the dean's section, the section where it refers to what the dean can do when the case gets to the dean's level, that's at the bottom of this page, we have changed the wording here in Item 1: if a grade penalty has been exacted, the dean may direct, instead of recommend that, the faculty member to reduce the grade penalty. So those are the only substantive changes, everything else is renumbering and making everything constant with everything else. All the referrals point to the right places. We even found a few glitches in the Code as currently written with the way they were written, and we renumbered accordingly.

"Questions, comments?"

Speaker Knuth: "Okay, let me just say then that this is the resolution ([Appendix 3](#)) before you that is being considered for a vote. We will take discussion and then at the end of discussion we will call for a vote.

Professor Vicki Caron, History: "What kind of charges are these generally? Are they for plagiarism?"

Professor Delchamps: "Yes, or cheating on homework or cheating on an exam, any kind of academic integrity violation. They are all detailed in the Code of Academic Integrity, which is available both online and on paper."

Professor Caron: "Do they really change the grade? Isn't plagiarism grounds for That even sounds too mild to me. Could they really order a professor to change the grade for a student found guilty?"

Professor Delchamps: "Yes, they could."

Professor Brad Anton: "I had some involvement with this subject before, and as I recall, the Hearing Board in the College of Engineering is half faculty and half students, right, three faculty and three students? I believe that's the make-up. Are they like that in every college? I have a real worry about this. In the end you have students carrying fifty percent of the weight on the decision that reduces a student's penalty. And the students who are making those decisions have a short-time interaction with this process. I think they are on these Hearing Boards only for a year. So I think that's very worrisome. I would much rather have something like a faculty appeals panel review these or someone else, so that only faculty are making these decisions, rather than having students doing part of it."

Professor Abby Cohn: "I actually have two small questions but if I could I might address Brad's question first. Having served for two years as the Chair of the Academic Integrity Hearing Board of Arts and Sciences I can tell you that almost categorically the problem is not the students wanting to reduce penalties. It's the faculty. I have much, much greater confidence in the students following the Code as it is written and the intent in the code

than the faculty. So while that could be an issue, I would say in practice it's not.

"I had two specific questions and sort of a broader suggestion that actually relates to the issue that was raised. I think one of the problems with the Code, as currently written, is that our faculty get very little guidance. And, it is in the purview of the faculty to make the decision how lenient they choose to be, but some sentencing guidelines would nevertheless, I think, be useful. Different departments have different cultures. Different colleges have different cultures, as it should be, but individual college boards, for example, might want to write some guidelines because oftentimes, when something goes as an appeal to the Hearing Board, it's precisely because it's really out of line with practice. If instructors knowingly choose to have it be out of line with practice, that is completely within their rights. But if they do it unknowingly, then it's unfortunate. So that is something we might want to take up.

"I just have two small clarification questions. When something goes to the dean, the dean can only direct a change when the student has approached them through the appeal process, right? The dean cannot recommend or direct a change of a faculty member unless the full process has been followed, right?"

Professor Delchamps: "In the Code as currently written, the only time the dean has a decisive role is if a student appeal what happens at the hearing board. In fact, there's no provision even for the faculty to appeal through the dean."

Professor Cohn: "And the second question that I'm not quite clear on in this language is it says here the student may appeal the findings of the Hearing Board regarding penalties. So is it the case that the student is only appealing the severity of the penalty, or can they actually appeal the finding?"

Professor Delchamps: "The guilt thing... I think not. I think the guilt thing is only appealable, let's see. I have the text here. No. "The student may appeal the finding of guilt." It says here, this is the full text. 'A student who has received a finding of guilt from the Board, or whose finding of guilt in a Primary Hearing was upheld by the Board, may appeal on one or both of the following grounds: additional evidence,' you know the same kind of things that he or she can appeal to the Board about."

Professor Cohn: "Okay. So they can appeal the finding and also the penalty?"

Professor Delchamps: "Yes."

Professor Peter Stein: "I am not a member of this august body, but I have a long-standing interest in it. Well certainly there is no shortage of faculty organizations which only recommend. As a matter of fact, nearly all of our faculty committees and bodies end up recommending. We recommend to the Provost. We recommend to the deans. We have a grievance procedure that we always use as a justification for due process, which in fact only recommends back to the person. And that's a common part of our practice. I've heard many rationales given, but there has to be someone at the top who makes the decision, and you can't give a decision to a quasi-judicial body.

"If you ask what power is given to the faculty member as an individual, as far as I know, there's only one power that's given to a faculty member in university legislation, and that

is the power to give a student a grade. That's the one supreme power that we as faculty members have. The same way that an Englishman in his house is as secure from the king as a noble, so a faculty member in his room is as secure from the powers of the deans and the Provost to assign a grade to a student. And, I like that. I think that is an important part of the faculty member's obligation and duty. And, I believe that encroaching on that by this judicial body is not an appropriate thing. Different faculty members have different rules by which they enforce academic integrity. They have different values that they consider important. And I think that the Code ought to say that they should tell the class what they think is important and what they think is not, maybe as an important transgression against academic integrity. But I believe that they ought to be the final authority on the penalty given."

Professor Delchamps: "Before we move on to the next question, I just wanted to say that we did have quite an extensive discussion of this very issue among members of the EPC. There was difference of opinions, but we all coalesced around this after awhile often following these. We also feel, as you do, that the power of the grade rests ultimately on the faculty member. However, it seemed sort of strange to us to have a written code and a judicial process built into the code where there was something, essentially a sham process, that was unappealable. You know that if the faculty member held that power, then why bother going through this appeal process. It didn't seem right, and that was one of our members who I said is the associate dean who was the one who pressed this point. And I think we all came to agree with it."

Professor Rodney Dietert, Microbiology & Immunology: "Well, along this same line, I fully support the committee's hard work to find a solution to try and bring about the group decision through a peer-type process, but I think taking the step down the path of essentially saying that the dean will assign a grade to the faculty member's course is not necessarily a path that I would prefer to step or to take now. Some kind of peer review.... We have curriculum committees that also evaluate legitimacy and conduct in courses. I would think there must be some kind of peer process. It doesn't mean a faculty member couldn't still abuse, but that there would be some ramifications short of the plight of the dean to assign a grade."

Professor Delchamps: "Okay. I have two comments quickly in response to that. The dean may direct the faculty member to reduce the grade penalty, but I wasn't envisioning this as the dean coming up with an actual letter grade. I was envisioning it as the dean saying that's too harsh, do something."

"The second thing is that there is language in the Code now that says only on very rare occasions do we anticipate that the dean will overturn the decision made at a lower level in this process. So the deans are explicitly referred to as people who probably won't be doing anything different from what was decided at that lower level process. But I know that's no guarantee."

Professor Terrence Fine: "I wish the lawyers hadn't left. I don't read that it says the dean has the right to change the grade. Or the Hearing Board has the right to change the grade. You are "directing" a faculty member to change the grade. So, if I don't wish to,

and I am told to change the grade, and I don't wish to do it, the grade stands. What we then have is an argument between the dean and the faculty member. I don't know what you envision as the penalty for my not listening to the dean. And if I ignore the dean, then that's a separate issue."

Professor Delchamps: "No comment."

Professor Kathleen Rasmussen, Nutritional Sciences: "You have not presented me with compelling evidence that the process is broken. You presented me with evidence that the process is inconsistent. Can you speak to harm that is being done to anyone with the current process?"

Professor Delchamps: "I can't personally and the associate dean who brought this to our committee did not name names. He did however say, on at least one occasion and I believe he said on more than one occasion, there have been situations where a Hearing Board had recommended to a faculty member that the grade penalty be reduced and the faculty member had said, "Thank you" and not reduced the grade penalty. He thought that was unjust. I don't know what kind of harm arose or not in that kind of situation. I was hoping he would be at this meeting but he's not."

Professor Abby Cohn: "I would make two comments, one is purely semantic. The issue here is that some people have interpreted "recommend" to really be more binding, and some people have interpreted it to be less binding. And what I understand this to say is let's put in language that makes this more binding. That's how I read this. And if there's ambiguity there, then I'm all in favor of clarifying that."

"I think it's worth putting this in a broader context which is that the way the code is written, the faculty and the students of this University are bound by it. We enter into it. This is the document that we all agree to use, even though many people have not read it. So, if we don't like the process, we need to change this process rather than being wishy-washy about how we implement it. I think we are in a very luxurious context relative to many, many peers where deans routinely come in and arbitrarily change grades. I've heard of many, many cases including at Ithaca College. And so this is not about deans changing grades, this is about us making a commitment to hold ourselves as the faculty bound by a document that we as a community have produced. And what we are doing is just changing the language in a way make our goals clearer. It could still be that a faculty member could refuse to do that. I don't know if it's in the Code or elsewhere, it's my understanding there is language somewhere that says a dean may change a grade at Cornell if they believe the faculty member has behaved in a capricious fashion."

Dean Walcott: "No, that is not true. That is a problem in the current Code."

Professor Cohn: "I thought that it was in the legislation somewhere."

Dean Walcott: "It's in the legislation, that says a faculty member may not assign grades capriciously but it fails to say what happens if anything."

Professor Cohn: "Okay, so I misremembered that, but the point is that if the faculty refuses, then it really is between the chair and the dean, but that's not the problem of the

Code.”

Professor Howard Howland: “I totally agree with my colleague Professor Stein. I think the person who is not only responsible, but also in an absolute best position to decide what the grade is, is a professor. I think any step down the slippery slope to change that is a very bad idea. I would appreciate a vote against this motion.”

Speaker Knuth: “Thank you. We have exhausted the time on this particular item and to allow time for the other votes to take place, we are going to move on to the vote here. I will just remind you what you are voting on - the replacement of the current language with the language that you saw up here. It’s been in your packets, so we are not going to reread that at this point. But what I would appreciate now is a vote, and we are going to try voice vote first. So those who are in favor of what’s being proposed, please indicate by saying aye. All those opposed, please say nay. I believe that the nay carries but I think it would be wise to do a hand vote. Charlie, could you help me with this, and Brad? Again, all those who are in favor, please raise your hand. All those opposed, please raise your hand. Thank you.

[The Motion was defeated.]

Speaker Knuth: “The next item on the agenda Professor Jenny Gerner who is Chair of the Committee on Research on Human Subjects for a resolution to change the charge and the name of the Committee on Research on Human Subjects.”

7. RESOLUTION TO CHANGE THE CHARGE AND NAME OF THE UNIVERSITY COMMITTEE ON HUMAN SUBJECTS

Professor Jennifer Gerner, Policy Analysis and Management, Chair of the University Committee on Human Subjects: “You have the information in your packets, right? You have the charge. Actually, it’s quite a long charge. This is the resolution ([Appendix 5](#)). We are doing two things here. One is changing the charge, and the other is changing the name. The name we want to change to is the “Institutional Review Board for Human Participants,” which is the name that is conventionally used throughout the United States for this committee. Almost everybody here already calls it the IRB so we figured we might as well change the name to be the IRB. Human participants, rather than human subjects, turns out to be the sort of current set of words that NIH and others like to use because they also want to indicate that’s it’s not just humans who are participating in experiments but also humans who are participating in this research in any way. So that’s the first thing.

“The second thing is the charge, which I’m not going to put up because it’s actually quite major, it’s really a complete rewriting of the charge from a fairly short charge to a much longer one, which takes into account the various pieces of legislation and rules and regulations that we in fact have to meet, and limits our charge to be doing those things and not in a well-specified way.

“The other thing that we are doing is changing the membership a little. Right now we specify a specific number of members, and we don’t always have that many members because people go on leave, people disappear at various points in the semester for various

reasons, and so what we would like to do is be a little more flexible in the number of members. Also in the current charge we have somebody specified from the Law School, for example, that's not a requirement under NIH. Although we love to have Law School members, we have had a hard time getting them. We have decided we would like not to have to be required to have a Law School member. We are asking for a little more flexibility in our membership. Here's what happens. If NIH or others come to audit the University and ask how we are doing our human subjects reviews, they will hold us to our charge. They don't care about most of the things we say in the charge, but they make us do it that way. So if we don't have enough members, we are in trouble. That's why we would have a little more flexibility so that we can always meet the charge.

"Elaine Wethington has been important to us as the former chair of the Research on Human Subjects Committee and really did a lot of work. We are now beginning to formalize some of these things in a way that will meet our requirements. Elaine, do you want to say anything further?"

Associate Professor Elaine Wethington, Human Development: "One reason why the charge as you read is substantially different from that which we previously had is that the old charge dated to approximately 1967. It predated Federal regulations. We were amending as we went along for the change in the name of the committee and the membership. But those amendments did not keep pace with Federal requirements. The great majority of this charge actually is taken verbatim from Federal Guidelines on how IRB should operate, as published by the Office of Human Research Protections. The charge as it is written is in fact how we were administering the University Committee on Human Subjects since approximately July 2000, when I took over as Chair of the Committee, stepping down in August of 2006. So in essence this is a document that catches us up to where we need to be and states the Federal regulations that already apply to us and have already been enforced."

Professor Gerner: "That's right. One other thing I should say is that the University has created an Office of Research Integrity and Assurance (ORIA), which now has put a substantial amount of resources into this. We are improving the website. We are also going to have a lot more sort of readable information about human subject activities and the kinds of standard operating procedures that we are going to follow. So don't think that everything that's in this charge is all you are going to see. There will be a lot more information, and I hope it will be much more accessible, and there will be a lot more resources to help you and your graduate students go through this process in the future. This is the beginning. Any questions?"

Speaker Knuth: "Yes. At this point, let's take discussion, and I'll just remind you that what we will be voting on is the actual resolution (Appendix 5), which is concluded by proposing that the title of the committee be changed to Institutional Review Board for Human Participants and that the charge for the committee be changed. And there were many pages of overheads that I'm not going to put up because you couldn't read through them. And they are in the packet. So, discussion or questions for Professor Gerner?"

Professor Dennis Miller, Food Science: "I have a couple of questions. One is in the

definition of research, which is on page two. There's a footnote that says where you find the generalizable knowledge. And you are saying that's generally defined as publications, presentation, or requirement for a degree. I don't quite understand how a requirements for a degree is generalizable knowledge."

Professor Gerner: "It would be a piece of research that then would be publicly available as a degree requirement, as in a thesis, a dissertation, a masters thesis, honors thesis for an undergraduate. The issue is that it becomes a public document."

Professor Miller: "The other question - you mentioned that you are going to use "participants" rather than "subjects" because participants is sort of a broader term, which would include people other than subjects?"

Professor Gerner: "It would. Let me give you an example. If you are a psychologist and you are creating a tape using children as part of that tape, but they are not part of your experiment, those children are covered by this process."

Professor Miller: "But now in the footnote you say that participants is equivalent to subjects."

Professor Gerner: "It was always true that human subjects included those kinds of people, but participants is a word that seems to connote more. And, so it's more likely you will think of that as a result. So it is equivalent to the former use of subjects, but that's how it seems to be a little bit broader."

Professor Miller: "So it's not really equivalent?"

Professor Gerner: "If you came to it under our current title, which is the University Committee on Human Subjects, you would have to come to us for those children that are being taped. We wouldn't expect you to do that. But you might not know that as a researcher who is doing that. So it is equivalent but I think easier to understand. It's also the language that NIH is using now."

Professor Bruce Turnbull, Operations Research and Information Engineering: "Two questions. One was on the previous slide - the definition of research. So, a homework project in a sophomore statistics class involves questionnaires of humans. Is that human subjects?"

Professor Wethington: "As long as you are never going to use for anything, it's not human subjects. It's not research. But if you thought that you might ever want to use that as data, then we would need to see it."

Professor Turnbull: "Okay. My second question is, and you probably have a discussion of this somewhere else, do members of the IRB have a bulletproof identification? Because this has been an issue for the University of Colorado and the University of Pennsylvania."

Professor Wethington: "We are protected no more than any other faculty member, and I think that is an issue."

Professor Turnbull: "Yes. I don't see how you can get 12 to 18 members anywhere."

Professor Gerner: "We have gotten them, but I must admit that's not a conversation as

we are inviting them to join us, we immediately have.”

Professor Kathleen Rasmussen: “Very fast question, I always thought it was the University Committee on Human Subjects. Is the name wrong on the resolution?” (*Back and forth discussion.*)

Speaker Knuth: “So what’s being proposed is that University Committee on Human Subjects name be changed to the Institutional Review Board for Human Participants. Does that address your concerns?”

Professor Rasmussen: “Yes.”

Professor Cohn: “I actually just had a question about membership and this may be something that’s not changing at all. But in the document it states that the members are currently appointed by the President upon recommendation of the Dean of the Faculty in consultation with the Vice Provost for Research. Is that the current practice?”

Professor Gerner: “Yes.”

Professor Cohn: “So this is rather different from how we typically appoint? It doesn’t go through Nominations and Elections or anything like that. It already has a special hat?”

Dean Walcott: “That is correct. And the reason is the specificity of the people you need for this committee is so technical that Nominations and Elections looks at it and throws it hands up in horror.”

Professor Cohn: “So we are voting just on the therefore or also on the whereas?”

Speaker Knuth: “We are voting on the whole resolution.”

Professor Cohn: “On the document we received the very first whereas has something I would take to be an infelicity. It says that the Board is to include a larger number of community and provide considerable guidance. So it should say community members?”

Professor Gerner: “It should read community members.”

Speaker Knuth: “As chair of this meeting I’ll accept that as a non-substance substantive change. So accepted.”

Professor Loren Tauer, Applied Economics and Management: “What criteria would you use to select the two outside members of this committee? I mean - what type of individuals?”

Professor Gerner: “A community member must not have affiliation of any sort with Cornell. So if someone who is a spouse of a Cornell person does not meet that criterion.”

Professor Tauer: “What type of expertise would you be looking for?”

Professor Gerner: “Here’s what we look for. One of our community members currently is the child advocate for the court downtown. That’s one of the kinds of people we might like. Or, we might like a social worker who has a lot engagement with other protected classes like prisoners or handicapped, or something like that. Those are the sorts of people that we would like to find. We have also had members from BOCES or other places where they had a special kind of understanding of a particular population. And,

that's their objective too is to be an advocate for the participants."

Speaker Knuth: "We have time to take just one more question."

Professor Michel Louge, Mechanical and Aerospace Engineering: "I presume to read that a human subject that this excludes cadavers, hands, and body parts. And on the flip side I would like clarification on what is meant by human subjects. I hate to bring this up because it's a very thorny issue. Does it involve as well stem cells and embryos?"

Professor Wethington: "Yes it does. A person who is really, really, really dead is defined out of coverage under Federal Human Subjects Laws. But human cell lines are not. And, I suppose analyzing the hand of someone who is still living, I suppose, would not be. The federal regulations do include living cell lines and cell lines which are being kept alive even though the donors are dead."

Professor Gerner: "It would be important if you are collecting certain kinds of tissue cultures for us to take a look at."

Speaker Knuth: "We need to bring this discussion to a close. I appreciate the questions. I am feeling a little bit like I am in the Wizard of Oz with that "really dead" reference. It is time to take vote on this. You have this in your packet. We are voting on the entire set of language that you have in your packet, with the changes. So now I would like to call for a vote. Those who are in favor of proceeding with this change, please indicate by saying aye. All those opposed, please say nay."

[Motion carried.]

Speaker Knuth: "I would now like to call on Professor Risa Lieberwitz who is the chair of the Committee to Review Faculty Governance for a resolution to receive their final report and recommendations."

"Let me just get some clarification. Vicki Meyers-Wallen, you have no need for Good and Welfare, right?"

8. RESOLUTION TO RECEIVE FINAL REPORT AND RECOMMENDATIONS FROM THE COMMITTEE TO REVIEW FACULTY GOVERNANCE

Associate Professor Risa Lieberwitz, Industrial & Labor Relations, Faculty

Governance Committee Chair: "Thank you very much. I am very glad to be back speaking on behalf of the Faculty Governance Committee to present our resolution ([Appendix 6](#)). We sent out notices in various ways of the final committee report and recommendations ([Appendix 7](#)). Before going to the resolution I just want to remind you of a couple of things. Hopefully it will be very briefly and then if there is discussion, questions, we have time for that."

"First an overview of the Faculty Governance Committee's work to remind you of the process that we went through. And since I have been before this body numerous times to talk to you about it, what I thought might actually be more useful than just showing you the very long list was to show you a more focused look at what we have done since the November draft report from the committee. Since we came before you at the November meeting of the Faculty Senate, we have had a faculty forum, we have had further meetings

with the Trustees, the President, Provost and more Deans and the Associate Deans of Faculty, and further faculty feedback. Now we have our final report and recommendations.

“Before I go further, though, on the substance of what the committee did I wanted to put the resolution ([Appendix 6](#)) up so you could look at it in terms of what the resolution does do, as well as what the resolution does not try to do. That is, basically saying in terms of our first whereas that the Committee was created to study faculty governance and make recommendations to strengthen the faculty governance process, whereas we fulfilled our charge and we are now submitting our final report and recommendations to the Faculty Senate, which originally charged us, that our resolution is actually quite straightforward. We made it more straightforward and more brief based on feedback that we have received about it and perhaps some confusion about what our resolution was intended to do.

“And so the, ‘be it resolved is that the Senate received the report and calls on the Dean of Faculty and the University Faculty Committee to initiate further considerations of the recommendations.’ So I just wanted to be clear from the get go here, that what we are going to ask you to vote on is to receive the report to then call on the Dean of Faculty and the UFC to take further steps to consider recommendations, which could lead to various outcomes. We are not asking you to vote on any particular recommendation - up or down. What we are hoping to do with this resolution is to actually have the report received by you and have it acknowledged in that way, and then instructing further consideration of the particular recommendations. That is then up to the Dean of Faculty and the UFC to do, for example, to distribute recommendations to various standing committees or to take other procedures that would then have the recommendations further considered with the potential for other resolutions to come before this body, where you actually vote on the substance of those. I did want to make clear to you what we are asking for and what we are not asking for.

“We are also hoping that in approving this resolution that it creates a momentum, so that the report does carry forward with people considering it further. All right, so what I would like to do, is assuming that you have all read the report, I’m just going to focus on some particular aspects of it, quite briefly.

“First, with regard to the overview of our recommendations, as I said, we met with various groups including the President and the Provost again, some of the members of the Board of Trustees, the Chair of the Board of Trustees, the outgoing and incoming chair of the executive committee. We have had lots of input from different people about different aspects including, of course, the faculty. We were very interested as a committee in taking all the feed back and really using it. I think that you can see when you have read the recommendations and the report that we really have taken seriously the feedback we received. We revised our recommendations substantively in some ways, and in other ways the revisions are really more of a consolidation to try to make the recommendations clearer and more straightforward for you to read. I want to just highlight some aspects.

“The first one has to do with general goals and these goals are in the discussion before the

numbered recommendations in your report - to improve and strengthen faculty governance, to create a situation where we have more openness and meaningful consultation toward consensus, and then also to encourage and to recognize the importance of active faculty groups participation in University governance. I have created these transparencies to try to boil down the recommendations, and in the interest of having the type large enough to read easily, it means I have more transparencies. But, hopefully it will be clearer.

“The first one is to highlight to you that the recommendations are focused to a great extent in consolidating our recommendations that the role of the UFC and the Dean of Faculty should be expanded to improve communication and consultation between the Administration, the Board of Trustees and the faculty. What we were hearing, to a great extent from various parties, is how important the liaison role of the UFC and the Dean of Faculty is. The Trustees felt that this was important, and it was actually working quite well already. So taking seriously what we were hearing about that, we thought that consolidating in this way: to expand the UFC’s role; to expand the eligibility of people on the UFC; and to encourage broad consultation by all the parties in that way; and also very importantly if the role of the UFC and the Dean of Faculty are going to be expanded in this way, we would recommend very regular and detailed reporting to the Faculty Senate on what goes on in this liaison role. The other provision is to have the Dean of Faculty and the UFC work on ensuring timely responses and implementation with regard to Senate resolutions.

“The other ones I think are obvious, but just to highlight the consultation with the UFC prior to accepting the resignation or considering discharge of the President or Provost and then finally a provision to encourage the UFC to initiate reviews in appropriate circumstances. “I just did want to also mention that in these recommendations, what we tried to do as a committee was to recognize that we have to get the Administration and the Trustees and faculty all involved here, and we are recommending that the Administration do more open and full consultation, as well as the Trustees. Also, we are recognizing that the faculty need to take seriously and take full account of their own need to participate very actively in order to make this process work.

“I’m not going to spend much time on the others. Our recommendations to improve the effectiveness of the Faculty Senate committees with regard to reviewing charges for the committees, to do that themselves as well as to encourage more consultation with the committee by the Administration. And then also we have provisions with regard to faculty participation in searches, the first one dealing with Presidential searches and significant faculty participation. We have also strengthened and highlighted the role of the Nominations and Elections Committee here and its role in nominating members of these committees with approval by the Senate. We have a provision here with regard to searches for the Provost.

“We also have a recommendation for clarifying the role of Nominations and Elections Committee with regard to the searches for college deans, and to take the process that’s in place and just simply clarify and actually make it, we thought, better in terms of complete participation by Nominations and Elections.

“I won’t go into number 7. I think that’s obvious in terms of the Dean of the Graduate School, the Dean of Students. And then finally a new recommendation for a review of these every five years - the offices of the President and the Provost, we don’t have the specific holders of those offices but to see how the offices themselves are running. And, to, again have the Dean of Faculty, UFC and Nominations and Elections be involved in that.

“So those are the highlights of the recommendations. I have already gone over the resolution that we have put together. I think that’s it.”

Speaker Knuth: “Thank you. We have about nine minutes for discussion on this and our vote. You see the resolution up here. Again, the resolution has the whereases, and that is receiving the report and calling for further consideration and recommendations. Discussions, questions?”

Professor Carol Rosen, Linguistics: “I understand full well that we are not voting on the recommendations now. I do think that the resolution ought to say just a bit more than it does. I read this report with great admiration and appreciation and I was looking forward to being able to vote today for a resolution, which would express something to that affect.

“Secondly, I think the resolution is a bit vague as it is written. It doesn’t guarantee in any way that the Faculty Senate, itself, would ever have the opportunity to consider the recommendations either collectively or individually. I would like to see a revision that would say something like, ‘The Senate expresses its appreciation for the report of the Committee on Faculty Governance and calls for the Dean of Faculty and University Faculty Committee to make arrangements for the recommendations to be considered by the Faculty Senate.’”

Professor Lieberwitz: “Just let me just mention there are other members of our committee here who can also speak to various questions. First of all, we are always happy to hear appreciation, I’m sure. But, in terms of the role of the committee we did discuss what should be the next steps. Our view of what we were charged with was doing a study. We have done our study. We have made recommendations and now it’s really up to the various members of this body with the leadership of the Dean of Faculty and the UFC to use that momentum to have these recommendations considered, perhaps refined, perhaps changed in different ways and then brought back. We do hope that momentum does carry on.”

Professor Dietert: “I’m also one of the members of the UFC and I just wanted to belay any fears that the UFC is only empowered, in fact, by the faculty and the Faculty Senate. By laying this in our laps for specific actions, specific considerations, and very specific resolutions, it’s certainly would not be something we would not do. One could never envision bypassing the Senate. That’s not the intention. The intention is to applaud this committee that’s worked so long, I think, and to allow them get about any business. Let others take up the gauntlet.”

Professor Earle: “I understand that the resolution from the committee would seem a little odd if they asked for a vote of thanks for their work, but I’m wondering if would be acceptable as a friendly alteration to say, ‘be it resolved that the Senate receives the report

with thanks,' or something like that, to the committee.”

Speaker Knuth: “Let me make a comment on that. First of all is that’s proposed as an amendment, Lisa? (yes) Is there a second? Okay. Seconded. I will indicate that it’s my power as speaker of the body, to accept non-substantive amendments if they approved, meaning that they don’t change the content of the resolution. In all due respect to the committee, I will rule this one, if you vote on it, I will rule it a non-substantive amendment. I will let you know that I would judge substantive, the suggestion that was made to redirect the language regarding the Faculty Senate. Just to give you a point of information here. We had an amendment and a second. Is there any discussion on the amendment and at the language providing thanks to the committee? Hearing no discussion, I’ll ask for a vote on that amendment. All those in favor to adding language to thank the committee, say aye. Those opposed, say nay.

[Motion passed.]

“That carries so we are now amending the resolution to add thanks to the committee and then the rest of the language you have. Any further discussion?”

Professor Locksley Edmondson, Africana Studies: “I am still a bit unclear about the meaning and points posed in the last paragraph. Could you explain? These seem to be a bit up in the air? Do you need to add something else to give a little more concreteness to it, come back to the Senate, consult with the Senate, I don’t know?”

Professor Lieberwitz: “The last recommendation? Well I think that our view of this was that if we had the leadership of the Faculty Senate through the Dean of Faculty and UFC taking on this role of having the recommendations considered further, that it’s up to, for example, if some of these recommendations go to a standing committee, it’s up to them in the standing committee to decide whether to put together a resolution for them to bring back before this body. There may be other ways in which other aspects of the recommendations are considered, and so we thought it was best to leave it up to the process which can take place at this point in the way that the Senate is set up to consider further resolutions. And, hopefully what will also happen, I mentioned, that it is the Dean of Faculty and the UFC who will continue making reports to this body and reporting on the progress.”

Professor Paul Eberts, Development Sociology: “I was just wondering what you had in mind on further consideration. Do you mean that we should pass resolutions regarding these issues or put them in the by-laws, or some thing to that effect?”

Professor Lieberwitz: “It depends.”

Dean Walcott: “Let me just speak to one piece of that. One of the recommendations here is to change the way the University Faculty Committee is elected. That requires a change to what we affectionately call “OPUF,” that is the rules by which the Senate governs itself. That is a complicated process, which involves bringing it to this body and then having a vote of the entire faculty of the University. So, this isn’t something you enter into casually. But, there are a number of things we need to change about “OPUF” for one reason or another so I think that the UFC is likely to make a resolution to change

it and bring it to this body. Then it will go to a vote of the entire faculty and I think each one of the various recommendations will go different routes. But I think they will all eventually end up here in some form or other.”

Professor Lieberwitz: “I think this was discussed with us as well. There are some things that may be very easy to change, for example, the recommendation of having regular reports by the UFC. The Dean of Faculty already does that, reports at each Faculty Senate meeting. It may be that UFC wants to look at that and say we think that a good idea, we can start that immediately. It depends on the recommendation. It might lead to a different process and also might be a catalyst for other kinds of things that committees want to consider.”

Speaker Knuth: “Thank you. I do need to call for a vote at this point because we do have a Good and Welfare speaker who has promised me he only needs 60 seconds. At this point I am going to call for a vote on this resolution with the change that we discussed, which expresses thanks to the committee for their work. Those in favor of this resolution, please indicate by saying aye. All those opposed, please say nay.

[Motion carries.]

“At this point our last item of business is to call on Peter Stein for 60 seconds Good and Welfare.”

9. GOOD AND WELFARE Professor Stein: Sixty seconds, I’ll take half the time going and back. Let me do it from here. Yesterday I made my annual visit to my ophthalmologist. He told me with my glasses on I have 20/20 vision. Sitting here I would doubt that because with the exception of a few parts of Risa’s transparencies, I have not been able to read a word that was projected up there. If we take ourselves seriously, as a deliberative body, and its speakers who want to present things to us, we should have the technical capability of displaying them so that people can read them. I don’t know what is used in the classrooms. I’m sure there are things that are displayed there and students don’t need better than 20/20 vision. I would like to ask the Dean of the Faculty and the UFC to appoint a technical subcommittee to come up with a protocol whereby transparencies that would be presented at Senate meetings would be legible to people with ordinary vision.”

Speaker Knuth: “Thank you Peter. I am sure the Dean of Faculty will take that under advisement. We have reached our agreed upon adjournment time, so I am declaring the meeting adjourned.”

[Meeting adjourned – 6:00 PM]

Respectfully submitted,

A. Brad Anton Associate Dean and Secretary of the University Faculty

Guidelines for writing a Field Change Proposal

For submission to the Graduate School

These guidelines are designed to help you address the concerns that Cornell University and the State Education Department in Albany will have about changes in graduate academic curricula. The questions are meant to be as comprehensive as possible. In your narrative, you may address only those items that apply to your proposal

Please return your proposal as an attached file to Kat Empson, the Graduate School Deans' Office, kle6@cornell.edu. Questions can be directed to her at 5-7374.

Title of Proposal: *Master of Science (Legal Studies) in the field of Law (new degree program).*

Proposer/Contact Information

Name: Jeffrey J. Rachlinski, Professor of Law
Valerie P. Hans, Professor of Law
Charles D. Cramton, Assistant Dean for Graduate *Legal Studies*

Field: Law

Campus Address: Cornell Law School, Myron Taylor Hall

Phone: J. Rachlinski - 255-5878 / V. Hans – 255-0095 / C. Cramton – 255-5850

Fax: 255-7193

E-mail: jeffrey-rachlinski@postoffice.law.cornell.edu
vh42@cornell.edu
cdc7@cornell.edu

Program Information

	Current (if any)	Proposed
Program Title (i.e., major field; major subject)		Master of Science (<i>Legal Studies</i>)
Award (e.g., degree; certificate):		M.S. (<i>Legal Studies</i>) degree
HEGIS Code:		[get from grad school]
Program [SED]Code:		[get from grad school]

I. Proposal Narrative

There is no standard format for writing a field change proposal. The ideal narrative reflects the character, interests, and strengths of the field and its faculty. In general, proposals should be academically sound, structurally feasible, and institutionally warranted. This checklist is meant to let you know what information your proposal should include, as understood by the Graduate School and the State Education Department in Albany. In your narrative, address only those items that apply to your proposal.

Prepare a narrative that described the proposed field change, its educational and career objectives, and its relationship to existing programs at Cornell, in New York State, and in the nation. Comment on the proposed program’s intellectual and pedagogical relevance to students and to the academy. Discuss the availability of faculty, facilities, and other support services; special admission and course requirements; plans to recruit and retain students (especially those from historically underrepresented groups, and women); and provisions to ensure that each student has the instructional and financial support needed to complete the program. **(Note that the Graduate School cannot commit to fellowship support for new degree programs.)** Please consult the current version of the *Code of Legislation of the Graduate Faculty* as needed when preparing your proposal.

The Law School faculty has approved the creation of a new degree, the *Master of Science (Legal Studies)* (the “MSLS”), subject to Cornell University and New York State approvals (the Law School has already obtained the American Bar Association’s “acquiescence” for the degree). The MSLS is designed as a one-year nonprofessional degree intended for advanced graduate students and post-doctoral fellows at Cornell University who have no prior legal training.¹ Scholars in Human Development and in Psychology have indicated to Law School faculty members that several of their graduate students have a strong interest in law, and would benefit (both intellectually and on the job market) from formal education and certification in the field of law. Other Colleges and departments with the potential for student interest exist throughout the University (*e.g.*, History, Government, Sociology, Industrial and Labor Relations, Engineering, etc.), and the Law School faculty anticipate that a MSLS program will attract graduate students from several fields. A primary objective of the degree program is to better equip Cornell University graduate students whose primary areas of research touch upon the field of law to complete world-class dissertations in their main fields of study. The Law School faculty also expect that the existence of the MSLS will foster the development of additional interdisciplinary connections between the Law School faculty and faculty in other Colleges and departments at Cornell.

Admission to the program requires that applicants i) be prospective or matriculated students in a graduate degree program at Cornell University or have post-doctoral status at Cornell University, ii) identify a faculty member who is a member of

¹ An analogous degree exists at a number of peer institutions, including Yale and Stanford (Albany Law School also offers a Master’s of Science in Legal Studies, though its focus and student population differ from the Law School’s proposed degree and students). There are several well-known legal scholars who hold such a degree, including Michael Saks, Professor of Law & Psychology, College of Law Arizona State University, and Faculty Fellow, Center for the Study of Law, Science, & Technology; and A. Mitchel Polinsky, Josephine Scott Crocker Professor of Law and Economics, Stanford Law School.

both the Cornell Law School Faculty and the Graduate School Faculty and who agrees to serve as the student's Law School faculty advisor/chair and also as a minor or ad hoc member of the student's special committee, and iii) have the approval of their advisors/committee chairs from their home departments.² The Law School Admissions Committee will review the applicant's academic records and other application materials, including the advisor's recommendation. In making the MSLS admissions decision, the Committee will consider whether the applicant's academic record and background are sufficient to allow completion of a rigorous law school program of study, the likely benefits of the MSLS to the student's course of graduate study, and enrollment limitations. The standard for admission will be similar to that for any JD applicant, although the general GRE score would be accepted as a proxy for an LSAT score for those MSLS candidates who have not taken the LSAT.

The program would require that the student be in residence at the law school for two semesters (at least 32 credits in law, the same as for the first-year JD students). The first-year JD curriculum would serve as the default curriculum for MSLS students with four exceptions. First, MSLS students would not enroll in the legal research and writing class, but would participate in the library-taught legal research portion. Second, MSLS students would not be enrolled in any small sections of first-year courses. Third, MSLS students may substitute alternative courses more suitable to their fields of study with the approval of their advisors and the professors teaching the courses. Fourth, MSLS students must complete a 4-credit thesis or project supervised by their law school advisors with input from their home department advisors. The purpose of the thesis or project will be to incorporate and build upon the course work that the student has undertaken in the year at the Law School in relation to the student's primary field of research; however, students enrolled in the MSLS program, as well as their law school and Ph.D. field advisors, should understand that the thesis or project required for the MSLS degree is to constitute a project independent of the dissertation required for their Ph.D. degrees. Although it is both understandable and desirable that the two projects be related in some fashion, each must nevertheless be discrete and self-contained. MSLS students would be graded in the same manner as JD students. MSLS students would have to meet the same standard for good standing as the JD students, and in all other regards would be bound by the same requirements and procedures as JD students.

Students enrolled in the MSLS program will pay the same tuition to Cornell Law School as entering JD students. There are no law school funds for financial aid for MSLS students. Students will have access to the regular student loan programs for which they meet the eligibility requirements, and they will be encouraged to pursue other outside sources of funding.

The MSLS is not a professional degree in the sense that it will not qualify the graduates to sit for the New York State bar examination or to practice law; however, it is professional in that it provides the students with grounding in the professional field of

² Normally, a graduate school applicant or student would obtain approval from his or her special committee chair or prospective committee chair; a post-doctoral fellow would obtain approval from the faculty member who is supervising or hosting the fellow.

law. A student in the MSLS program who has a very strong record in the program and who wishes to continue his or her study to complete the requirements for a JD degree may apply for transfer admission to the JD program. The transfer student will receive credit for his or her MSLS coursework and waive the MSLS degree. Admission will be pursuant to procedures and standards that will be developed by the Law School's Admissions Committee, but will be similar to the standards already in place with respect to transfer admissions. The LSAT would be required for all transfer students. The Law School will require admitted transfer students to complete the first-year writing requirement and any other first-year courses that they did not complete during the MSLS degree.

II. Curricular Information

1. How many committee members will a student be required to have?

One (1)

2. How many registration units are required for your degree program(s)?

Two (2)

3. Will students be scheduling their exams with the Graduate School?

No

4. Will students be required to submit a project (circle **yes** or no) or a thesis (circle **yes** or no)?

Satisfactory completion of a 4-credit thesis or project supervised by their law school advisors with input from their home department advisors will be required. The purpose of the thesis or project will be to incorporate and build upon the course work that the student has undertaken in the year at the Law School in relation to the student's primary field of research; however, students enrolled in the MSLS program, as well as their law school and Ph.D. field advisors, should understand that the thesis or project required for the MSLS degree is to constitute a project independent of the dissertation required for their Ph.D. degrees. Although it is both understandable and desirable that the two projects be related in some fashion, each must nevertheless be discrete and self-contained.

5. Will students submit their project or thesis to the field or to the Graduate School?

Review by field only.

6. Will a master's degree be awarded to students who pass their A exams and continue on for the Ph.D. (circle **yes** or **no**)?

N/A

7. Will a master's degree be available to a student who was admitted into a Ph.D. program but who will be not continuing on for the Ph.D. (circle **yes** or **no**)?

N/A

8. Do graduates of your program qualify for professional licensure? (If so, which ones.)

No

9. Will the Papers Option be available to Ph.D. candidates? If yes, please describe.

N/A

10. What is the effective beginning date of the proposed curricular change?

Fall, 2007 (pending Cornell University and New York State approvals, and ABA acquiescence)

11. How long will currently registered students (or students on leave) have to complete a degree under the current structure?

N/A

III. Student Enrollment and Funding

12. Describe the projected student enrollment over time and ***indicate the sources and amounts of funding for those students for the duration of their degree programs.***

Please address all costs associated with student enrollment (internal and external fellowships, assistantships, stipends, and financial aid) for both domestic and international students. ***Note that the Graduate School can not provide fellowships or stipends for new degree programs.***

The anticipated size of the MSLS is small. The Law School anticipates admitting no more than five students in any one year and in most years the number will in all likelihood be between zero and two. As it is designed as a one year program of study, the Law School does not anticipate any more than a maximum of five students being enrolled in the program at any time. The tuition for the program will be the regular first year J.D. tuition and fees (\$40,580 in 2006-07; total estimated student budget would be approximately \$54,000 using 2006-07 tuition and fees). The students will be self-funded or funded from sources outside of the Law School. There would ordinarily be no internal fellowships, assistantships, stipends or direct financial aid for students in the program (except for regular student loans for which the student meets the eligibility requirements).

IV. Program Format

13. If your proposal requires a change in format or delivery mode (e.g., distance learning), describe the availability of relevant courses, faculty, resources, or support services.

The MSLS program will require no change in format or delivery mode.

14. If your proposal is based, even in part, on distance learning technologies, please describe those and indicate the percentage of instruction that will be delivered through those technologies.

N/A

15. If your proposal involves a change of (instruction) location, specify that location and describe the availability of relevant courses, faculty, resources, or support services.

N/A

16. If your proposal involves a change in the program calendar -- from, say, two academic years to one calendar year -- describe that change in detail. Demonstrate that the program remains sound in terms of content as well as structure (i.e., minimum number of contact hours; required number of credits, courses, and registration units; availability of faculty, staff, and support services). Address the special needs of international students re: obtaining visas and compliance with all INS regulations. Address the resolution of grievances that might arise if, for example, a student can not meet the degree requirements in the allotted time because of program design.

As this is a new program, there is no change in the program calendar. International students will already be registered at Cornell University and any immigration issues (such as a change of degree program) can be addressed in-house by ISSO in coordination with the staff in the Graduate Legal Studies Program Office at the Law School. In the event that a student is unable to complete the program within two semesters, the student may request an extension from his or her advisor and the Graduate and International Legal Studies faculty committee at the Law School.

17. If you are proposing either a joint or dual degree option, additional information will be needed. Please contact the Graduate School.

N/A

V. Staffing and Operations

18. Does your field faculty have endowed appointments only, contract college appointments only, or both? Will the field membership change as a result of this proposal? (If so, describe.)

Endowed only at this time. No change in field membership is anticipated.

19. Will any faculty need to make changes to their concentrations and areas of research as recorded on their faculty cards? (If yes, faculty cards on file with the Graduate School will need to be updated.)

No

20. Comment on the need for additional staff, space and/or financial resources relevant to the implementation of your proposal and describe how you will meet those needs.

Given the small size of the program, the current staffing and existing space and financial resources in the Law School should be sufficient.

VI. Institutional Concerns

21. Comment on the University's institutional need for this change in, or addition to, the graduate curriculum.

The MSLS degree will allow Cornell graduate students and post-doctoral fellows in fields other than law to pursue studies in law as a complement to their primary areas of study or research interests. It will better equip them in their primary fields of study by providing them with training in the field of law which they in turn may bring to bear on their research and writing. The degree program will also foster inter-disciplinary contacts between Law School faculty and faculty from other colleges and departments.

22. Describe the positive effects of this change on other fields or Cornell faculty.

The program will be beneficial in strengthening the links between the Law School faculty and graduate faculty in other fields. It will also enable our graduate students to better analyze and discuss the impact of legal issues and theories within their own fields and disciplines.

23. Address the negative effects, if any, of this change on other fields or Cornell faculty and explain how those effects will be mitigated.

None anticipated.

24. In the event that your proposal does not receive approval, how [else] might you accomplish the goals it represents?

Other options (such as a "minor" in the field of law) will not accomplish the goals of the program as they do not provide the students with sufficient instruction in the field of law and would lack the benefit of a degree in law.

VII. Attachments

25. Attach a sample multi-year curriculum and schedule of course for the typical student enrolled in this program. Include evidence that minimum State requirements are met re: contact hours, credits, etc., if applicable

See Attachment 25 (Law School MSLS curriculum).

26. List and describe new academic courses for which you will seek approval, if applicable.

None.

27. Please include evidence of a faculty vote and address the results including the thinking behind negative votes or abstentions.

See Attachment 27 (faculty minutes approving the degree). The vote was unanimous.

28. Attach a current and a revised FIELD/Subject and concentration list.

See Attachment 28 (Law School Field/Subject and concentration list for Graduate School)

29. Attach copy text for eventual publication on the graduate school website and on-line application.

See Attachment 29 (Publication text)

30. Attach evidence of support from all relevant faculty.

See Attachment 30 (Letters of support from faculty in the field of law as well as from faculty in fields whose graduate students or post-doctoral fellows might wish to enroll in the program).

31. Attach support letters from your college Dean and others as relevant.

See Attachment 31 (Letter of support from Stewart J. Schwab, Allan R. Tessler Dean and Professor of Law).

32. (For new major fields and new degree programs): Provide the names and addresses of three [non-Cornell] professors who could serve as potential external reviewers if this is required by Albany.

See Attachment 32 (List of potential external reviewers).

Attachments to Law School Master of Science (*Legal Studies*) Graduate School Proposal

Attachment 25 Law School MS (LEGAL STUDIES) Curriculum for years 1 and 2

The Master of Science (*Legal Studies*) (“MSLS”) degree requirements mandate two semesters of residency and the completion of thirty-two (32) credits of study in Law School courses, including a 4-credit thesis or project. The first-year JD curriculum will serve as the default curriculum for MSLS students with four exceptions. First, MSLS students would not enroll in the legal research and writing class, but would participate in the library-taught legal research portion. Second, MSLS students would not be enrolled in any small sections of first-year courses. Third, MSLS students may substitute alternative courses more suitable to their fields of study with the approval of their advisors and the professors teaching the courses. Fourth, MSLS students must complete a 4-credit thesis or project supervised by their law school advisors with input from their home department advisors. The purpose of the thesis or project will be to incorporate and build upon the course work that the student has undertaken in the year at the Law School in relation to the student’s primary field of research; however, students enrolled in the MSLS program, as well as their law school and Ph.D. field advisors, should understand that the thesis or project required for the MSLS degree is to constitute a project independent of the dissertation required for their Ph.D. degrees. Although it is both understandable and desirable that the two projects be related in some fashion, each must nevertheless be discrete and self-contained. MSLS students would be graded in the same manner as JD students. MSLS students must meet the same standard for good standing as JD students, and in all other regards would be bound by the same requirements and procedures as JD students.

Year 1:

Fall	Credit Hours	Spring	Credit Hours
Civil Procedure	3	Civil Procedure	3
Constitutional Law	4	Contracts	3
Contracts	3	Criminal Law	4
Torts	4	Property	4
Elective upper-class course	0-4	Elective upper-class course	0-4

Year 2:

Fall	Credit Hours	Spring	Credit Hours
Civil Procedure	3	Civil Procedure	3
Constitutional Law	4	Contracts	3
Contracts	3	Criminal Law	4
Torts	4	Property	4
Elective upper-class course	0-4	Elective upper-class course	0-4

Examples of typical Law School Class Schedules (2005 fall term and 2006 spring term) are attached. First year courses are underlined on the schedule.

School	2005 Fall Term				9/13
	Tuesday	Wednesday	Thursday	Friday	
	8:35-10:00 Insurance Law-Heise(3)	8:35-10:00 Insurance Law-Heise(3)			
	8:45-10:00 Const'l Law(ABE)-Johnson(4) G90	8:45-10:00 Const'l Law(ABE)-Johnson(4) G90 Business Orgs.-Perino(4)	8:45-10:00 Const'l Law(ABE)-Johnson(4) G90 Business Orgs.-Perino(4)	8:45-10:00 Const'l Law(ABE)-Johnson(4) G90 Business Orgs.-Perino(4)	
(3) B01 Sage Hall		8:40-9:55 IPOs-Nozell(3)	B01 Sage Hall		
	9:05-10:00 Contracts(CDF)-Summers(3) Criminal Proc. I-Blume(3) Labor Law-Hyde(3)	9:05-10:00 Contracts(CDF)-Summers(3) G85 Criminal Proc. I-Blume(3) Labor Law-Hyde(3)	9:05-10:00 Contracts(CDF)-Summers(3) G85 Criminal Proc. I-Blume(3) Labor Law-Hyde(3)		
(F)-Summers(3) 290				G85	
on-Yusem(2) 273				277	
	10:10-11:05 Contracts(ABE)-Hillman(3)	10:10-11:05 Contracts(ABE)-Hillman(3)	10:10-11:05 Lawyering(C)-Atlas(2) Lawyering(B)-Ciani-Dausch(2) Lawyering(D)-Dole(2) Lawyering(F)-Schutz(2)	10:10-11:05 Lawyering(C)-Atlas(2) Lawyering(B)-Ciani-D Lawyering(D)-Dole(2) Lawyering(F)-Schutz(2)	
(E)-Hillman(3) 290				390	
	Int'l Comm'l Arb.-Barcelo(3) Fed. Inc. Tax-Seto(4)	G85 Int'l Comm'l Arb.-Barcelo(3) 285 Fed. Inc. Tax-Seto(4)	G85 Int'l Comm'l Arb.-Barcelo(3) 285 Fed. Inc. Tax-Seto(4)	G85 Int'l Comm'l Arb.-Barcelo(3) 285 Fed. Inc. Tax-Seto(4)	
tes-Alexander(4) G90	Trusts & Estates-Alexander(4) G90	Trusts & Estates-Alexander(4) G90	Trusts & Estates-Alexander(4) G90	Trusts & Estates-Alexander(4) G90	
		10:10-11:25 Law High Growth-Shulman(3)	B1 Sage Hall	10:10-12:10 Int'l Bus. Trans.-Brennan(2)	
h-Shulman(3) B1 Sage Hall					
	11:15-12:10 Const'l Law(D)-Meyler(4) Torts(CF)-Henderson(4) G90 Admin.Law-Farina(3) Contracts Global-Allen(4) Fin.Institutions-Hockett(4)	11:15-12:10 Const'l Law(D)-Meyler(4) Torts(CF)-Henderson(4) G90 Admin.Law-Farina(3) Contracts Global-Allen(4) Fin.Institutions-Hockett(4)	11:15-12:10 Lawyering(A)-McKee(2) Const'l Law(D)-Meyler(4) Torts(CF)-Henderson(4) G90 Contracts Global-Allen(4) Fin.Institutions-Hockett(4)	11:15-12:10 Lawyering(A)-McKee(2) Lawyering(E)-Mooney Const'l Law(D)-Meyler(4)	
(O)-Mooney(2) G85		276	276	G85	
nderson(4)	285	285	285	285	
arina(3)	G90	G90	G90		
bal-Allen(4)	277	277	277	277	
s-Hockett(4)	290	290	290	290	
oldstock(3) G81					
	12:20-1:15 Antitrust Law-Hay(3) Evidence-Clymer(3) Adv.Int'l Res-Mills(2)	12:20-1:15 Antitrust Law-Hay(3) G90 Evidence-Clymer(3) Prin.Amer.Writ.-Knight(2)	12:20-1:15 Antitrust Law-Hay(3) G90 Evidence-Clymer(3) Prin.Amer.Writ.-Knight(2)	12:20-1:15 Antitrust Law-Hay(3) G90 Evidence-Clymer(3) Adv.Int'l Res-Mills(2)	
y-Hay(3)	290	290	290		
rit.-Knight(2)	276	276	276	G90	
	12:20-2:20 Health Law-Beresford(2) Judicial Ext.-Galbreath(4) Land Use Zoning-Brock(2)	279 273 277		12:20-2:20 Law of Branding-St.Landau(2)	390
-Sarachan(4)	273				
hapiro(2)	277				
			1:00-3:00 Prosecution Clin.-Sarachan(4)	City Ct	

	Tuesday	Wednesday	Thursday	Friday
	1:25-2:40 Death Penalty.-Blume, Johnson(3) 285		1:25-2:40 Death Penalty.-Blume, Johnson(3) 285	1:25-2:40 <u>Const'l Law</u> (F)-Simson(3) 285
			1:25-3:25 Clin. Skills 1-Clinic Fac.(4) 389	
	1:25-2:20 <u>Civil Proc.</u> (CDEF)-Holden-Smith(3) 290	1:25-2:20 <u>Civil Proc.</u> (A)-Clermont(3) 276 <u>Civil Proc.</u> (B)-Rossi(3) 277 <u>Civil Proc.</u> (CDEF)-Holden-Smith(3) 290 Clin. Skills 2-Clinic Fac.(4) 279 Corp.White Collar-Garvey(3) 285	1:25-2:20 <u>Civil Proc.</u> (A)-Clermont(3) 276 <u>Civil Proc.</u> (B)-Rossi(3) 277 <u>Civil Proc.</u> (CDEF)-Holden-Smith(3) 290 Corp.White Collar-Garvey(3) 285	1:25-2:20 <u>Civil Proc.</u> (A)-Clermont(3) 276 <u>Civil Proc.</u> (B)-Rossi(3) 277 <u>Civil Proc.</u> (CDEF)-Holden-Smith(3) 290 Corp.White Collar-Garvey(3) 285
Ndulo(3) G85	Int'l Orgs.-Ndulo(3)	Int'l Orgs.-Ndulo(3)	Int'l Orgs.-Ndulo(3)	Int'l Orgs.-Ndulo(3)
	2:30-3:25 Torts(E)-Heise(4) 285 Int'l Taxation-Seto(3)	2:30-3:25 Torts(E)-Heise(4) 276 Int'l Taxation-Seto(3) 279	2:30-3:25 Torts(E)-Heise(4) 276 Int'l Taxation-Seto(3) 273	2:30-3:25 Torts(E)-Heise(4) 276 Int'l Taxation-Seto(3) 273
	2:30-3:45 Torts(ABD)-Wendel(4) 290	2:30-3:45 Torts(ABD)-Wendel(4) 290 <u>Const'l Law</u> (C)-Morrison(4) <u>Const'l Law</u> (F)-Simson(4)	2:30-3:45 Torts(ABD)-Wendel(4) 290 G85 <u>Const'l Law</u> (C)-Morrison(4) 277 <u>Const'l Law</u> (F)-Simson(4)	2:30-3:45 Torts(ABD)-Wendel(4) 290 G85 <u>Const'l Law</u> (C)-Morrison(4) 277 <u>Const'l Law</u> (F)-Simson(4)
	2:30-3:55 Family Law-Graycar(3) 277 Law Euro. Union-Lasser(3)	2:30-3:55 G90 Sec. Regulation-Perino(3) 277 Tax. Corps.-Green(3)	2:30-3:55 Family Law-Graycar(3) 290 G90 Sec. Regulation-Perino(3) 279 Tax. Corps.-Green(3)	2:30-3:55 Family Law-Graycar(3) 290 G90 Sec. Regulation-Perino(3) 279 Tax. Corps.-Green(3)
		2:55-4:10 Emp.Discrim.-Lieberwitz(3) 285		
	4:15-5:55 Lab Adv.Leg.Res. LLMs-Court(1)*276 Comp.Civ.Proc.-Goldstein(3)* 273 G80 Central Top.Juris.-Summers(3) 273 Comp.Const'l Law-Lasser(3) 387 Transn'l Labor Stand.-Hyde(3) G80	4:15-5:55 Faculty Meetings and Makeups	4:15-5:55 Comp.Civ.Proc.-Goldstein(3)* 389 eLaw-Martin(3) 276 Law & Econ.-Kades(3) G80 Phil.Found.Ethics-Wendel(3) 273 Religion Clauses-Simson(3) 387	
	4:15-6:15 Water Law Clinic-Porter(4) 277			
	6:05-8:05 Fem.Jurisprudence-Graycar(3) 273		6:05-7:45 US Attorney's Clinic-Roberts(6) 273 Appellate Advocacy-Bryan(3) 279	
Haugaard, Mooney(3) 273 Morrison(3) 279				

NOTES:
*Meets first 6 beginning of

Students electing the accelerated offerings of Comp. Civ. Procedure (Goldstein) or Negotiations (9/10 & 9/11; Syverud) must also register for a minimum of 12 credits for fall

School	2006 Spring Term			
	Tuesday	Wednesday	Thursday	Friday
	8:35-10:00 Education Law-Heise(3) 277	8:35-10:00 Education Law-Heise(3) 277 Employment Law-Hyde(3) 276	8:45-10:00 Employment Law-Hyde(3) 276	
st-Calvani(2) 276	8:45-10:00 Fed.Inc.Tax-Green(4) G90	8:45-10:00 Fed.Inc.Tax-Green(4) G90	8:45-10:00 Fed.Inc.Tax-Green(4) G90	9:05-10:45 G90 Adv.Leg.Res. LLMs-C
OF)-Summers(3) 290 II-Shiffirin(3) 285	9:05-10:00 Contracts(CDF)-Summers(3) 290 Const'l Law II-Shiffirin(3) 285 WTO Int'l Trade-Barcelo(3) G85	9:05-10:00 Contracts(CDF)-Summers(3) 290 Const'l Law II-Shiffirin(3) 285 WTO Int'l Trade-Barcelo(3) G85	9:05-10:00 Contracts(CDF)-Summers(3) 290 Const'l Law II-Shiffirin(3) 285 WTO Int'l Trade-Barcelo(3) G85	
E)-Hillman(3) G90 chlinski(3) 277 awy-Wendel(3) 290 o.-Henderson(3) G85	10:10-11:05 Contracts(ABE)-Hillman(3) G90 Crim.Proc.II-Clymer(3) 285 Clinical Skills 3-Clin.Fac.(4) 279 Env.Law-Rachlinski(3) 277 Law Govn.Lawy-Wendel(3) 290 Products Liab.-Henderson(3) G85	10:10-11:05 Contracts(ABE)-Hillman(3) G90 Crim.Proc.II-Clymer(3) 285 Env.Law-Rachlinski(3) 277 Law Govn.Lawy-Wendel(3) 290 Products Liab.-Henderson(3) G85	10:10-11:05 Lawyering(A)-McKee(2) 277 Crim.Proc.II-Clymer(3) 285 Lawyering(B)-Ciani-Dausch(2) 276 Lawyering(C)-Atlas(2) 390 Lawyering(D)-Dole(2) G85	10:10-11:05 Lawyering(A)-McKee(2) 277 Lawyering(B)-Ciani-Dausch(2) 276 Lawyering(C)-Atlas(2) 390 Lawyering(D)-Dole(2) G85
				10:10-12:10 Govn.&Relig.-Bressman Int'l War Crimes-Sterio(
E)-Alexander(4) 290 F)-Sherwin(4) G85 ssi(3) G90 linic-Cornell(4) 279	11:15-12:10 Property(CDE)-Alexander(4) 290 Property(ABF)-Sherwin(4) G85 Chinese Law-Grimheden(3) 277 Evidence-Rossi(3) G90 Hist.Common Law-Meyler(3) 285	11:15-12:10 Property(CDE)-Alexander(4) 290 Property(ABF)-Sherwin(4) G85 Chinese Law-Grimheden(3) 277 Evidence-Rossi(3) G90 Hist.Common Law-Meyler(3) 285	11:15-12:10 Property(CDE)-Alexander(4) 290 Property(ABF)-Sherwin(4) G85 Chinese Law-Grimheden(3) 277 Evidence-Rossi(3) G90 Hist.Common Law-Meyler(3) 285	11:15-12:55 Adv.Int'l Res-Mills(2) G85
ont.-Goldstock(3) G81			11:15-1:15 Mergers&Acquis.-Greene(3) 279	
-Hillman(4)** G90		12:20-1:10 Nature, Func.-Hillman(4)** G90 273, 276, 277, 279		12:20-1:10 Nature, Func.-Hillman(4)** G90 273, 276, 277, 279
Eisenberg(3) 285 -Hockett(4) 290 cy-Galbreath(4) 390	12:20-1:15 Bankruptcy-Eisenberg(3) 285 Business Org.-Hockett(4) 290 Intell.Property-Pottage(3) G85	12:20-1:15 Bankruptcy-Eisenberg(3) 285 Business Org.-Hockett(4) 290 Intell.Property-Pottage(3) G85	12:20-1:15 Bankruptcy-Eisenberg(3) 285 Business Org.-Hockett(4) 290 Intell.Property-Pottage(3) G85	12:20-2:45 Sports Law-Briggs(2) 290 Intell.Property-Pottage(3) G85
aw-Lasser(3) 279	12:20-1:45 Comp.Civil Law-Lasser(3) 279		12:20-2:10 Capital Punish.-Blume, Johnson(4) 273	
rachan(2) G85	12:20-2:20 Crim.Defens.Clinic-Salisbury(4) G81 Judicial Extern.-Galbreath(4) 273	12:20-2:20 Trial Advocacy-Galbreath(4) 390	12:20-2:20 Clinical Skills 1-Clin.Fac.(4) 277	12:20-2:20 Trial Advocacy-Galbreath(4) 390

School	2006 Spring Term			
	Tuesday	Wednesday	Thursday	Friday
Law-Hay(3)**	285	1:25-2:40 Competition Law-Hay(3)**	285	
	1:25-2:20	1:25-2:20	1:25-2:20	1:25-2:20
-Mooney(2)	276 <u>Civil Proc.</u> (CDE)- Holden-Smith(3)	G90 <u>Civil Proc.</u> (CDE)- Holden-Smith(3)	G90 <u>Civil Proc.</u> (ABF)-Clermont(3) 290 <u>Civil Proc.</u> (CDE)- Holden-Smith(3)	G90 <u>Civil Proc.</u> (ABF)-Clermont(3) 290 <u>Lawyering</u> (E)-Mooney
-Schutz(2)	277 <u>Lawyering</u> (F)-Schutz(2)	277		
Devt.-Ndulo(3)	290 Leg.Foreign Devt.-Ndulo(3)	G85 Leg.Foreign Devt.-Ndulo(3)	G85	
s-Strom(6)	387 Princ.Amer.Writ.-Knight(2) Terrorism&Law-Clymer(3)	276 285 Govn.Benefits-Strom(6)	Princ.Amer.Writ.-Knight(2) 276 Terrorism&Law-Clymer(3)	285 Terrorism&Law-Clym
	2:30-3:25	2:30-3:25	2:20-4:10	
	Partnership Tax.-Green(2)	279 Partnership Tax.-Green(2)	279 Capital Trial-Blume, Johnson(4)	273
	2:30-3:45	2:30-3:45	2:30-3:45	2:30-3:45
arina(4)	G85 Fed.Courts-Farina(4)	G85 Fed.Courts-Farina(4)	G90 <u>Criminal Law</u> (ACF)-Garvey(3) 290 <u>Criminal Law</u> (BDE)-Morrison(4) G90	G85 <u>Criminal Law</u> (ACF)-G <u>Criminal Law</u> (BDE)-Mo
	2:30-3:55	2:30-3:55	2:30-3:55	
Rachlinski(3)	290 Admin.Law-Rachlinski(3)	290		
aw-Simson(3)	276 Conflict of Law-Simson(3)	276	Comp.Asian Law-Riles(3)	G81
g.-Greenberg(3)	277 Comp.Asian Law-Riles(3)	G81 Law Soc. Chg.-Greenberg(3)	277	
	2:55-4:40	2:55-4:10	2:55-3:45	
Hay**	390 Law, Sci., Sust.-Kysar(3)**	285 Econ & Law-Hay**	390 Law, Sci., Sust.-Kysar(3)** 279, 387, 389	285
	4:15-5:55	4:15-5:55	4:15-5:55	
theo.-Shiffrin(3)	387 Adv.Criminal Proc.-Warth(3)	G81	Adv.Civil Proc.-Clermont(3)	276
w-Kysar(3)	279 Adv.Leg.Research-Court(3)	276	Appellate Advocacy-Atlas(3)	G81
Colloq.-Meyler(3)	273 Contemp. Amer.Jury-Hans(3)	279	Asylum Clinic-McKee & Yale-Loehr(4)	389
chno.-Jones(1)*	276 Gobal Integration-Barcelo(3)	273	Leg.Construction Indian Law- Cheyfitz(3)	G80
nce-Sussman(3)	389 Int'l Fin.Inst.-Hockett(3)	389	Making Punish.Crim.-Garvey(3)	273
es-Sherwin(3)	277 Int'l Hum.Rgts.-Grimheden(3)	277	Theo.Property-Alexander(3)	387
	Leg.Asp.Real Est.-Blyth(3)	387		
	Pre-Trial Pract.-Harmon, Radice(3)	CRR		
	4:15-6:15	4:15-6:15	4:15-6:15	
	Water Law Clinic 2-Porter(4) G80	Govn.&Relig.-Bressman(1) †	285 Govn.&Relig.-Bressman(1) †	285
	6:05-7:45	6:00-8:45	6:05-7:45	
lobal-Pottage(3)	273 Biblical Law-Carmichael(3)	277 Real Estate Trans.-Funk(3)	G85 US Attorney's Clinic-Roberts(6)	273
Law-Ndulo(3)	CRR Intro. Islamic Law-D.Powers(3) 273 Law & Higher Edu.-Mingle(3)	279		

NOTE:
*Meets the first 6
at the beginning of
**Undergraduates
†Class meets for
3/1, 3/2, 3/3 an
3/8, 3/9, 3/10

Notes: Social Security Law-Martin(3) – on-line

In addition, a sample list of courses (based upon the 2005-06 curriculum) that would be open to the Master of Science (*Legal Studies*) students for their law school elective courses is attached. The law school curriculum varies slightly from year to year, but the selection would be substantially similar.

**Sample Law School Elective Courses Available to Master or Science (*Legal Studies*)
Students:
(taken from 2005-06 courses offerings)**

Fall

Spring

CORE COURSES

6011 Administrative Law: The Law of the Regulatory State-Farina(3)
6131 Business Organizations-Perino(4)
6401 Evidence-Clymer(3)
6441 Federal Income Taxation-Seto(4)

6011 Administrative Law: The Law of the Regulatory
State-Rachlinski(3)
6131 Business Organizations-Hockett(4)
6401 Evidence-Rossi(3)
6441 Federal Income Taxation-Green(4)

OTHER UPPERCLASS COURSES

6061 Advanced Legal Research-International and Foreign Law-Mills(2)
6101 Antitrust Law-Hay(3)
6241 Corporate and White Collar Crime-Garvey(3)
6261 Criminal Procedure I-Blume(3)
6301 Directed Reading-(1or2)
6321 Employment Discrimination and the Law-Lieberwitz(3)
6421 Family Law-Graycar(3)
6461 Financial Institutions-Hockett(4)
6471 Health Law-Beresford(2)
6491 The IPO Process and Deal Structure Alternatives-Nozell(3)
6501 Insurance Law-Heise(3)
6521 International Business Transactions-Brennan(2)
6531 International Commercial Arbitration-Barcelo(3)
6561 International Organizations and International Human Rights-Ndulo(3)
6582 International Taxation-Seto(3)
6592 Labor Law-Hyde(3)
6601 Land Use and Zoning-Brock(2)
6141 Law and Ethics of Business Practice*-Schwab(3)
6631 Law for High Growth Companies-Shulman(3)
6651 Law of Branding and Advertising: Trademarks, Trade Dress, and
Unfair Competition-St. Landau(2)
6661 The Law of the European Union-Lasser(3)
6701 Negotiations-Syverud(1) ****
6731 Dispute Resolution-Yusem(2)
6792 Real Estate Transactions-Funk(3)
6811 Secured Transactions-Shapiro(2)
6821 Securities Regulation-Perino(3)
6871 Supervised Writing-(1, 2, or 3)
6891 Taxation of Corporations and Shareholders-Green(3)
6941 Trusts and Estates-Alexander(4)

6061 Advanced Legal Research-International and
Foreign Law-Mills(2)
6001 Accounting for Lawyers-Sarachan(2)
6121 Bankruptcy-Eisenberg(3)
6151 Chinese Law-Grimheden(3)
6153 Comparative Antitrust Law-Calvani(2)
6154 Comparative Law: Asian Legal Systems-Riles(3)
6161 Comparative Law: The Civil Law Tradition-Lasser(3)
6191 Conflict of Laws-Simson(3)
6201 Constitutional Law II: The First Amendment-Shiffrin(3)
6262 Criminal Procedure II-Clymer(3)
6301 Directed Reading-(1or2)
6311 Education Law-Heise(3)
6331 Employment Law-Hyde(3)
6361 Environmental Law-Rachlinski(3)
6431 Federal Courts-Farina(4)
6463 Government and Religion-Bressman(1)
6481 The History of the Common Law in
England and America-Meyler(3)
6511 Intellectual Property-Pottage(3)
6621 Law and Social Change: International
Experience-Greenberg(3)
6641 The Law Governing Lawyers*-Wendel(3)
6672 Law Practice Technology***-Jones(1)
6681 Legal Aspects of Foreign Investment in
Developing Countries- Ndulo(3)
6751 Partnership Taxation-Green(2)
6781 Products Liability-Henderson(3)
6792 Real Estate Transactions-Funk(3)
6831 Social Security Law-Martin(3)
6841 Sports Law-Briggs(2)
6871 Supervised Writing-(1, 2, or 3)
6901 Terrorism and the Law-Clymer, Sannes(3)
6921 Trial Advocacy-Galbreath(4)
6981 WTO and International Trade Law-Barcelo(3)

SEMINARS AND PROBLEM COURSES

Fall

- 7081 Appellate Advocacy** - Bryan(3)
- 7101 Central Topics in Jurisprudence and Legal Theory**-Summers(3)
- 7111 Children at the Intersection of Law and Psychology**-
Haugaard, Mooney(3)
- 7131 Comparative Civil Procedure**&***-Goldstein(3)
- 7141 Comparative Constitutional Law**-Lasser(3)
- 7191 eLaw**-Martin(3)
- 7201 Empirical Studies of Leading Civil Rights Issues**-Eisenberg(3)
- 7221 Ethical Issues in Criminal Practice*&**-Grumbach(3)
- 7261 Feminist Jurisprudence**-Graycar(3)
- 7281 First Amendment Theory**-Shiffrin(3)
- 7301 Habeas Corpus**-Morrison(3)
- 7311 Immigration and Refugee Law**-Yale-Loehr(3)
- 7401 Law and Economics**-Kades(3)
- 7601 Organized Crime Control**-Goldstock(3)
- 7611 Philosophical Foundations of Legal Ethics**-Wendel(3)
- 7681 The Religion Clauses of the First Amendment**-Simson(3)
- 7782 Transnational Labor Standards**-Hyde(3)
- 7791 Truth, Reconciliation and Justice in Democratizing Countries**-
Isbell(3)

Spring

- 7002 Advanced Civil Procedure**-Clermont(3)
- 7021 Advanced Criminal Procedure**-Warth(3)
- 7031 Advanced Legal Research**-Court(3)
- 7081 Appellate Advocacy**-Atlas(3)
- 7091 Biblical Law**-Carmichael(3)
- 7151 Constitutional Law and Political Theory**-Shiffrin(3)
- 7162 Contemporary American Jury**-Hans(3)
- 7171 Corruption Control**-Goldstock(3)
- 7291 Global and Regional Economic Integration:
The WTO, EU, and NAFTA**-Barcelo(3)
- 7313 Intellectual Property Rights and Global
Bio-Economic**-Pottage(3)
- 7321 International Criminal Law**-Ndulo(3)
- 7341 International Environmental Law**-Kysar(3)
- 7342 International Financial Institutions**-Hockett(3)
- 7343 International Human Rights Seminar**-Grimheden(3)
- 7371 Introduction to Islamic Law**-Powers(3)
- 7411 Law and Higher Education**-Mingle(3)
- 7412 Law and Humanities Colloquium**-Meyler(3)
- 7541 Law and Violence Against Women**-Sussman(3)
- 7561 Legal Aspects of Commercial Real Estate
Development**-Blyth(3)
- 7563 The Legal Construction of Indian Country:
Interdisciplinary Studies in American Indian
Law**-Cheyfitz(3)
- 7571 Legal Narratives**-Sherwin(3)
- 7581 Making Punishment Fit the Criminal**-Garvey(3)
- 7591 Mergers and Acquisitions**-Greene, Hall(3)
- 7631 Pretrial Practice, Litigation Strategies, and
Remedies in Commercial Litigation**-Harmon, Radice(3)
- 7781 Theories of Property**-Alexander(3)

* satisfies professional responsibility requirement

** satisfies the JD and LLM writing requirement

*** accelerated offering, meets 6 ½ weeks

**** accelerated offering: meets Sept 10 & 11

Attachment 27

Faculty minutes for faculty meeting held on November 2, 2005



Cornell University
Law School

Myron Taylor Hall
Ithaca, New York 14853-4901
t: 607.255.7193

DEAN'S OFFICE

NOV 08 2005

Minutes of the Faculty Meeting
of 2 November 2005

Present: Atlas; Barceló; Blume; Bush; Ciani-Dausch; Clermont; Clymer;
Comstock; Cornell; Court; DeRosa; Farina; Galbreath; Germain;
Grumbach; Hans; Hay; Hillman; Hockett; Holden-Smith; Johnson; Lasser;
Lukingbeal; Martin; Meyler; Mooney; T. Morrison; Ndulo; Robinson;
Rossi; Schwab; Seto; Sherwin; Shiffrin; Simson; Wendel

Dean Schwab called the meeting to order at 4:05pm.

Dean Schwab then made several Dean's Announcements. The first was that Provost Martin would speak to the Faculty on Monday, 5 December at 4 o'clock, for about an hour on academic priorities and the University's capital campaign. He noted that significant attendance would be desirable. The second announcement concerned a distinguished visitor this year who is sitting in on some Law School classes. The third announcement was to the effect that Judge Wesley's recent visit had proved successful, and that there now are several Law School alums sitting on the 2nd Circuit and the Southern District of New York, continued relations with whom we will be cultivating.

Dean Schwab next handed the floor to Professor Clermont pursuant to his role on the Academic Programs and Planning Committee. Professor Clermont first briefed the Faculty on the Committee's proposed new regulation on S/U courses. Following discussion, Dean Schwab called for a motion to adopt the new regulation, which latter was forthcoming, seconded, and followed by a voice vote through which the motion carried. Professor Clermont then briefed the Faculty on the Committee's proposed 2006-07 Academic Calendar. Following some brief discussion, Dean Schwab called for a motion to adopt the calendar, which motion was forthcoming, seconded, and followed by a voice vote through which the motion carried. Professor Clermont next handed the floor to Professor Hans, who briefed the Faculty on the Committee's proposal to adopt a new Master of Legal Studies degree program. Dean Schwab then opened the floor to questions and discussion, a good many of the former of which were forthcoming. At the end of discussion Professors Martin and Hillman moved that the proposal be "approved in principle, with further details to be submitted for Faculty approval at a later date". On voice vote, the motion unanimously carried.

Dean Schwab next moved that Professor Shiffrin be renominated to the University Faculty Senate, noting that at the present time it is particularly helpful for the Law School to have someone with experience in this position. Upon seconding followed by voice vote, the motion carried.

Dean Schwab then handed the floor to Professor Blume pursuant to his role on the Clerkship Committee. Professor Blume noted that the number of Law School graduates

taking clerkships upon graduating has dipped in the last year or so, and that it would be preferable were they to begin to rise again. In that connection, he noted, the Committee would like the Faculty's assistance in (1) identifying to the Committee any students thought to be good clerking prospects, and (2) encouraging the latter such students to seek clerkships.

With that Dean Schwab adjourned the Meeting at 5:20 pm.

Respectfully submitted,

Robert Hockett
Faculty Secretary

A handwritten signature in black ink, appearing to be 'R. Hockett', with a long horizontal flourish extending to the right.

Master of Legal Studies Degree

The faculty has approved in principle the creation of a new degree, the Master of Legal Studies ("MLS"). The MLS would constitute a one-year nonprofessional degree intended for advanced graduate students and post-doctoral fellows at Cornell University who have no prior legal training. An analogous degree exists at a number of peer institutions, including Yale and Stanford. We note that several well-known legal scholars, such as Michael Saks and Mitch Polinsky, hold such a degree.

The impetus for this degree arises largely from a recent and dramatic rise in the number of senior faculty at Cornell interested in law and psychology. Scholars in Human Development and in Psychology have stated that several of their graduate students have a strong interest in law, and would benefit (both intellectually and on the job market) from some certification in the field. Doubtless other pockets of interest in law exist throughout the University, so that our MLS program might attract other graduate students as well. This program is in no way intended to be exclusive to psychology graduate students. The requirement that MLS students have an advisor in the law school, however, necessarily limits the program to those students who have interests that overlap with those of at least one law school faculty member. We expect that only a small number of students, perhaps one or two per year, would pursue this program. We propose a cap on this program at five students per year.

Admission to the program requires that applicants be in a graduate degree program or post-doctoral status at Cornell University. Applicants would identify a faculty member who is a member of both the Cornell Law Faculty and the Graduate School Faculty and who agrees to serve as a law school faculty advisor. Furthermore, the applicants must have the approval of an advisor from their home department. Normally, a graduate student would obtain approval from his or her advisor; a post-doctoral fellow would obtain approval from the faculty member who is supervising or hosting the fellow. The Law School Admissions Committee will review the applicant's academic records and other application materials including the advisor's recommendation. In making the MLS admissions decision, the Committee will consider whether the applicant's academic record and background are sufficient to allow completion of a rigorous law school program of study, the likely benefits of the MLS to the student's course of graduate study, and enrollment issues. The standard for admission would be similar to that for any JD applicant, although the general GRE score would be accepted as a proxy for an LSAT score for those MLS candidates who have not taken the LSAT.

The program would require that the student be in residence at the law school for two semesters (at least 31 credits in law, about the same for the first-year JD students). The first-year JD curriculum, plus one elective course, would serve as the default curriculum for MLS students with three exceptions. First, MLS students would not enroll in the legal research and writing class, but would participate in the library-taught legal research portion. No writing requirement is contemplated. Second, MLS students would not be enrolled in any small sections of first-year courses. Third, MLS students could substitute alternative courses more suitable to their field of study with the approval of

their advisors and the professor teaching the course. MLS students would be graded as our JD students are (and would therefore count as JD students for purposes of the Cornell Law School grading cap). MLS students would have to meet the same standard for good standing as our JD students, and in all other regards would be bound by the same requirements and procedures as JD students.

Students enrolled in the MLS program would pay the same tuition to Cornell Law School as entering JD students. There are no law school funds for financial aid for MLS students.

The MLS is not a professional degree. It would not allow students to practice. Nevertheless, a student in the MLS program who has a very strong record in it and who wants to continue his or her study to complete the requirements of the JD could apply for transfer admission as a JD student, with credit for their MLS coursework, pursuant to procedures and standards that will be developed by the admissions committee, but will be similar to the standards already in place with respect to transfer admission. The LSAT would be required. Admitted students would have to complete the first-year writing requirement and any other first-year courses that they did not complete.

Cornell Law School will pursue ABA acquiescence and Graduate School approval. The MLS would constitute a Master's degree as part of Cornell University's Graduate Program and hence would not be a new degree for the University. The MLS program would be structured so that the law school receives substantially all of the tuition payments. The law faculty's approval is conditional on the assumptions of this paragraph being realized.

Current:

LAW

Law [J.S.D.]
law

Major concentrations: Law

Revised:

LAW

Law [J.S.D.]
law

Legal Studies [M.S.]
legal studies

Major concentrations: Law

Attachment 29 Publication text for Master of Science (*Legal Studies*) Degree

Tuition: Law

Application deadlines:

Fall, May 1; spring, not available

Requirements summary:

Applicant for or current status as registered student in a graduate degree program at Cornell University or as a post-doctoral fellow at Cornell University

All Graduate School Requirements

Two recommendations (one from current or prospective special committee chair in graduate department or faculty sponsor, and one from potential law school advisor)

Note: Contact field directly for application

Law application information:

In addition, applicants must meet the Graduate School's general admissions requirements, including:

A completed application

A statement of purpose

Official transcripts

Letters of recommendation (PDF form)

Degree Description

The Master of Science (Legal Studies) degree ("M.S.L.S.") is intended for students who want formal training in the field of law but who do not desire the first professional degree in law (the J.D. degree).

The minimum residence requirement is two full terms; the program normally requires two terms. Candidates must complete 32 credit-hours of study in law school courses. The normal curriculum is the regular 1st year J.D. curriculum (excluding the 1st year legal writing/legal methods course) plus a 4-credit thesis or project. Modifications to the normal curriculum may be made with the permission of the student's law school advisor.

The catalog of the Law School contains descriptions of courses and subject areas and of the Graduate and International Legal Studies Programs.

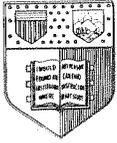
Application:

All applicants are required to be either applicants for or currently registered students in a graduate degree program at Cornell University or a post-doctoral fellow at Cornell University. An applicants should state, in as much detail as possible, why he or she wants to obtain the Master of Science (Legal Studies) degree and attach the approval and recommendation of both i) his or her current or prospective special committee chair or faculty sponsor, and ii) a potential laws school faculty advisor.

The Master of Science (Legal Studies) program has extremely limited enrollment; approximately one to two students are admitted each year. Students who meet the requirements for admission but who do not want to become candidates for the Master of Science (Legal Studies) degree may, at the discretion of the faculty, be admitted as non-degree students. Further information on the Master of Science (Legal Studies) degree may be obtained from the Law School Web site.

Attachment 30 Letters of support

- 1. Kevin Clermont, James and Mark Flanagan Professor of Law**
- 2. Lisa Staiano-Coico, Rebecca Q. and James C. Morgan Dean and Professor, College of Human Ecology**
- 3. Valerie F. Reyna, Professor, Department of Human Development, College of Human Ecology**
- 4. Charles J. Brainerd, Professor, Department of Human Development, College of Human Ecology**
- 5. Stephen Ceci, Helen L. Carr Professor of Developmental Psychology**
- 6. David S. Powers, Professor, Department of Near Eastern Studies, College of Arts & Sciences**



Cornell Law School

Kevin M. Clermont
Flanagan Professor of Law

December 19, 2005

Dean Allison G. Power
Cornell University Graduate School
350 Caldwell Hall
Ithaca, NY 14853

Re: Cornell Law School's proposed **Master of Science in Legal Studies** degree program

Dear Dean Power:

I write in strong support of the Law School's proposed new MSLS degree, which would involve a year's study to learn the basics of law. The MSLS would constitute a one-year nonprofessional degree intended for advanced non-law graduate students and post-doctoral fellows at Cornell University who have had no prior legal training.

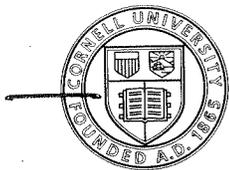
This is an era for interdisciplinary study of law. There is lots of interest in "law and blank," as we say, and this interest exists in Law School inhabitants but also throughout the University.

There is much to be learned by lawyers from a variety of disciplines. But nothing is less helpful than outside contributions to law from those who are ignorant about law. Admittedly, the law does a pretty good job of putting up a wall that befuddles and intimidates outsiders, but that wall can be surmounted. A year in a law school would give non-law scholars all the knowledge they need to make major contributions. This program would be very sound educationally.

The moment seems right for moving forward. This proposal has created considerable support and enthusiasm in the Law School. I understand that a number of professors and students in several schools and departments of the University are interested. Establishing this new program will not only serve those interests, but also will generate a growing interest in the years to come.

Sincerely,

Kevin M. Clermont

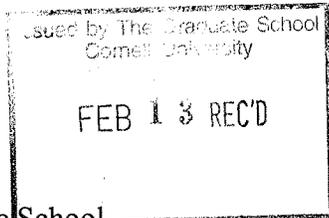


Cornell University
College of Human Ecology

A large, stylized "COPY" stamp in a bold, sans-serif font, with a small icon of a document or folder to its left.

Lisa Staiano-Coico, Ph.D.
Rebecca Q. and James C. Morgan Dean
142 MVR Hall
Ithaca, New York 14853-4401
t. 607.255.2138
f. 607.255.3794
lfs9@cornell.edu
www.human.cornell.edu

February 13, 2006



Dean Alison Power
Cornell University Graduate School
350 Caldwell Hall
Ithaca, NY 14853

Re: Cornell Law School's proposed Master of Science in Legal Studies degree program

Dear Sunny:

I am writing this letter in strong support of the law school's proposed new graduate degree, the *Master of Science in Legal Studies* (MSLS). As I understand the proposed program, the Law School's MSLS degree would provide Human Ecology Ph.D. students and post-doctoral fellows with the opportunity to obtain a non-professional masters degree in the field of law as a complement to their primary fields of research and scholarship. We have several faculty members with students interested in such a degree program, particularly in the field of developmental psychology. Among them are Professors Brainerd, Ceci, Haugaard and Reyna. In my recent discussions with Dean Schwab it was apparent that there is both an academic need for the degree as well as enthusiasm for the degree program in both the Law School and the College of Human Ecology. As such, I fully support approval of the Law School's proposed Masters of Science in Legal Studies degree program.

Sincerely,

A handwritten signature in cursive script that reads "Lisa".

Lisa Staiano-Coico
Rebecca Q. and James C. Morgan Dean
College of Human Ecology

**DEPARTMENT OF HUMAN DEVELOPMENT
COLLEGE OF HUMAN ECOLOGY
B45 MVR HALL
CORNELL UNIVERSITY
ITHACA, NEW YORK 14853**

12 February 2006

Dean Allison Power
Cornell University Graduate School
350 Caldwell Hall
Ithaca, NY 14853

Re: Cornell Law School's proposed Master of Science in Legal Studies degree program

Dear Dean Power:

I am writing this letter to express my enthusiasm for the Cornell Law School's proposal for a *Master of Science in Legal Studies*. This degree evolved from the deliberations of a faculty committee of which I am a member, and hence, I am fully acquainted with the content of the proposal. The degree will allow PhD students from multiple departments, whose research focus is on social sciences and law, to obtain graduate training in the law that will further their scholarly work. The degree will also be a central element in a new PhD concentration in Social Science and Law that will be jointly proposed by the College of Human Ecology and the Department of Psychology. There is strong support for this MSLS among graduate students, faculty, and administrators.

Sincerely,

Valerie F. Reyna
Professor

**DEPARTMENT OF HUMAN DEVELOPMENT
COLLEGE OF HUMAN ECOLOGY
B43 MVR HALL
CORNELL UNIVERSITY
ITHACA, NEW YORK 14853**

12 February 2006

Dean Allison Power
Cornell University Graduate School
350 Caldwell Hall
Ithaca, NY 14853

Re: Cornell Law School's proposed Master of Science in Legal Studies degree program

Dear Dean Power:

I am writing this letter to express my strong support for the Cornell Law School's proposal for a new graduate degree, the *Master of Science in Legal Studies* ("M.S.L.S."). I am quite familiar with this proposed degree, as I have been part of the faculty committee that first conceived such a degree. The degree's objective is to afford PhD students in the College of Human Ecology and the Department of Psychology, as well as post-doctoral fellows, the opportunity to undertake graduate studies in the field of law that will complement their primary areas of graduate study and research. This degree will figure centrally in a new PhD concentration in Social Science and Law that will be jointly proposed by the Department of Human Development and the Department of Psychology. Based on my discussions with faculty in Human Ecology, Law, and Psychology, there is very strong interest in this degree within all three units, including among Deans Staiano-Coico and Schwab.

Cordially,

Charles J. Brainerd
Professor

14 February, 2006

Professor Alison G. Power
Dean of the Graduate School
Campus

Dear Sunny:

I am writing this letter in support of the Law School's proposed new graduate degree, the Master of Science (Legal Studies). This degree is designed to provide Cornell University Ph.D. students in Human Ecology and the Arts College and post-doctoral fellows with the opportunity to obtain a master's degree in the field of law as a complement to their primary social field's research training. In my own field (psychology and the law) there has been tremendous demand for such cross-over training, primarily in the field of psychology, sociology, and economics and the law. Faculty from the Law School, Arts College and Human Ecology are enthusiastic about the degree program and anticipate that it will enhance even further the inter-disciplinary connections between the Law School and other colleges and departments at Cornell. We have been meeting as a group to work out the implementation of the M.S. (Legal Studies) degree program at the Law School and hope that the degree can be approved quickly by the Graduate School Faculty, the University Trustees and the New York State Department of Education, so that we might begin admitting students to the program beginning in the fall of 2006. We anticipate that this new program will fill a niche that is lacking nationally, and thereby help attract a small number of the most qualified applicants to our campus.

If you have any questions regarding this new initiative, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Stephen J. Ceci". The signature is written in dark ink and is positioned above the typed name and title.

Stephen J. Ceci
Helen L. Carr Professor of Developmental Psychology

CORNELL

U N I V E R S I T Y

Near Eastern Studies
421 White Hall
Ithaca, New York 14853-2502

Telephone: 607 255-6275
Fax: 607 255 6450
e-mail: dsp4@cornell.edu

May 9, 2006

Alison G. Power, Dean
Graduate School
Caldwell Hall
Campus

Dear Alison,

I am writing to support the Law School's proposal to create a one-year nonprofessional Master of Science (Legal Studies) degree.

In the field of history, a significant amount of research is based on court records, expert judicial opinions and other legal texts. If they are to make the best possible use of these texts, historians must be familiar with the special language and logic of the law.

In my own work, on Islamic legal history, I have benefited greatly from the work of western legal scholars, and I encourage my graduate students to familiarize themselves with legal scholarship that is relevant to their research.

In my opinion, the opportunity to combine a Ph.D. with the MS in Legal Studies will attract talented graduate students to Cornell and will have the effect of raising the level of scholarship produced.

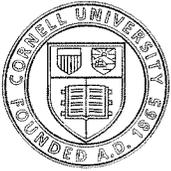
On a personal note: When I finished my graduate work at Princeton back in 1979, I received a Social Science Research Council post-doctoral fellowship to do a year of legal studies. I wanted to do an MS in Legal Studies at Yale, but the SSRC insisted that I study with an expert on Islamic Law at the School of Oriental and Asian Studies in London. I have always wondered what the impact on my scholarship would have been had I been able to pursue the type of legal training that will be provided by the Law School's proposed MS in Legal Studies.

Sincerely,

David S. Powers
Professor
Editor, *Islamic Law and Society*

Attachment 31

**Letter of support from Stewart J. Schwab, Allan R. Tessler Dean and
Professor of Law**



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

February 13, 2005

Dean Allison Power
Cornell University Graduate School
350 Caldwell Hall
Ithaca, NY 14853

Re: Cornell Law School's proposed Master of Science in Legal Studies degree program

Dear Sunny:

I am writing this letter in support of the Law School's proposed new graduate degree, the *Master of Science in Legal Studies* ("M.S.L.S."). The M.S.L.S. degree is designed to provide Cornell University Ph.D. students and post-doctoral fellows with the opportunity to obtain a non-professional master's degree in the field of law as a complement to their primary fields of research and writing. In recent years there has been a growth in demand for such a degree, primarily in the field of psychology, but by no means limited to that field. Both the Law School faculty and I are enthusiastic about the degree program and anticipate that it will enhance even further the inter-disciplinary connections between the Law School and other colleges and departments at Cornell. For these reasons, I wholeheartedly approve of and support the implementation of the M.S.L.S. degree program at the Law School and hope that the degree can be approved quickly by the Graduate School Faculty, the University Trustees and the New York State Department of Education, so that we might begin admitting students to the program beginning in the fall of 2006.

If you have any questions regarding the M.S.L.S. degree, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Stewart J. Schwab".

Stewart J. Schwab

Attachment 32 List of potential external reviewers

1. William Thompson, Professor

Department of Criminology, Law & Society
University of California - Irvine
Irvine, Calif. 92697-7080

Phone: (949) 824-6156
Fax : (561) 679-0890
email: wcthoms@uci.edu

2. Neil Vidmar, Russell M. Robinson, II, Professor of Law and Professor of Psychology

Duke Law School
Box 90360
Durham, NC 27708-0360

Phone: (919) 613-7090
Fax: (919) 613-7231
Email: Vidmar@law.duke.edu

3. Shari Diamond, Howard J. Trienens Professor of Law

Northwestern University
School of Law
357 East Chicago Ave.
Chicago, Illinois 60611

Phone: (312) 503-2040
Fax:
e-mail: s-diamond@law.northwestern.edu

**Resolution to Approve the
Establishment of a New Master of Science Degree Program
in Legal Studies (MSLS) in the Graduate Field of Law**

WHEREAS, the General Committee of the Graduate School has reviewed and approved the proposal to create a new [Master of Science degree program \(MSLS\)](#) in the graduate field of Law;

WHEREAS, the Committee on Academic Programs and Policies has reviewed and recommends creation of this Master of Science in Legal Studies;

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the establishment of a new Master of Science degree program in Legal Studies in the graduate field of Law.

CAPP APPROVAL
December 2006

RESOLUTION TO AMEND CODE OF ACADEMIC INTEGRITY

Whereas the Educational Policy Committee has reviewed the Code of Academic Integrity, and

Whereas the EPC proposes modification of the current Code,

Therefore be it resolved that Sections II C 4 – 8 be amended as follows:

Replace Section II C 4 a and b with

4. The Board may either

a. Find the student innocent of the charge, or

b. Find the student guilty of the charge and act in one or more of the following ways:

i. Affirm the faculty member's decision

ii. Direct the faculty member to change the penalty given. Examples of possible penalties are to: record a failing grade in the course, record a failing grade in some portion of the course, and reduce the final grade of the student one level (e.g. from B to B-, or C- to D)

iii. Recommend to the dean of the student's college that the student be placed on probation (or the college's equivalent)

iv. Recommend to the dean of the student's college that the student be suspended from the University for a period of time

v. Recommend to the dean of the student's college that the words "declared guilty of violation of the Code of Academic Integrity" be recorded on the student's transcript. The Hearing Board may set a date after which the student may petition the Board to have these words deleted from the transcript

vi. Recommend to the dean of the student's college that the student be expelled from the University

vii. Recommend to the dean of the student's college any other suitable action, including counseling, community service, or reprimand

Renumber existing item II C 4 c as item II C 5.

Renumber existing items II C 5-8 to II C 6-9.

Replace current II C 5 b i and ii with:

i. If a grade penalty has been exacted (II C 4 b i-ii), the dean may direct the faculty member to reduce the grade penalty.

ii. If another penalty has been exacted (II C 4 b iii-vi), the dean may modify or decline to carry out the recommended penalty.

Rationale for Changes

Effect of the proposed changes: The current Code of Academic Integrity stipulates that an Academic Integrity Hearing Board or college dean may recommend an adjustment, generally a reduction, in a grade penalty imposed on a student by a faculty member for a violation of the Code. The proposed new wording would make any such recommendation binding.

Educational Policy Committee
February 5, 2007

For comparison, the existing Code of Academic Integrity is available at <http://www.cuinfo.cornell.edu/Academic/AIC.html>

Or attached with suggested changes noted on colored pages. Deletions are marked with ~~striketroughs~~ and additions are underlined.

**Code of Academic Integrity
Proposed Changes to Section II, C
February 5, 2007**

(Deletions - ~~strikethroughs~~) (Additions - underlined)

4. ~~The Board may act in one or more of the following ways:~~

- a. ~~Find the student innocent of the charge~~
- b. ~~Find the student guilty of the charge and~~
 - i. ~~Recommend to the faculty member that she or he reduce the penalty given~~
 - ii. ~~Affirm the faculty member's decision~~
 - iii. ~~Recommend that the faculty member record a failing grade for the course, or for some portion of it~~
 - iv. ~~Recommend to the dean of the student's college that the student be placed on probation (or the college's equivalent)~~
 - v. ~~Recommend to the dean of the student's college that the student be suspended from the University for a period of time~~
 - vi. ~~Recommend to the dean of the student's college that the words "declared guilty of violation of the Code of Academic Integrity" be recorded on the student's transcript. The Hearing Board may set a date after which the student may petition the Board to have these words deleted from the transcript~~
 - vii. ~~Recommend to the dean of the student's college that the student be expelled from the University~~
 - viii. ~~Recommend to the dean of the student's college any other suitable action, including counseling, community service, or reprimand~~

4. The Board may either

- a. Find the student innocent of the charge, or
- b. Find the student guilty of the charge and act in one or more of the following ways:
 - i. Affirm the faculty member's decision

ii. Direct the faculty member to change the penalty given. Examples of possible penalties are to: record a failing grade in the course, record a failing grade in some portion of the course, and reduce the final grade of the student one level (e.g. from B to B-, or C- to D)

iii. Recommend to the dean of the student's college that the student be placed on probation (or the college's equivalent)

iv. Recommend to the dean of the student's college that the student be suspended from the University for a period of time

v. Recommend to the dean of the student's college that the words "declared guilty of violation of the Code of Academic Integrity" be recorded on the student's transcript. The Hearing Board may set a date after which the student may petition the Board to have these words deleted from the transcript

vi. Recommend to the dean of the student's college that the student be expelled from the University

vii. Recommend to the dean of the student's college any other suitable action, including counseling, community service, or reprimand.

5. e. Reporting and Implementation of Decision. The dean of the student's college shall be notified of the decision of the college Hearing Board within 7 days. Unless an appeal is filed under the guidelines established below, the dean of the student's college shall ensure that the decision of the Hearing Board is carried out and shall notify all parties of the implementation and the decision.

6.5. Review of Decision. The student may appeal a decision of the Hearing Board. The appeal must be directed to the dean of the student's college, in writing, and shall be constructed according to one or both of the guidelines established below. The appeal shall normally be submitted within 4 weeks of notification of the Board's decision, but exceptions to this deadline may be granted by the dean on showing of good cause. If the Board's decision involves students from more than one college, the deans involved shall consult with each other.

a. Appeal of a finding of guilt. A student who has received a finding of guilt from the Board, or whose finding of guilt in a Primary Hearing was upheld by the Board, may appeal on one or both of the following grounds:

i. Additional evidence which might have affected the outcome of the hearing became available following the hearing.

ii. A violation of procedure by the Hearing Board that might have prejudiced the outcome of the hearing.

The dean may deny the appeal or send the case back to the Hearing Board for reconsideration.

b. Appeal of a penalty. The student may appeal the findings of the Hearing Board regarding penalties. The appeal shall specify the reasons why the student believes the penalty is inappropriate. After consultation with the Hearing Board, the dean may take one of the following actions:

- i. If a grade penalty has been exacted (~~H.C.4.b.i-iii~~) (II C 4 b i-ii), the dean may ~~recommend to direct~~ the faculty member ~~that the grade penalty be reduced to reduce the grade penalty.~~
- ii. If another penalty has been exacted (~~H.C.4.b.iv-viii~~) (II C 4 b iii-vi), the dean may modify or decline to carry out the recommended penalty.

In all but the most unusual circumstances, it is the expectation that the findings and recommendations of the Hearing Board will be upheld by the dean. The dean's decision cannot be appealed.

7. 6. Annual Reports. Each college Academic Integrity Hearing Board shall submit a summary report of its proceedings (without identifying any particular student) to the Dean of the Faculty at the end of the academic year. The names of the members of the Board and any significant departures in procedure should be reported as well.

8. 7. Honor Codes. The existing school honor codes as in the College of Veterinary Medicine and the Law School are not governed by the foregoing legislation, but current versions of these honor codes must be kept on file with the Office of the Dean of the Faculty. In the case of allegations against a student enrolled in a course subject to a school honor code but registered in another college, all actions beyond the primary hearing revert to the Hearing Board of the student's college.

9. 8. Records of Action. If the student is found guilty, a record of the outcome of the case and the nature of the violation shall be kept by the Hearing Board, and copies shall be sent to the record keeper in the student's college, if different from the College in which the violation occurred. The record keeper shall disclose this record to Hearing Boards considering other charges against the same student, to deans or associate deans of colleges in furtherance of legitimate educational interests, to the Registrar for notation on the transcript when provided by the decision of the Hearing Board and the dean, but to no one else unless specifically directed by the student.

If the student is found not guilty by the Hearing Board, all records of the case, including the report of the primary hearing, shall be expunged from the files of the record keeper.

Resolution to Change the Charge and Name of

Committee on Research on Human Subjects to Institutional Review Board for Human Participants

Whereas the Office of Human Research Protections in the U.S. Department of Health and Human Services has guided university Institutional Review Boards to include a larger number of community and provided considerable guidance as to membership and responsibilities;

Whereas current university legislation describes a charge that does not fully incorporate the guidelines of the U.S. Department of Health and Human Services;

Whereas current university legislation creates a committee structure that could not respond flexibly to changes in federal regulations regarding the conduct of IRBs;

Whereas the conventional title of this committee used by the U.S. Department of Health and Human Services and most other universities is Institutional Review Board (IRB);

Therefore, it is proposed that the title of this committee be changed to Institutional Review Board for Human Participants and that the charge for this committee be changed to the following: [\(see following pages\)](#)

Committee on Research on Human Subjects
February 6, 2007

**Cornell University
Institutional Review Board for Human Participants**

CHARGE

AUTHORIZATION

In accordance with its Federalwide Assurance on file with the Department of Health and Human Services, Cornell University has an Institutional Review Board for Human Participants (IRB). The IRB is a standing committee of the University Faculty. Its activities are overseen by the Vice Provost for Research Administration.

CORNELL'S COMMITMENT TO PROTECTING HUMAN PARTICIPANTS

In order to protect the rights of all human participants involved in research at Cornell University, the University operates its human participant research programs under a Federalwide Assurance (FWA) with the Office of Human Research Protection (OHRP) within the Department of Health and Human Services. The FWA represents a fundamental commitment to the protection of human participants and applies to all Cornell University research involving human participants, regardless of the location of the research or its sources of funding, be they governmental agencies, nonprofit organizations, industry, or University funds. In addition, the FWA applies to all research that is conducted at Cornell University or using Cornell resources regardless of whom is conducting the research.

As part of its mission, Cornell University maintains a Human Research Protection Program that adheres to the principles outlined in the Belmont Report, the Declaration of Helsinki (as amended in 1989), and the Nuremburg Code as well as with the federal regulations, outlined in 45 CFR 46 and its Subparts A, B, C, and D, and the FDA regulations, outlined in 21 CFR 50 and 21 CFR 56. In addition, the University complies with New York State Public Health Law 24-A §2444 and New York State regulations concerning the use of human participants in research. When research activities are being proposed to be conducted in other states and/or countries by Cornell faculty, staff, and/or students, the research activities will be approved in compliance with the regulations for those specific research locations.

DEFINITIONS

Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge¹. Activities which meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities and they would be included in this definition of Research.²

*Human participants*³ means a living individual about whom an investigator (whether professional or student) conducting research obtains:

- (1) Data through intervention or interaction with the individual, or
- (2) Identifiable private information.

Intervention includes both physical procedures by which data are gathered and manipulations of the participant or the participant's environment that are performed for research purposes. Intervention includes communication or interpersonal contact between investigator and participant.

Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public. Private information must be individually identifiable (i.e., the identity of the participant is or may readily be ascertained by the investigator or associated with the information) in order for obtaining the information to constitute research involving human participants.^{4, 5}

Investigator - The individual(s) designated to have the appropriate level of authority and responsibility to direct the research project and/or activity.

ORGANIZATIONAL ROLES

1. Without exception, all human participant research conducted by Cornell University investigators, students, and staff, and any others conducting research at Cornell or utilizing Cornell resources, must receive prior approval of Cornell University's

¹ Generally defined as publication, presentation, or requirement for a degree

² 45 CFR 46.102(d)

³ For purposes of this document, "Human Participants" is equivalent to "Human Subjects"

⁴ 45 CFR 46.102(f)

⁵ Private information includes: name; address; elements of dates related to an individual (e.g. birth date, marriage date, date of death, etc.); numbers (telephone, fax, social security, medical record, health beneficiary/health insurance, certificate or license numbers, vehicle numbers; account numbers (e.g. credit card), device identification numbers, serial numbers, and/or any unique identifying number, characteristics, or codes); email address; Web URLs; Internet Protocol addresses [IP]; biometric identifiers (e.g., voice, fingerprints); full face photographs or comparable images; or biological samples or genetic material.

Institutional Review Board for Human Participants (IRB). The IRB for Human Participants has the authority to review, approve, disapprove or require changes in research or related activities involving human participants. Research reviewed by the IRB may also be subject to other review and approval or disapproval by officials at Cornell University. However, those officials may not approve research that has not been approved by the IRB for Human Participants.

2. The IRB for Human Participants has the final determination as to what constitutes Research and the use of Human Participants. The IRB for Human Participants makes the final determination as to whether or not activities meet the definition of Research and if the activity needs to be reviewed and/or approved by the IRB for Human Participants. Investigators cannot exempt themselves and their activities from IRB review and approval. The approval by the IRB for Human Participants cannot occur after the data for a research activity has been collected.
3. The Vice Provost for Research Administration serves as the Institutional Official for the Federal-Wide Assurance with OHRP. As such, the Vice Provost for Research Administration, in consultation with the Provost and appropriate Deans, has oversight responsibility of the University's Human Research Protection Program.

CHARGE

The IRB shall ensure the protection of human participants as subjects of research at Cornell University. The IRB shall:

- (a) Determine what activities constitute research and the use of human participants.
- (b) Review, approve, require modifications in (to secure approval), or disapprove all research activities covered by this policy prior to the commencement of the research.
- (c) Require that information given to participants as part of informed consent is in accordance with appropriate law, regulations, and international standards.⁶ The IRB for Human Participants may require that additional information be given to the participants when, in the IRB's judgment, the information would meaningfully add to the protection of the rights and welfare of participants.
- (d) Require documentation of informed consent or waive documentation in accordance with federal and New York State laws and regulations. When research activities are being proposed to be conducted in other states and/or countries by Cornell faculty, staff, and/or students, the research activities will be approved in compliance with the regulations for those specific research locations.⁷
- (e) Notify investigators and the institution in writing of its decision to approve or disapprove the proposed research activity, or of modifications required to secure IRB approval of the research activity. If the IRB decides to disapprove a research activity, it shall include in its written notification a statement of the reasons for its decision and give

⁶ 45 CFR 46.116

⁷ 45 CFR 46.117

the investigator an opportunity to respond in person or in writing.

(f) Conduct continuing review of research covered by this policy at intervals appropriate to the degree of risk, but not less than once per year, and have authority to observe or have a third party observe the consent process and the research.

(g) Suspend or terminate approval of research that is not being conducted in accordance with the IRB's requirements or that has been associated with unexpected serious harm to participants. Any suspension or termination of approval shall include a statement of the reasons for the IRB's action and shall be reported promptly to the investigator, appropriate institutional official, and the department or agency head.

MEMBERSHIP

The IRB for Human Participants shall consist of twelve to eighteen members. It shall consist of (a) at least one physician representing the Gannett Health Services, (b) at least two members not otherwise affiliated with Cornell University; (c) a representative from Cornell Environmental Health and Safety, and (d) other members of the University faculty to be able to review and approve research conducted by Cornell University. All members shall be appointed by the President upon recommendation of the Dean of the Faculty in consultation with the Vice Provost for Research. Members will serve terms of one to three-years and should provide representation primarily from the social, behavioral, and biological sciences. The Committee Chair shall be appointed from among the faculty members by the President upon recommendation of the Dean of the Faculty in consultation with the Vice Provost for Research. The Chair will serve for a term of one to three years after which time the Dean of the Faculty, in consultation with the Vice Provost for Research; will make a recommendation to the President concerning the appointment of a new Chair or the reappointment of the present chair.

ADMINISTRATIVE SUPPORT

The Office of Research Integrity and Assurance (ORIA) provides the administrative support for the Human Research Protection Program and the IRB for Human Participants. Initial contact with the Committee should be made through ORIA.

Persons requesting a decision on whether research or scholarly activity is subject to the University's Human Research Protection Program must contact ORIA. The ORIA staff will make the decision based on the following factors: (1) whether or not the activity is subject to Cornell University's FWA, (2) when the activity represents Research and involves Human Participants, and (3) whether or not Cornell University is "engaged" in the research activity.

Determination requests made in writing (e-mail, fax, or hard copy), must include sufficient documentation of the proposed research to allow a fully informed determination. ORIA staff or the IRB will respond to these written requests with a written determination. The submitted materials and a copy of the determination letter will be kept on file.

ORIA, acting for the IRB and any subcommittees, shall maintain minutes of all meetings and shall record their findings and recommendations as part of these minutes. These records shall be maintained in ORIA.

ANNUAL REPORT

The IRB shall submit an annual report to the President on its activities for the year and shall make its report available to the Faculty Senate. The Chair of the IRB shall also submit an annual report of IRB activities and deliberations to the Institutional Official and the Dean of Faculty.

The basic formulation and structure of this committee was embodied in a report from the Committee on Research Policy and Personnel, Faculty Council Minutes, June 6, 1967; amended November 18, 1970. Amended by the FCR, December 9, 1987, Records, pp. 6530-44C, Appendix B; October 11, 1989, Records, pp. 6769-70C. Changes in nomenclature from FCR to Faculty Senate and to reflect amendments to Organization and Procedures of the University Faculty, October 1995. Amended to increase the number of members from twelve to eighteen on October 10, 2001. Amended to change the composition of the committee on February 13, 2002. ***Amended to (1) change the name of the committee to the Institutional Review Board for Human Participants, (2) clarify the charge to the Committee, (3) change the number of members from eighteen to 12-18, and (4) provide for rotating terms of Committee members, on March 14, 2007.***

Resolution from the Committee to Review Faculty Governance

Whereas the Committee to Review Faculty Governance was created by the Faculty Senate in November 2005 to study the state of faculty governance at Cornell and “to 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

Whereas the Committee to Review Faculty Governance has fulfilled its charge and has submitted its final report and recommendations to the Faculty Senate,

Be it resolved that the Senate receives the [report](#) with thanks and calls on the Dean of Faculty and the University Faculty Committee to initiate further consideration of the recommendations.

*Committee to Review Faculty Governance
March 7, 2007*

*University Faculty Senate
March 14, 2007*

Faculty Senate Committee to Review Faculty Governance
Final Report and Recommendations

March 7, 2007

Table of Contents

I. Introduction.....	2
II. The Shared Governance Model in the University.....	3
III. Trends in the United States Weakening Shared Governance: The Impact on Cornell.....	6
IV. Recommendations.....	11
Appendix A: Resolution to Review Faculty Governance, and Committee Members.....	15
Appendix B: Individuals Interviewed or Consulted by FGC.....	17
Appendix C: Relevant Events at Cornell University Concerning Faculty Governance....	18

I. Introduction

The Committee to Review Faculty Governance was created by the Faculty Senate in November 2005 to study the state of faculty governance at Cornell and “to make recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the university faculty on administrative decision-making at Cornell.” (See Appendix A/Faculty Senate resolution creating the Committee to Review Faculty Governance, and committee members). The Faculty Governance Committee (FGC), which consists of seven faculty members from across the university, was established as a result of a perceived crisis in the university governance process. The triggering event for formation of the FGC was the action of the Board of Trustees in negotiating President Lehman's resignation without faculty input from any level, exacerbated by a confidentiality agreement that restricted the public release of information. This issue was not, however, a unique one with respect to raising questions about the importance of faculty input into events that affect the well being of the University. It was the latest in a series of events of the past decade that have now caused the faculty to express concern over their lack of influence in university governance.

To carry out its tasks, the FGC engaged in work in multiple areas. The FGC: (1) defined issues of faculty governance, both conceptually and in practice at Cornell; (2) researched secondary sources (e.g. reflective essays and empirical studies) on faculty governance models, including faculty governance systems at other universities¹; (3) conducted interviews with individuals and groups of current and former faculty, administrators, and trustees at Cornell²; (4) conducted telephone interviews with individuals outside Cornell; and (5) solicited input and suggestions from the members of the Faculty Senate, department chairs, and the entire Cornell faculty. These five areas of the FGC's activities are interrelated, as the research and interview processes helped to define the key issues of faculty governance and provide information useful for addressing them. The FGC presented a draft final report and recommendations (dated November 1, 2006) to the Faculty Senate at its November 8, 2006 meeting and held a Faculty Forum on the draft report on November 15, 2006. The FGC has created a web page on the Faculty Senate's web site, which includes the progress report, draft final report and recommendations, and other information relevant to the committee's work.

Section II of this report discusses the traditional university “shared governance” model, which is linked to academic freedom in fulfilling the university's public mission in a democratic society. This section also describes the roles and responsibilities of the

¹ The FGC researched faculty governance systems of the following universities: California Institute of Technology; Harvard University; Massachusetts Institute of Technology; University of California, Berkeley; University of Chicago; University of Iowa; University of Pennsylvania; University of Wisconsin; and Yale University.

² See Appendix B: List of individuals interviewed or consulted by the FGC. The Faculty Governance Committee is grateful to these individuals for taking their valuable time to answer our questions and to give us the benefit of their insights and opinions on the issues that have been our primary concern.

respective elements of the shared governance structure at Cornell. Section III discusses societal changes in the United States that have led to institutional shifts in many universities, including a weakening of shared governance. The discussion analyzes the way these trends in governance are reflected at Cornell, including institutional changes and approaches to governance by the university administration, changes in faculty attitudes toward faculty governance, and the implications of these changes for shared governance at Cornell.

Section IV presents the FGC's recommendations, aimed at preserving and enhancing active faculty consultation and participation in university governance. These recommendations are based on the view that strong and stable institutional mechanisms for participation are essential to successful university governance, including strong faculty governance processes. Effective leadership is also important in these matters and has been critical to Cornell's success. University governance should not, however, depend only on the philosophies or personalities of particular leaders, but should rather be built upon institutional structures and processes that transcend the inevitable changes in leadership over time.

The appendices to the report include the charge to the FGC and the list of FGC members (Appendix A); the individuals interviewed or consulted by the FGC (Appendix B); and descriptions of certain events during the past decade at Cornell exemplifying faculty governance concerns as well as events leading to more successful use of faculty governance processes (Appendix C).

II. The Shared Governance Model in the University

Creating and preserving a great university depends, in part, on adopting governance processes that promote the institutional role of the university in serving the public good through teaching, research and service.³ The model of university governance widely adopted in U.S. universities is "shared governance," which includes faculty participation in university governance as an essential element of promoting and preserving the quality of the university's core educational functions of teaching and research.⁴ In the absence of formalized structures for consultation, faculty participation in university decision-making occurs primarily in times of crisis and is, thus, reactive rather than proactive. Shared governance processes provide institutional mechanisms to encourage deliberative, rather

³ See, e.g., Joan Wallach Scott, *The Critical State of Shared Governance*, <http://www.aaup.org/publications/Academe/2002/02ja/02jasco.htm>; Larry G. Gerber, "Inextricably Linked": *Shared Governance and Academic Freedom*, <http://www.aaup.org/publications/Academe/2001/01mj/mj01gerb.htm>; William G. Tierney, *When Divorce Is Not an Option: The Board and the Faculty*, <http://www.aaup.org/publications/Academe/2005/05mj/05mjtier.htm#b1>

⁴The mutual recognition by faculty and university administrations of the importance of shared governance dates back to the joint effort by the AAUP and the Association of American Colleges to restate the principles of academic freedom, which resulted in the 1940 Statement of Principles on Academic Freedom and Tenure, in AAUP POLICY DOCUMENTS & REPORTS 3 (1995) [hereinafter, 1940 Statement]. The Association of American Colleges is now the Association of American Colleges and Universities. AAUP POLICY DOCUMENTS & REPORTS 1 (B. Robert Kreiser ed., 9th ed. 2001).

than crisis-based faculty participation. The shared governance model is linked to the role of academic freedom in preserving collective faculty autonomy over traditional academic matters such as faculty hiring, peer review, curriculum, and student academic standards. The shared governance model also recognizes that meaningful faculty governance over academic matters requires broad faculty participation in other aspects of university governance, such as budgets and administrative appointments, which affect the core academic functions of teaching and research. Making faculty perspectives and expertise an integral part of university governance thus promotes decision-making consistent with the university's core missions.

In its 1966 "Statement on Government of Colleges and Universities," the American Association of University Professors (AAUP) describes the shared governance model that reflects the norm at many universities, including Cornell. This Statement enumerates the principal governing responsibilities of university boards (i.e., trustees), presidents, and faculty, and it offers broad guidelines for productive interactions among these groups.⁵ It recognizes that they will each initiate action in different areas, and that the weight of each group's voice may differ depending on the nature of the issue. Faculty have "primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life that relate to the educational process"; the President is the "chief planning officer" with a "special obligation to innovate and initiate"; and the governing board is the "final institutional authority."

At the same time, the AAUP Statement emphasizes crucial areas for joint planning and effort, including long-term institutional planning with "the broadest possible exchange of information and opinion," decisions about buildings and facilities, budgeting, the choice of a new president, selection of deans and other chief academic officers, and determinations of faculty status. The Statement stipulates that interdependence and joint planning are essential to fulfilling the university's public mission and to preserving the core value of academic freedom.

Cornell's shared governance structure mirrors the AAUP model in the divisions of authority and responsibility. The Cornell Bylaws give the Board of Trustees "supreme control over the university," which is implemented largely through the leadership of the University President as "chief executive and educational officer of the University," and the Provost.⁶ The Bylaws explicitly protect faculty autonomy over academic matters in the individual colleges and schools and questions of educational policy that concern more than one college or department.⁷

Cornell policy expresses the view that good leadership by the Trustees and Administration respects the shared governance model. As described in the Organization and Procedures of the University Faculty (OPUF), University leadership "functions best

⁵ <http://www.aaup.org/statements/Redbook/Govern.htm>

⁶ University By-Laws, Art. V, §1; Art. VI. §1

⁷ University By-Laws, Arts. XII, XIII. <http://www.cornell.edu/trustees/cornell_bylaws.pdf>

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.”⁸ The University includes institutional positions and structures to implement consultative processes between faculty and the Administration/Trustees. At the college and departmental levels, this consultation is carried out between Deans, Department Chairs, and faculty. At the university level, consultation is carried out among the Dean of Faculty, the Faculty Senate, the Administration, and the Trustees.

The Dean of Faculty and Faculty Senate are included in the Cornell University Bylaws. The Dean of Faculty, elected by the University Faculty for a three-year term with possible reappointment by the Senate for two more years, has an important role of representing the faculty’s interests to the Board of Trustees and Administration. In this capacity, the Dean of Faculty meets with the President, Provost, and Board of Trustees, including the Board’s Executive Committee. The OPUF emphasizes the Dean of Faculty’s role as an independent faculty representative, stating that the Dean “is not a member or agent of the University administration.”⁹ The Dean of Faculty has the responsibility to “oversee and expedite” Senate committee work and to inform committees of problems that should be addressed. The Associate Dean of Faculty, who is also elected by the University Faculty, has duties that include chairing the Nominations and Elections Committee and *ex officio* membership on each committee of the University Faculty and each committee of the Senate.

The Faculty Senate carries out the functions of the University Faculty “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.”¹⁰

The University Faculty Committee (UFC) is a liaison between the Cornell Faculty Senate and the President, Provost, and other senior university administrators. The UFC, whose members are elected for three-year terms by the University Faculty, is an executive committee for the Senate, with responsibilities including setting Senate meeting agendas and acting for the Senate when necessary during emergencies.¹¹ The UFC “has the responsibility to inform and consult the Senate on a regular and frequent basis.”¹² Most recently, the UFC, as a faculty consultative body, has begun to meet regularly with the Trustees.

The Faculty Senate Nominations and Elections Committee, which is elected by the University Faculty, presents to the Faculty Senate slates of nominees for Senate standing and *ad hoc* committees. Faculty may also be members of committees created by the central administration to make or advise on policy issues, or carry out searches. Where

⁸ <<http://web.cornell.edu/UniversityFaculty/gov/OPUF.html>>

⁹ *Id.* at Section V.B.

¹⁰ OPUF Sections IV, IX, X, XII.

¹¹ *Id.* at Sections VIII.A.1.; XI.B.

¹² *Id.*

the administration decides to appoint faculty members to such committees, OPUF provides that the administration is expected to choose about half the faculty membership on the committee from Senate nominations.

Faculty hold seven of the 21 seats on the University Assembly (UA). The duties of the UA includes “legislative authority” over the Campus Code of Conduct and the Statement of Student Rights.”¹³ The UA may make recommendations on academic matters to the University Faculty.¹⁴

III. Trends in the United States Weakening Shared Governance: The Impact on Cornell

Current issues of faculty governance at Cornell should be understood in the broader context of national trends over the last three decades that have had an impact on the structure and practices in universities throughout the United States. These trends have been characterized in different ways, including the increasing use of a model based on market and financial concerns of the university as a business.¹⁵ While the influence of business on universities is not a new phenomenon, dating as far back as the early 1900s, privatization trends since the 1980s have more recently expanded the use of a business or market model in universities. Various factors have contributed to the use of this market model, including: competition for students and research dollars and resulting pressures on universities to “market” themselves; increasing costs, overall, of operating the university; rising costs of research in the sciences and engineering; the growing media use of competitive rankings in *U.S. News & World Report* and other outlets as indicators of presumed educational quality; and the privatization of public functions, with a decrease in public funding to universities.¹⁶ These increased concerns with market issues are reflected in changes in university institutional structures and practices, including: continuing increases in tuition and student financial aid; increased student debt, which affects students’ career choices; a focus on the “branding” of the university; descriptions of students as “customers” purchasing education as a “product”; the expanding importance in the university of sciences as compared to the humanities; the growth of university technology transfer offices to commercialize science and engineering research through patenting and licensing¹⁷; widely divergent faculty salaries across disciplines,

¹³ <http://assembly.cornell.edu/UA/Home>

¹⁴ <http://assembly.cornell.edu/UA/About>

¹⁵ See, e.g., Jennifer Washburn, *UNIVERSITY INC.: THE CORRUPTION OF HIGHER EDUCATION* (New York: Basic Books 2005); Risa L. Lieberwitz, *University Science Research Funding: Privatizing Policy and Practice*, in *SCIENCE AND THE UNIVERSITY* (Paula E. Stephan and Ronald G. Ehrenberg, eds., University of Wisconsin Press, forthcoming); Gerber, *supra* note 3.

¹⁶ See MARTIN KENNEY, *BIOTECHNOLOGY: THE UNIVERSITY-INDUSTRIAL COMPLEX* 28-29 (New Haven, Yale University Press 1986); Sara Shipley Hiles, *As Funding Drops, Young Researchers Suffer Most*, *THE BOSTON GLOBE*, Vol. 125, No. 64 (Jan. 25, 2006) (both sources discussing decreasing federal research funds in the 1980s).

¹⁷ See, e.g., David Blumenthal, David, *Academic-Industrial Relationships in the Life Sciences*, 349 *NEW ENGLAND JOURNAL OF MEDICINE* 2452, 2454-55 (2003); Sheldon Krinsky, *The Profit of Scientific Discovery and Its Normative Implications*, 75 *CHICAGO-KENT LAW REVIEW* 15, 22 (1999); Arti K. Rai and Rebecca S. Eisenberg, *Bayh-Dole Reform and the Progress of Biomedicine*, 91 *AMERICAN SCIENTIST* 52, 53 (Jan.-Feb. 2003).

based on the scarcity value of faculty in their respective “markets”; pressures on faculty to provide their own research support; the growth of the ranks of lower paid nontenure-track faculty¹⁸; and increased emphasis on commercial aspects of university athletic programs. Both private and public universities have been affected by these factors, particularly as shrinking state funds lead public universities to raise tuition and expand relationships with industry.

One of the chief outcomes of these developments has been the overall expansion of “non-academic” units of the university to address administrative areas such as finance, student affairs, housing, and legal affairs. Yet these “non-academic” areas, for all the above-mentioned reasons, have a growing impact on traditional “academic” concerns. Especially in institutions with residential college structures, housing offices have various areas of responsibility that overlap with academic concerns. As growing numbers of students seek participation in internships and extracurricular activities (in part to enhance their attractiveness in the job market), the work of student services offices increasingly connects to the academic mission of the university. Legal affairs and efforts to deal with potential or actual litigation now permeate all areas of university operations. And in an era in which universities are under continuing financial pressures, finance and financial management concerns have overriding impacts across all areas and all functions of the modern university.

The expanding presence of this market model and the growing importance of “non-academic” concerns to the core academic mission of the university raise concerns about the preservation of traditional academic values of the university. Will the university be able to maintain the institutional goals and values central to its role in a democratic society; that is, will the university preserve a commitment to its public mission and the culture of collegiality, community, openness of communication, and consultation that are part of academic freedom and shared governance? There is widespread concern that the university’s changing identity as a business has been accompanied by institutional and structural changes that alter the unique academic culture of openness, debate, and careful deliberation essential to effective teaching, research, and participatory governance.¹⁹ Many commentators have raised warnings that the shared governance model is eroding in the context of these changes in the university, resulting in more unilateral decision-making by university administrations and trustees and a corresponding decrease of faculty participation in university governance outside of the parameters of undisputed academic issues.

¹⁸ The AAUP reports that “non-tenure-track positions of all types now account for 65 percent of all faculty appointments in American higher education,” with 35.5 percent growth of full-time nontenure-track faculty between 1998 and 2001. This contrasts with hiring practices in 1969, when only 3.3 percent of full-time faculty appointments were nontenure-track. AAUP, *Background Facts on Contingent Faculty*, available at <http://www.aaup.org/AAUP/issued/contingent/contingentfacts.htm> > See also, John C. Duncan, Jr., *The Indentured Servants of Academia: The Adjunct Faculty Dilemma and Their Limited Legal Remedies*, 74 IND. L.J. 513, 521-28 (1999).

¹⁹ See, e.g., Scott, *supra* note 3; David A. Hollinger, *Faculty Governance, The University of California, and the Future of Academe*, <http://www.aaup.org/publications/Academe/2001/01mj/mj01holl.htm> ; Gerber, *supra* note 3.

The responsibility for the widespread erosion of the faculty governance role rests with the faculty, as well as with the university administration and governing boards. As faculty have increasingly turned their attention to individual concerns with research funding and to relationships and activities outside their own universities, they have reduced their interest and participation in collective faculty governance “at home.”²⁰ While faculty members are often more concerned with the research and teaching that drew them to the academy in the first place, and because the tenure and merit pay processes typically reflect the value of research and teaching above service, faculty tend to view university service activities, including governance, as less important than other faculty work, too time consuming, and overly burdensome. Yet, without effective faculty governance, the environment for faculty research and teaching may be imperiled. Patterns have emerged of university administrations making decisions without consultation with established faculty governance bodies.²¹ Additionally, as university structures have expanded “non-academic” administration, this institutional reorganization limits faculty consultation and participation in decision-making.

These national trends and concerns about the impact on faculty governance are also reflected at Cornell. In interviews with faculty, including Deans of Faculty and Faculty Trustees, and in faculty e-mails, the FGC heard certain repeated concerns, which are discussed below. Appendix C of this report provides a more detailed account of these concerns as they have arisen in the context of the specific events leading to the creation of the FGC.²²

The concerns expressed by faculty in interviews and e-mails can be summarized as follows²³:

- The Administration and Board of Trustees have not consistently consulted in a timely and adequate manner with the University Faculty and Faculty Senate on important issues. Meaningful consultation should include active participation by faculty in decision-making on university policy and plans affecting academic matters. An essential part of meaningful faculty participation is active consultation *early* in the process of considering new or revised university policies or structures. Faculty understand that a serious consideration of faculty perspectives and recommendations may ultimately result in a decision with which many disagree. But the process of consultation should be one in which all parties are engaged in a good faith attempt to reach a consensus.

Faculty concerns about this issue arise from a pattern of the Administration and Board of Trustees making unilateral decisions, which have been presented to the faculty as a *fait accompli* or where there has been insufficient faculty

²⁰ See Hollinger, *supra* note 19.

²¹ See Scott, *supra* note 3.

²² Appendix C also includes an account of one issue where faculty governance was used quite successfully, in creating the Faculty Advisory Committee on Tenure Appointments (FACTA).

²³ See Appendix C for more detailed descriptions of events cited in the following discussion.

consultation. In April 2000, the Faculty Senate adopted a resolution seeking to rectify the problem of the Administration's failure to engage in early and adequate faculty consultation concerning reorganization of the Division of Biological Sciences, reorganization of the Department of Computer Science, and the creation of eCornell. In the case of the Division of Biological Sciences, the Faculty Senate was consulted late in the process, long after the Provost had created a task force to make recommendations concerning reorganization. One outcome of the process for reorganizing the Division of Biological Sciences was the creation of the Local Advisory Council, which now provides a governance mechanism for early and ongoing faculty consultation on such issues in the natural sciences. In the case of the Department of Computer Science, the Provost unilaterally created and filled a position of Dean of Faculty of Information Science, without consulting the Faculty Senate. Similarly, the Administration announced its intention to recommend that the Board of Trustees create eCornell as a for-profit corporation, without prior consultation with the Faculty Senate.

The April 2000 Faculty Senate resolution instructed the Dean of Faculty and UFC to draft a written agreement with the President and Provost to ensure early and adequate consultation with the Faculty Senate. Although the parties entered such an agreement, which was adopted by the Faculty Senate in May 2000,²⁴ the problem of a lack of early and adequate consultation has persisted. The most recent example of this problem, triggering the creation of the FGC, was the resignation of President Lehman, which occurred without any prior consultation by the Board of Trustees with the faculty, including the UFC and the Faculty Senate. After faculty protested the limited extent of faculty participation in the subsequent search for a new president, additional faculty were appointed to the presidential search committee.

Other recent examples of inadequate faculty consultation include the Provost's announcement, in summer 2002, of a proposal to dissolve the College of Architecture, Art and Planning (AAP), without prior consultation with AAP faculty. Faculty were surprised, as well, in summer 2002 by the forced resignation of Professor Philip Lewis from his position as Dean of Arts and Sciences, which was imposed by the President and Provost without prior consultation with the faculty nor explanation after the fact of the reasons for their actions. Criticism of the Trustee's precipitous action in the Lehman resignation, along with the Administration's decision-making process regarding Redbud Woods, were the immediate precipitating events leading to the Faculty Senate's September 2005 resolution creating the FGC. The provisions supporting the resolution described the decision to pave Redbud Woods as "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."

²⁴ See Appendix C, descriptions of eCornell and of the Faculty of Computer and Information Science.

- The growth of “non-academic” administrative offices is structurally exclusionary; that is, defining areas such as student affairs and budgeting as “non-academic” offices excludes an adequate level of faculty consultation and participation on what are actually academic issues. Many financial planning issues, including the setting of tuition levels and commissioning of building projects, directly affect faculty work, as do student housing and other issues dealt with by “non-academic” offices such as Student and Academic Services. Consultation between the administration and faculty should include these issues, which affect core academic matters.
- There have been significant instances where communication by the Administration and Trustees of information to faculty on key university matters has been inadequate, resulting at least in part from an overuse of confidentiality as an information sharing criterion. The prime example of this problem was the Lehman resignation. Faculty were concerned that the Trustees did not provide information to faculty through a consultation process that was also sensitive to the unusual nature of the circumstances.²⁵ In the case of the forced resignation of Professor Philip Lewis from the position of Dean of Arts and Sciences, the Administration did not provide faculty with reasons for the resignation, despite Professor Lewis’ request that President Rawlings publicly provide such information.²⁶
- Some Faculty Senate committees do not have a sufficiently strong influence on decisions made by the Administration and Board of Trustees. The Administration has not responded in a timely way to several Faculty Senate committee recommendations or Faculty Senate resolutions. For example, in March 2005, the Faculty Senate passed two resolutions that adopted two separate recommendations of the Faculty Senate *ad hoc* Committee on Nontenure-Track Faculty Status. The Administration has not yet taken action to respond to these two recommendations to create emeritus titles and professional development opportunities for senior lecturers, senior research associates, and senior extension associates. Another example of an overly long process is the development of a suspension policy covering tenure-track faculty (also referred to as Policy on Sanctions and Job-Related Faculty Misconduct), which has taken almost five years from initial formation of a Faculty Senate task force to final Faculty Senate adoption of the proposed policy. A significant part of the delay was created by two periods of almost one year each, when the policy had left the Senate and was under consideration by the Administration, including the academic deans.

Effective shared governance also requires that faculty recommendations have an adequate influence on the Administration and Trustees’ decisions in appropriate

²⁵ See, Philip Lewis, *On Trusting in Secrecy*, at 1-3, available at <http://web.cornell.edu/UniversityFaculty/announce/LewisOpinionPiece.pdf>

²⁶ *Id.* at 4.

circumstances, such as issues that strongly affect academic matters. For example, the Faculty Senate Committee on Academic Freedom and Professional Status (AFPS) has concluded that the AFPS faculty grievance process does not guarantee sufficient influence on the Administration of AFPS recommendations, which often require many hours of investigation and deliberation. The AFPS has proposed changes in the grievance processes to strengthen the influence of the Committee's recommendations on the Administration's final decisions on faculty grievances.²⁷

- Only a minority of the faculty actively participates in faculty governance processes, including the Faculty Senate and Senate committees. Without broad faculty participation over time, including rotation in and out of faculty governance activities, it is difficult to create a deep faculty commitment to the value of faculty governance. Without a norm of broad faculty involvement in governance, it is also difficult to create and enforce a related expectation that the Administration and Trustees will consistently engage in serious consultation with faculty over university policy and actions.

The current and former administrators and trustees interviewed by the FGC do not, in general, share these same concerns. They do support a governance model that respects faculty autonomy over core academic matters such as curriculum, research, and academic degree programs, and that may include consultation with faculty outside these core academic areas. The differences between the Administration and Trustees' perspectives and the concerns expressed by faculty reside, often times, in the gray areas of defining which issues should include consultation between the administration and faculty and the degree of influence that faculty consultation should have on the final decision.

IV. Recommendations

The recommendations in this report are designed to improve and strengthen faculty governance at Cornell and by so doing, improve the overall quality of the University. The recommendations address the issues and problems identified by the FGC in its work, with a particular focus on openness and meaningful consultation between faculty and the administration and the trustees, toward a goal of consensus as decisions are made.

The success of any changes depends on active faculty participation in university governance, including the UFC, Faculty Senate, Faculty Senate committees and University Assembly. The Dean of Faculty and University Faculty Committee (UFC) should develop a program to educate new members of the Senate and newly hired faculty about governance processes and procedures. Departments should encourage broad and

²⁷ See Discussion of AFPS proposal at the December 14, 2005 Faculty Senate meeting, <http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/2005-2006/121405Minutes/Minutes051214.htm> The UFC transferred the AFPS proposed changes to the FGC for consideration. While the FGC does not make a recommendation on the specific proposal, it has concluded that the recommendations of the AFPS and other Faculty Senate committees should be given greater weight in final decisions by the Administration. See FGC recommendation #3.

active participation of faculty in the Faculty Senate, giving such representation weight appropriate to the importance of faculty governance at Cornell, relative to other faculty committee and service duties. Faculty Senators should report to and seek input from the faculty they represent on a regular basis.

1. The role of the Dean of Faculty and UFC shall be expanded to improve communication and consultation between the Administration, the Board of Trustees and the Faculty:

- **Expanded membership eligibility:** Five members of the UFC shall be current Senate members at the time of their election; four need not be current members of the Senate at the time of their election.
- **Broad consultation:** The President, Provost and Trustees shall use their regular meetings with the Dean of Faculty and the UFC to raise issues for faculty consultation. In addition to meeting regularly with the President and Provost, the Dean of Faculty shall attend the President's weekly meetings with senior administrators. Issues for faculty consultation should cover both academic and non-academic matters that affect faculty and academic life at the university (e.g. capital campaign planning; housing; budget/finance; new construction). These issues shall be raised early enough to provide time for meaningful consideration by appropriate Faculty Senate committees, *ad hoc* faculty committees, or joint faculty/administration committees. In unusual cases where time is of the essence, the President, Provost, or Board of Trustees shall work with the Dean of Faculty and UFC to find ways to act quickly while also providing adequate faculty consultation.
- **Report regularly to the Faculty Senate:** Given the scope and importance of their liaison roles, the Dean of Faculty and UFC shall each make an oral report at every Faculty Senate meeting, with sufficient time for questions. These reports should fully inform the Faculty Senate of the content of the UFC's meetings with the Administration and Trustees. Any restriction of information based on confidentiality shall be defined as narrowly as possible. At least once a semester, the Dean of Faculty and UFC shall report on the progress in implementing specific Senate resolutions. All Dean of Faculty and UFC reports shall be posted on the University Faculty website, in addition to their inclusion in the Faculty Senate meeting minutes.
- **Ensure timely response to and implementation of Faculty Senate resolutions:** The Dean of Faculty and the UFC shall adopt processes to ensure timely response to and implementation of Faculty Senate resolutions, including: encouraging Senate committees to seek responses from the Administration or Deans, where appropriate, to proposals prior to submission to the Faculty Senate; establishing timetables, with the Administration, for the Administration's definitive responses, whether positive or negative, to resolutions adopted by the Faculty Senate²⁸; and adopting processes to ensure

²⁸ The University of Chicago provides an example of a governance process that places primary responsibility on the University President for implementing the decisions of the Council of the Senate, which is a university-wide governing body consisting of 51 faculty members. The University President,

that Faculty Senate resolutions, when accepted by the administration, are implemented within one to two semesters.²⁹

- **Authority during breaks:** During the summer and winter breaks, when the Faculty Senate does not meet, the UFC shall have executive authority to consult, on behalf of the Faculty Senate, with the Administration and Board of Trustees when necessary to deal with crises or other important issues that arise. In dealing with such matters, the UFC shall attempt, whenever possible, to find interim solutions until such time as the Faculty Senate is able to meet and consider the matters.
 - **Special consultation:** Prior to accepting the resignation or considering the discharge of the President or Provost, the Board of Trustees or the President, respectively, shall consult with the UFC.
 - **Initiate reviews of deans, vice presidents, and vice provosts, based on significant faculty concerns:** The UFC shall adopt a procedure for receiving substantive complaints about the functioning of deans, vice presidents, and vice provosts. In consultation with the Provost, the UFC will decide if the substance and number of complaints is significant enough to merit a formal review.
2. **President's biannual meeting with the faculty and university faculty fora:** The President shall hold a meeting with the faculty, as a whole, at least once each semester to report on the state of the University and answer questions. In addition, the Dean of Faculty shall hold university faculty fora on crucial issues, as they arise. The agendas of these meetings shall be publicized, with a general discussion following the particular agenda items.
3. **Effectiveness of Faculty Senate committees:**
- Faculty Senate committees shall review their committee charges to determine if the charge should be amended to provide mechanisms that add weight to committee recommendations to the CU Administration. Committees that seek to change their charge shall bring a resolution to the Faculty Senate.³⁰ Each Faculty Senate committee shall establish regular meeting times at the start of each academic year.

who acts as chair of the Council meetings, executes or implements the decisions reached by the Council and reports back to the Council.

²⁹ Structural changes may require up to two semesters for implementation. Examples include the suspension policy recommended by the AFPS and approved by the Faculty Senate in September 2006, and the Faculty Senate *ad hoc* Committee on the Status of Nontenure-track Faculty recommendations for emeritus status and professional development opportunities for senior level nontenure-track faculty. See Appendix C. Other types of Senate resolutions should, in general, be implemented more quickly. The emeritus status and professional development opportunities recommended by the Faculty Senate *Ad Hoc* Committee on the Status of Nontenure-Track Faculty have still not been implemented, more than one year after Senate approval. See Appendix C.

³⁰ At the December 2005 Faculty Senate meeting, the Faculty Senate Committee on Academic Freedom and Professional Status (AFPS) proposed amending its charge to strengthen the weight of its recommendations to the Administration concerning faculty grievances. The UFC referred the AFPS resolution to the FGC. The AFPS should consider re-submitting its resolution to the UFC for debate by the Faculty Senate.

- The Administration shall consult regularly with Faculty Senate standing committees on relevant issues of policy. For example, the Faculty Senate Financial Policies Committee (FPC) should have a more consultative role in university budgetary planning. One means to further this goal could be for the chair of the FPC to participate in the Provost's budget committee or to reinstate the practice by Provosts Nesheim and Randel to include faculty members on the Provost's budget committee.³¹ Another example is the Executive Committee of the University Diversity Council, which was created in December 2006. A standing appointment of the chair of the Faculty Senate Affirmative Action Committee would create an ongoing liaison with the Diversity Council.
4. **Faculty participation in presidential searches:** In recognition of the importance of the position of the University President, the appointment of the President shall be carried out in as open a manner as possible, including broad faculty input and consultation in search processes. Faculty shall compose at least one-half of any search committee for the President.³² These faculty appointments shall be made through a process of nominations by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate. The Nominations and Elections Committee shall adopt procedures that ensure its independent role in nominating the slate of faculty search committee members that it presents for the Faculty Senate's approval.
 5. **Faculty participation in searches for the Provost:** While recognizing that the President has the prerogative to appoint the Provost, faculty shall participate actively in the search process for Provost, including consultation by the President with the University Faculty Committee and the Nominations and Elections Committee.
 6. **Faculty participation in searches for college deans:** The Provost's process for selecting faculty membership on Deans' search committees should be amended to clarify the role of the Nominations and Elections Committee. The Provost's current policy for Deans' searches includes the following provisions: After receiving nominations from the faculty of the particular college, "[t]he Provost submits a list of possible search committee members to the Nominations and Elections committee, the members of which suggest revisions to the list or additional names. The Provost makes final decisions about the membership after determining individuals'

³¹ The current Provost's budget committee is made up only of administrators. Adding faculty participation has its roots in the history of an analogous budget committee under Provosts Nesheim and Randel, which included two faculty members; one appointed by the Faculty Senate and another appointed by the Provost.

³² Examples of faculty representation on presidential search committees at other universities include: University of Wisconsin-Madison (faculty make up a majority of the search committee for Chancellor); University of Chicago (The search committee is made up of the 49 Board of Trustees members, 7 faculty members elected by the faculty, and student representatives. A faculty advisory committee, consisting of one faculty member and one trustee from the search committee, consults extensively with the deans); California Institute of Technology (In its last three searches for president, a trustee selection committee made an offer to a candidate from a short list generated by an all-faculty search committee.)

willingness or ability to serve.”³³ This procedure should be amended in the following ways: The Provost shall consult actively with the Nominations and Elections Committee throughout the process of appointing Deans’ search committees. The Nominations and Elections Committee shall have access to the list of faculty who were nominated from the college to serve on the search committee. This information shall include any supporting statements on behalf of the faculty nominees. After receiving the Nominations and Elections Committee’s suggested revisions to her/his initial list, the Provost shall submit the final faculty list to the Nominations and Elections Committee for their review prior to inviting faculty to serve on the search committee. If any faculty decline to serve, the Provost shall consult with the Nominations and Elections Committee about the names of additional faculty to add to the list.³⁴

7. **Faculty participation in searches for senior-level administrators:** Appointments of senior level administrators shall be carried out in as open a manner as possible, including broad faculty input and consultation in search processes. In searches for the Dean of the Graduate School and Dean of Students, the Administration shall follow the Organization and Procedures of the University Faculty (OPUF), which describes the process for Senate nominations of faculty to serve on search committees appointed by the Administration. Section XIII.B of OPUF states: “The central administration will be expected to select about one-half of the faculty membership on each such committee from names presented by the Senate. The Senate will present as many names as are requested, but in no case more than twice the number to be selected.”³⁵ These faculty nominations shall be made by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate.
8. **Reviews of the offices of the President and Provost:** The offices of the President and Provost shall be reviewed periodically, and at least once every five years. The Dean of Faculty and the UFC should be actively involved in scheduling the reviews and developing the review procedures. The Nominations and Elections Committee should be involved in nominating faculty to serve on review committees. Such reviews would provide a systematic faculty evaluation of the offices’ structure and performance and the opportunity for recommended improvements.³⁶

³³ “Policy Statement – Provost Biddy Martin: Deans’ Searches, Reappointments, Mid-term Review,” available at, <http://web.cornell.edu/UniversityFaculty/announce/ProvostStatement021002.html>

³⁴ The recommended changes in recommendation #6 do not strictly follow the Organization and Procedures of the University Faculty, described in recommendation #7. The FGC interviewed current and past chairs of the Nominations and Elections Committee, current and past Deans of Faculty, and the Provost about the process of appointing faculty to dean search committees. The changes recommended here are based on the view that the current process is generally adequate, but could be improved by enhancing the Nominations and Elections Committee’s participation and access to information.

³⁵ <http://web.cornell.edu/UniversityFaculty/gov/OPUF.html>

³⁶ An example of procedures for periodic reviews of central administration offices is found in the University of Iowa policies. See University of Iowa Operations Manual, Chapter 28.4, available at, <http://www.uiowa.edu/~our/opmanual/ii/28.htm#284>

APPENDIX A

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.

(Resolution passed by the Faculty Senate on October 12, 2005)

Members of the Committee to Review Faculty Governance:

Brad Anton, Chemical and Biomolecular Engineering

N'Dri Assie-Lumumba, Africana Studies & Research Center

Eric Cheyfitz, English, Arts & Sciences

William Crepet, Plant Biology, Agriculture & Life Sciences

Cornelia Farnum, Biomedical Sciences, Veterinary Medicine

David R. Lee, Applied Economics & Management, Agriculture & Life Sciences

Risa Lieberwitz (Chair) Collective Bargaining, Labor Law & Labor History, Industrial & Labor Relations

APPENDIX B

Individuals Interviewed or Consulted by FGC

Cornell University Administration and Board of Trustees

President Dale Corson
Board of Trustees Executive Committee Chair Diana Daniels
Professor Philip Lewis (former Dean of College of Arts and Sciences)
Provost Carolyn (Biddy) Martin
Board of Trustees Chair Peter Meinig
Cornell University Counsel James Mingle
Board of Trustees Executive Committee Chair Edwin Morgens
President Hunter Rawlings
President David Skorton

Cornell University Deans of Faculty and Faculty Trustees

Professor Emeritus Robert Cooke (former Dean of Faculty)
Professor Ronald Ehrenberg (former University Vice President and current Faculty Trustee)
Professor Cynthia Farina (former Associate Dean of Faculty)
Professor Emeritus Walter Lynn (former Dean of Faculty; former Faculty Trustee)
Professor Kathleen Rasmussen (former Associate Dean of Faculty; current Faculty Trustee)
Professor Peter Stein (former Dean of Faculty; former Faculty Trustee)
Professor Charles Walcott (current Dean of Faculty)

Cornell University Faculty

Professor Pierre Clavel, *City and Regional Planning*
Associate Professor Abigail Cohn, *Linguistics*
Senior Lecturer Stuart Davis, *English*
Professor Terrence Fine, *Electrical and Computer Engineering*
Professor Dominick Lacapra, *Comparative Literature*
Professor James Turner, *Africana Studies and Research Center*

APPENDIX C

Relevant Events at Cornell University Concerning Faculty Governance

Resignation of President Lehman

On June 11, 2005, at the conclusion of his State of the University address and without prior warning, Jeffrey Lehman announced his resignation as Cornell's eleventh president, stating:

I am proud of what Cornell has achieved during my tenure as president. Over the past few months, it has become apparent that the board of trustees and I have different approaches to how the university can best realize its long-term vision. In light of our differences, it is best for the university that I step aside. I know that this remarkable university will continue to prosper and move forward under different leadership. As a Cornell graduate, I remain deeply devoted to the university, its faculty and students.

(<http://www.news.cornell.edu/stories/June05/President.steps.down.html>, accessed 09/25/06)

That same day, Peter Meinig, Chairman of the Cornell Board of Trustees, issued a statement to the Cornell community, in which all he said by way of explanation of the resignation was:

While much has been accomplished over the past two years, we believe that this decision is in the best interests of Jeff and the University and all of its constituents. The Trustees and all of the members of the University community appreciate Jeff's many contributions to Cornell over the past two years, and wish him every success as he goes on to the next stage of his career. (http://www.news.cornell.edu/stories/June05/Meinig_statement.html, accessed 09/25/06)

Meinig's statement also announced that he would "appoint shortly" a search committee to begin working on finding Cornell's twelfth president.

Nothing more of an official nature was said of the resignation and in an interview with Lehman, reported on June 15 by Linda Grace-Kobas of the Cornell News Service, he

dismissed speculation that he and the trustees were at odds over the direction of the university or its academic goals, or that they were unhappy over his handling of contentious local issues. "This was not about an issue, not about people or personalities. It was about a philosophical difference over how Cornell should reach our goals," he stated emphatically. "I think my departure signals an

opportunity for the board to find a new president who is more in tune with their strategies for how to reach those goals.”

(http://www.news.cornell.edu/stories/June05/Lehman_interview.lgk.html, accessed 09/25/06)

In the absence of any concrete explanation for the resignation and in the face of a confidentiality agreement signed by the trustees and Lehman, speculation ensued. In an article on June 17, 2005, *The Cornell Daily Sun* reported that the “board...had, by almost all accounts, forced his resignation”; moreover, although “University representatives have consistently characterized the issues as ones between the president and the Board, many members of the Board told *The Sun* they were unaware of the rift until the day of Lehman's announcement.”³⁷ The article continues:

Many in Day Hall and on the Board itself say that Meinig forced Lehman to resign or face removal. Why Meinig would want to remove a president who had reigned over two of Cornell's most lucrative fund raising years ever is a closely guarded secret.

Day Hall observers have spent endless hours debating various theories about what caused the final break, which occurred sometime shortly after commencement.

Most attribute at least some degree of the relationship's breakdown to the sudden departure of Inge Reichenbach, Cornell's former vice president for alumni affairs and development. Although University representatives were quick to characterize her departure to Yale as her decision to take a more lucrative offer, Reichenbach had made every sign of making Ithaca her permanent home.

(<http://cornellsun.com/node/14929>, accessed 09/25/06).

In its July/August 2005 issue the *Cornell Alumni Magazine Online* emphasized the speculation, now taking place in a range of publications, local and national, noting:

In the absence of substantive information, there was a great deal of conjecture, much of it centered on fund-raising issues. The Chronicle of Higher Education reported that “there was speculation on the campus that the trustees blamed Mr. Lehman for the sudden departure of Inge T. Reichenbach, the university's chief development officer, just as the campus was in the early stages of a major capital campaign. Ms. Reichenbach, who had been at the university for twenty-five years, left with little notice to become Yale University's vice president for

³⁷ In a Faculty Senate meeting of October 12, 2005, Provost Biddy Martin offered the following explanation for what part of the Board participated in the resignation: “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.”

development." Lehman denied this allegation, telling the Ithaca Journal that the disagreements were not over "a personnel matter."

(<http://cornellalumnmagazine.com/Archive/2005julaug/depts/FTH.html>, accessed 09/25/06)

Because Lehman's resignation occurred in the summer, the faculty was not able to respond to the event in any formal or unified way until the fall semester of 2005. But on August 30th, answering an invitation from the presidential search committee to meet with it, faculty filled Hollis Cornell auditorium and turned the meeting from one about the search for a new president into one about the lack of information afforded the Cornell community concerning the reasons for the resignation and the lack of consultation with the faculty in making such an important decision in the first place. The faculty expressed its dismay and anger to Meinig at the absence of communication between the Board of Trustees and the faculty in the Lehman matter. The sense of the faculty on that occasion is captured by Professor Abby Cohn in the minutes of the October 12, 2005 meeting of the Faculty Senate, the meeting in which the Senate voted to create the Faculty Committee on Governance:

I guess the biggest concern for me ... 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.... 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 [Search] Committee, which I am grateful for, we have yet to start to get this two-way thing going. I really hope that you [the UFC] 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.

(http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/2005-2006/101205Minutes/101205.htm (11 of 27)9/8/2006 2:14:22 AM)

The August 30th meeting yielded no new information on the Lehman resignation. Citing the confidentiality agreement, Meinig would not disclose any specifics beyond his June 11th statement.

In the wake of the August 30th meeting two faculty initiatives took place. One, to constitute a faculty body to review governance at Cornell, was initiated by an independent group of faculty affiliated with the Cornell University Faculty for Justice and Peace (CUFJP), many of whom had been involved in the action to save Redbud Woods. This eventuated in the Senate resolution to create the Faculty Committee on Governance. The other initiative was generated by the Senate itself and took the form of the *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* (<http://web.cornell.edu/UniversityFaculty/FacSen/050914SenateMtg/OpenDialogueRes.pdf>, accessed 09/27/06). The resolution, which was passed at the September 14th meeting of the Senate, notes how "very seriously [the faculty takes] its obligation to advise the Administration of the University on the conduct of the University's business" but that it "cannot perform this function in a climate of secrecy." Further, the resolution notes "the

abruptness of the resignation of President Lehman and the lack of any meaningful explanation for it have, to our knowledge, no precedent at Cornell or at other prestigious American universities.” Registering the “distress[...]

of the Senate that the faculty had to turn to journalistic speculation “rather than to an official University source” for its information on the resignation, the resolution states: “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,” thus expressing its anxieties about the state of governance at the university. In view of the situation, the resolution 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” the specifics of the Lehman resignation and further 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.”

At the October 12th meeting, minutes of which are given at the URL cited above, Professor Kathleen Rasmussen reported on the Board’s response to the resolution, which came in the form of a letter, distributed to the Senate. While this reporter has not read the letter, the gist of it, as summarized in the minutes of October 12th, was that the Board would and/or could not (within the terms of the confidentiality agreement) elaborate further on the disagreements between the Board and President Lehman that led to his resignation. Professor Rasmussen remarked: “For those of you who wanted all of the details, this response will surely not be satisfactory.”

Members of the Senate whose responses were recorded in the minutes variously voiced their concerns at the response. Professor Martin Hatch remarked: “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 Steve Shiffrin noted: “It occurs to me that there are questions to be raised that the Trustees could address without violating the confidentiality agreement.... 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, one of the authors of the resolution, added: “Meinig’s statement was nothing more than what was stated originally in announcing the resignation.” And Professor Peter Stein, another of the authors, said: “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.”

There have been no further official disclosures in this matter. But it is safe to conclude that one of the “several events during the last year [that] have raised questions about the relationship among the Faculty Senate, the central administration, and the Board of Trustees at Cornell University” (Senate Resolution on Faculty Governance”) was the Lehman resignation and the sense of the faculty that it marked a crisis in governance.

Reorganization of the Division of Biological Sciences

One of the most contentious issues in the past 10 years has been the reorganization of the Division of Biological Sciences. When established under President Corson's leadership in 1964, the Division lent visibility and coherence to Cornell's significant, but dispersed assets in basic biology. The new Division controlled the biology major and introductory biology courses. This structure was emulated at a number of major institutions. However, things had changed by the time of Hunter Rawlings' Presidency. Exemplary basic biologists had been hired in traditionally applied departments and, excluded from the Division except via joint appointments, they sometimes felt out of the decision-making loop and distanced from participation in the introductory biology courses. There was also growing dissatisfaction with Division leadership, exacerbated by the slowdown in faculty hiring related to a series of austere budgets.

The Division structure came under increased scrutiny when Cornell lost ground in biochemistry, molecular biology and genetics in the National Research Council rankings. While maintaining an excellent position [4th place] in areas related to ecology, evolution and behavior, plant biology and zoology, all other areas were ranked below the 21st position. Provost Randel appointed a 14 member task force to review the effectiveness and structure of the Division of Biological Sciences. The Task Force began its deliberations in the summer of 1997 and was co-Chaired by representatives of the two principal Colleges contributing to the biological sciences: then Associate Deans Biddy Martin (CLAS) and Ronnie Coffman (CALS). The Task Force membership included the Chairs of each of the Sections of the Division (Ecology and Systematics, Neurobiology and Behavior, Genetics and Development, Biochemistry and Molecular Biology, Plant Biology, Microbiology, Physiology, and the L.H. Bailey Hortorium) and representatives of the three Colleges contributing faculty members to the Division. In addition to evaluating the efficacy of the Division, the membership was explicitly charged with recommending an optimal administrative structure for the basic biological sciences.

Task Force deliberations were time consuming, lively, contentious, and protracted (the Task Force met for at least 4 hours per week for almost one year). Faculty input was sought through meetings between the Task Force members and the Faculties of each of the Sections. Other relevant individuals--various administrators, including representatives of non-division departments, division administrators etc., were interviewed or gave presentations to the Task Force during the process. After considerable and prolonged discussion, the Task Force issued its report on the Division of Biological Sciences Structural Review as a draft report on February 6, 1998, in order to facilitate discussion with the biologists in the Division (the final report was released on March 12, 1998). Among other things, the Task Force recommended eliminating the Division in favor of a number of discrete departments, retaining an undergraduate office to oversee the biological sciences major, and creating a biological sciences institute to foster excellence in what appeared to have been neglected but vital areas in the biological sciences. The Task Force leadership agreed to meet with the faculty of the Division for discussion (but not a vote) and two meetings were held; one on February 10th and one on the 12th. The first meeting was dominated by those opposed to dissolving the Division

while the second was characterized by a more balanced debate. In any event, it was clear that a substantial number of faculty members opposed the recommendations found in the Task Force report. Professor Howland organized a faculty response to the Task Force report on the Division Structural Review that was released on March 2, 1998, ten days before the final Task Force report was released. On May 13, 1998, the Faculty Senate considered the issue for the first time,³⁸ passing the following resolution:

Resolved: The Senate urges the University Administration not to disband the Division of Biological Sciences without further and full consultation with the faculty of the Division and the University, with the Faculty Senate and with outside experts, and without the same thorough and careful deliberation used in the creation of the Division in 1964.

The following summer, concurrent with self studies going on in each of the Sections, and with outside reviews of each in various stages, the external review group (Arnie Levine, Gerald Fink, Peter Raven and Nina Federoff) was called to evaluate the state of the biological sciences at Cornell. Their report, delivered in September of 1998, expressed the view that Cornell University had a mismatch in resource allocation and in productivity in the biological sciences. They further observed that productivity in molecular and cell biology and genomics, in structural biology, and chemical biology, needed to be enriched if Cornell was to resume its leadership position in the biological sciences. They further suggested that a vice provost be appointed to foster the biological sciences and that an external advisory board be appointed to advise her/him. They also made a few specific recommendations including investing resources in genomics, structural biology and building a transgenic mouse facility.

Pursuant to the resolution of May 13th, the issue was again taken up by the Faculty Senate at its meeting of October 14, 1998.

At this meeting a panel discussion of the Task Force Report took place and extensive discussion ensued. At the end of the day the following resolution was passed:

WHEREAS, the Task Force Report (Division of Biological Sciences: Structural Review, March 1998) has been discussed within the Division of Biological Sciences but neither it nor the Response to the Task Force Report on the Division of Biological Sciences Structural Review (March 1998) has been available to or discussed by faculty with interests in the life sciences who hold appointments outside of the Division of Biological Sciences, and

WHEREAS, about one-third of Cornell's faculty is engaged in research in the life sciences and, therefore, any decision made based on these reports or on the Report of the

³⁸ Prior to the May 1998 meeting, the issue of the reorganization of the Division of Biological Sciences was raised in the Faculty Senate only through a question by Professor Howland during Provost Randel's regularly scheduled question and answer period (March 1998 meeting) and by Professor Howland during the "Good and Welfare" period in the April 1998 meeting, stating his intention to propose the resolution eventually adopted at the May 1998 Senate meeting.

External Review Committee for the Biological Sciences (September 1998) and will affect a high proportion of Cornell's faculty directly or indirectly, and

WHEREAS, reviews of the programs of affected units are currently underway, and

WHEREAS, there is no pressing deadline by which any structural reorganization of the Division of Biological Sciences must take place, and

WHEREAS, informed discussion of options by interested and affected faculty members may result in a better and more widely accepted solution than those already proposed; therefore,

BE IT RESOLVED, that the Faculty respectfully requests that the Administration make no decision on the future existence and/or structure of the Division of Biological Sciences until such time as the faculty as a whole has had an adequate opportunity to provide informed input on this important issue.

Vice Provost Cutberto Garza was asked by the Administration to gather broad community input on the reorganization of the Biological Sciences. As a result of his efforts, he presented several alternatives in a memo dated October 20, 1998 that were gleaned from “*a distillation of reports, reviews, and oral and written recommendations and observations made by individual faculty to the President and Provost, and at meetings that have been held with various faculty and student groups.*” His goal was to receive information before the Faculty Senate Meeting of November 11, 1998. These options were also presented at a University Faculty Forum on the Biological Sciences, which was scheduled by Dean J. Robert Cooke for October 21, and further discussed in an update on the reorganization by Vice Provost Garza.

On November 11, 1998 the Faculty Senate met to consider variously modified options for organizing the Biological Sciences. This meeting began with a series of questions from Professor William Lesser, a member of the Faculty in the Department of Agricultural Economics and Management, to Provost Don Randel on the Administration's position on the relevant issues. Professor Lesser's third question is now particularly relevant to the current Faculty Governance Committee's deliberations: “*What do you hope to receive from the Senate discussions in this area?*” And, relevant too was Provost Randel's reply: “*What we seek from the discussion of the Senate, indeed, what we have been seeking from the discussions in various other orders, is a sense of the Faculty's view on how we ought to proceed on this matter. And in that sense, I clearly can't give you a view of what the central administration is going to do because we partly await the outcome of this discussion as well as many others. I think after this one, we will begin to proceed to set down on paper what we ought to pursue.*” A full discussion of the options occupied the remainder of that meeting, with faculty speaking for and against options that eliminated the Division of Biological Sciences. No votes were taken but Professor Richard Harrison, Task Force member, arguing in favor of the Task Force recommendation to eliminate the Division of Biological Sciences noted that, with respect to retaining a division structure,

“The majority of faculty within the Division favor that option.” This opinion was based on sentiments expressed by the faculty at previous meetings. As it was not clear whether biologists outside of the Division were in favor of retaining the Division structure, it was uncertain how the entire population of biologists would have voted on reorganization.

Rumors spread throughout the Faculty that Vice Provost Garza had advised Provost Randel against eliminating the division structure and that Provost Randel was also disposed to retain the Division. Thus, there was some surprise when President Rawlings sent a letter on November 17 in which he revealed his decision to “*implement the primary recommendations of the Task Force on the Future of the Division of Biological Sciences.*”

President Rawlings attended the Faculty Senate meeting of December 9, 1998 to make a statement about his decision and to answer questions. At that meeting, he expressed a desire to maintain Cornell’s strength in organismal biology while building strength in molecular biology, genetics and structural biology. With apropos references to the classics (Pericles v. Odysseus), Professor Howland asked about the role of the democratic process in future administrative decisions (with reference to the North Campus initiative in addition to the Division). President Rawlings noted that there had been a great deal of discussion on both sides before these decisions were made, including his efforts to seek several additional layers of advice including a multi-level outside review of all components of the Division of Biological Sciences. Ultimately, the biological sciences have prospered since the end of the Division with the *Genomics, Life Sciences and Biodiversity Biocomplexity Initiatives* providing impetus and resources. The biology major and its introductory courses are now administered by the Office of Undergraduate Biology.

Faculty Salary Adjustments To Bring Cornell Faculty Salaries To The Level Of Our Peer Institutions

The campaign for higher faculty salaries was a concerted effort over a five-year period, and implemented over another period of approximately five years. The major actors were two Deans of the Faculty, the President and the Provost, two chairs of the Financial Policies Committee, the Vice President for Planning and Budget, two Vice Provosts, a group of Arts and Sciences Faculty, and the Chair of the Board of Trustees.

The initiative began with a 1995 letter from a faculty member to the Dean of the Faculty, Peter Stein, presenting a detailed comparison between Cornell's endowed salaries and several private peer institutions over many years. The data showed that faculty salaries in Cornell's endowed colleges were significantly lower than in any of their peers and were steadily losing ground. These data were discussed with Vice-Provost John Wiesenfeld who countered with the administration's faculty salary comparison. That analysis compared a combined endowed/contract college average salary with a group of private and public peers. Cornell was below the average, but not at the bottom of the peer group. An additional issue raised by the administration was that salaries should be adjusted to reflect differences in the cost of living between institutions. If that were done, Cornell faculty salaries would be near the top of the comparison group. A resolution for further study of faculty salaries together with the administration was brought to the Senate in March 1997 by the Financial Policies Committee.

The Dean of the Faculty and the Chair of the Financial Policies Committee (FPC) made extensive analyses of salaries at top institutions. They found (a) substantial systematic differences between public and private universities, (b) a correlation of salaries to a quality index based on National Research Council (NRC) rankings, and (c) no statistically significant correlation of salaries with local cost of living indices. According to their analysis incorporating a "NRC quality" factor derived from the above analysis, Cornell salaries were about 18% lower than would be expected. The Dean of the Faculty presented this analysis to the Trustee Executive Committee and the President's staff. In March 1998 the FPC reported to the Faculty Senate that they were asking the Provost to work together with them to reach consensus. In December 1998 a report of faculty salary targets was presented to the Faculty Senate by the Associate Dean of the Faculty.

Talks between the Financial Policies Committee and the Provost continued, and then stalled as noted in the report by the FPC to the Faculty Senate in March 1999. Following a resolution of the Faculty Senate in April 1999 again asking the Provost to work with the Financial Policies Committee and the Vice President for Planning and Budget to develop a new list of peers, negotiations between the Financial Policies Committee and the administration resumed. After much discussion, a compromise was reached. Separate endowed and contract lists were constructed. Cost of living adjustments were dropped. The endowed list was derived from the NRC rankings, but included both private and public institutions. The contract college list was proposed by the contract college deans and accepted by Financial Policies Committee. However, following this agreement, talks

between Financial Policies Committee and the Provost once again stalled. The Chair of the Financial Policies Committee resigned, and was replaced.

After reorganization, the Financial Policies Committee turned its attention away from faculty salaries to other issues. Subsequently, a self-selected group of Arts College faculty, including prior members of the Financial Policies Committee, convened. They decided to bring a resolution to the faculty of the College of Arts and Sciences asking the Trustees to involve themselves in the dispute about faculty salaries. Over the jurisdictional objections of the Arts College Dean, the Arts College faculty approved a petition to the Trustees that was then circulated to the college faculty. An overwhelming majority of the college faculty signed it. Faculty of the College of Arts and Sciences met with a group of Trustees about the petition. A debate among the faculty about releasing the petition to the press followed, and the Chairman of the Board of Trustees came to Ithaca to meet with the College of Arts and Sciences faculty group that circulated the petition and urged them not to release the petition to the press, but the group decided to leave that option open. On the same day, the President and Provost re-convened the faculty/administration working group that had negotiated the selection of salary peers and offered to raise faculty salaries so that Cornell's average salary for each unit was somewhere within the middle third of the comparison group. The faculty members argued that the dollar range spanned by the middle third was so great that it could not be considered a goal. They asked that the goal be the average of the entire comparison group. The President agreed to accept this as a goal to be achieved in five years for the endowed colleges and six years for the contract colleges.

Implementation of the salary improvement plan proceeded on schedule, and even ahead of schedule for some of the contract colleges. Annual reports of progress were presented to the Faculty Senate by the Provost. Targets were met, and in May 2006 a resolution of acknowledgment and appreciation thanking multiple individuals (Peter Stein, Hunter Rawlings, Biddy Martin and Carolyn Ainslie) for making the salary program possible and meeting the targets was placed on the Faculty Senate's agenda by the Financial Policies Committee. Due to a lack of a quorum at that meeting the resolution was not voted on until September 2006, when it passed unanimously.

Creation of Faculty Advisory Committee on Tenure Appointments (FACTA)

FACTA is standing committee of the Cornell tenure-track faculty with the charge to “...advise the Provost on all proposed promotions to and appointments with tenure as well as proposed denials of tenure by a dean after a positive recommendation from the department.” The committee consists of 15 individuals, one elected by the professorial faculty in each college and five nominated by the University Faculty Nominations and Elections Committee and appointed by the Faculty Senate with the goal of maintaining a balanced committee that *in toto* represents the broad and diverse disciplines of faculty at Cornell.

Background to formation of FACTA

The steps for review of a faculty member for indefinite tenure at Cornell University include review by the department, by an *ad hoc* College committee, by the dean of the College, by the Provost, and by the Board of Trustees. Prior to the formation of FACTA, there was no codified procedure through which the Provost would receive advice by individuals in a position to evaluate the final dossier, other than through personal requests from the Provost for advice from academic associates of his/her choosing, such as associate provosts. FACTA was established as the primary source of advice to the Provost prior to making a recommendation to the Board of Trustees. An excellent review of the history of FACTA prepared by J. Robert Cooke, former dean of the Faculty, can be found at: <http://web.cornell.edu/UniversityFaculty/dean/FACTAReviewtoFS0091.pdf>

The current description of FACTA can be found at:

web.cornell.edu/UniversityFaculty/committees/CommLegislation/FACTAlegislatioRev.pdf

As can be seen from the time line of actions and resolutions regarding FACTA, this major revision regarding faculty review of tenure decisions at the University level was implemented in 18 months from the time of initial presentation of the idea to the Senate. Strongly differing points of view were expressed in multiple debates. In subsequent years FACTA has undergone minor modifications, based primarily on input from faculty serving on FACTA.

Time line of Senate committee meetings and resolutions for establishment of FACTA:

May 8, May 15 1996	Faculty Senate debates about FACTA
September 1996	Presentation of ideas relative to FACTA to the Senate
Oct 9, Oct 16 1996	Faculty Senate debates about FACTA
April 1996	Multiple options for possible structures of FACTA presented
May 1996	Motion to develop option 3 (passed 34-25); committee formed to work over the summer
October 1997	Report from the Committee
November 12 1997	Senate approval (48-38-1)
September 1998	Report about FACTA
May 1999	minor amendments after a year in practice
September 2000	suggested changes in description of FACTA
October 2000	minor changes to FACTA
April 2004	minor revisions of FACTA legislation (unanimous)

Creation of a Faculty on Computing and Information Science (FCIS) and the Administration of the Department of Computer Science (CS)

The 1999-2000 academic year saw an intense involvement by the Faculty Senate (FS) and its Committee on Academic Programs and Policies (CAPP) in issues arising from unilateral Administration actions that commenced in March 1999 when the Provost created a Task Force on Cornell in the Information Age. In Summer 1999, the Provost created a Dean for Computing and Information Science (CIS) with responsibilities for the management of the Department of Computer Science (CS). The Administration's positions on this divisive issue were publicly represented by Provost Don Randel and then by Vice Provost Cutberto Garza. The magnitude of the changes and the manner in which they were brought about over strong objections from the Faculty Senate undoubtedly required the active participation and consent of President Hunter Rawlings, although he had no public presence on this issue.

The FS considered and/or adopted motions and received reports on this matter at every one of their AY 1999-2000 meetings, including an additional special meeting in October 1999. Throughout, J. Robert Cooke, Dean of the University Faculty, provide strong support to the deliberative processes of the FS and CAPP and their interactions with the Administration, which chose to act unilaterally on these issues. Vice Provost Garza also made serious efforts to reconcile the positions taken by the Provost and President in opposition to recommendations from the FS and CAPP.

By the April and May 2000 FS meetings, the *pro forma* and reluctant cooperativeness of the Provost and President regarding the issues surrounding the role of the new Dean for CIS, CS, and a proposed Faculty of Computing and Information Science (FCIS), as well as their similar lack of cooperation regarding the disposition of the Division of Biological Sciences, and the creation of eCornell, had all contributed significantly to the adoption by the FS of an agreement entitled, "Principles of Cooperation and Consultation between the President and Faculty Senate." Harold Tanner, then Chair of the Board of Trustees, met with the University Faculty Committee, to oppose the FS proceeding to this written agreement that was adopted unanimously by the FS at its May 2000 meeting.

A brief chronology of significant events surrounding the new Dean for CIS, CS, and FCI is as follows:

The first significant event was the publication in June 1999 of "Cornell in the Information Age," prepared as an initial response from a Provost-appointed Task Force, which promised a final report in November 1999. Strong objections to the content of this initial report were raised in late May 1999 at a meeting of Chairs and Directors of departments in the College of Engineering that was unanimous but for CS. There was no public announcement of the creation of a new Dean for Computing and Information Science, in the person of Robert Constable, a former chair of CS, and then transfer of the administration of CS to this Dean from its former administration by the Dean of the

College of Engineering. The removal of the management of CS from the Engineering College was strongly opposed by its Dean John Hopcroft, himself a former chair of CS and recipient of the Turing Prize, the highest research honor in the CS community. As this slowly became known, there was much expressed concern by faculty in Engineering and in Arts and Sciences about the secrecy of this process and about precisely what had been done over Summer 1999. The Provost then issued an explanatory memorandum on 19 August 1999. Dean of the Faculty J. Robert Cooke organized a forum on 15 September 1999 to discuss these issues. At the start of the fall semester, CAPP had lengthy discussions with newly-appointed Dean Robert Constable and with Engineering Dean John Hopcroft.

CAPP provided the Faculty Senate in October 1999 with a series of motions, culminating in Motion 6 which carried 30-10-3 at a special 20 October meeting. Motion 6 as adopted states: "The President, Provost, and Deans of Engineering and Arts and Sciences are urged to rethink carefully the management of the Computer Science Department, taking into account the intellectual reach of this department and its roles in the Colleges of Engineering and Arts and Sciences and assessing whether radical change is justified by the reasons offered thus far."

At the Senate meeting of 8 December 1999, resolutions were addressed to the "Final Report of the Provost's Task Force on Computing and Information Sciences," which had been made available on 16 November. CAPP presented a motion that carried by vote of 49-3-4, reaffirming that the Senate Motions 2 and 3 passed on 13 October should be a "sound basis for initiating an adaptation to the needs for computing and information science and technology in instruction and research..." reiterating its support for its Motion 4. An indication of the mistrust that had developed concerning the Administration was reflected in an element of the motion stating, "The Faculty Senate instructs the Dean of the Faculty to advise the Board of Trustees, in addition to the President and Provost, of this resolution adopted by the Faculty Senate." Discussion revealed that two months earlier the Faculty Senate had urged a discussion between the Deans of Engineering, CIS, and some others but that the Provost did not organize such a discussion. Dean of Faculty Cooke commented, "I did have a very pointed conversation with the President and the Provost about this issue in which I stated that we were headed for a train wreck, and I urged them to be involved in the conversations before we reach a point where there are strongly held positions that are not reconcilable. His response was that the Dean's Council would discuss this in December and that after that input from a large number of parties would be taken into account."

By the 9 February 2000 Faculty Senate meeting, Vice Provost Garza had been actively engaged, with meetings having been held during the Winter intersession period. Garza reported on these meetings and confirmed that there would be a Dean of Computing and Information Sciences, that Computing and Information Sciences will have an outreach role through the University, there will be an Executive Board advisory to the Dean and appointed by the Provost, and an FCIS will be created and managed by the new Dean. All of this plan was to be advisory to the Provost. By the 8 March meeting, the Provost noted that Garza's ideas presented at the February meeting had yet to be implemented.

The Senate's difficulties in partnering with the Administration on issues of substantial faculty concern, led to the following motion (omitting ``Whereases'') at the 12 April meeting that carried by a vote of 64-4-3.

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

BE IT FURTHER RESOLVED that the Senate instructs the UFC to present the agreement at the May 10, 2000 meeting for formal Senate ratification.”

The following motion (omitting ``Whereases'') passed unanimously on 10 May.

``THEREFORE, BE IT RESOLVED that the Faculty Senate ratifies the document titled "Principles of Cooperation and Consultation between the President and Faculty Senate", and

BE IT FURTHER RESOLVED that Senate instructs the Dean of the Faculty and the UFC to meet with the President and Provost at the end of the 2000-2001 academic year to review the effectiveness of these principles and to consider any needed modifications. Any modifications of these principles will be submitted to the Faculty Senate for ratification.”

This unprecedented formal agreement between the President and the Faculty Senate, “Principles of Cooperation and Consultation between the President and Faculty Senate,” was unanimously approved at the 10 May Faculty Senate meeting.

On 27 April 2000, with the President having adopted the Vice Provost's plan, negotiations regarding initial FCIS members ensued between the Vice Provost, the Deans of Engineering and of Arts and Sciences, and the Dean for Computing and Information Science. On 15 May the Vice Provost announced agreement on the FCIS founding membership of the Dean for CIS and 18 others that included 7 from CS. The first meeting of the FCIS was led by the Dean for CIS on 28 June 2000.

Dean for CIS Constable continues to have administrative control of CS, which remains housed in Engineering but hopes to acquire funds for a building of its own. The size of the CS faculty grew. The FCIS remained a small structure in its first year of operation in AY2000-2001 and acted as the Executive Committee advising the Dean. Since then the Dean for CIS gained sway over a number of units, including the Department of Statistical Science and the Cornell Theory Center. The CIS website informs us that, “The mission of CIS is to integrate computing and information science---its ideas, technology, and modes of thought---into every academic field.” The mission of the FCIS is that it “engages with

every college at Cornell and shares the information revolution with every Cornell student to invent the fields of tomorrow.” There have been a number of appointments of current and new faculty, all with primary memberships in pre-existing departments, with partial support from the FCIS and its Dean. Association with FCIS has been helpful in attracting some of these new faculty, although such an association could have been achieved through graduate field memberships and part-time appointments in CS.

eCornell

eCornell was a contentious issue, in large part due to the administration's failure to engage in early and active consultation with the Faculty Senate. Although a joint administration-faculty committee was eventually created to make recommendations on distance learning models, this action came only after significant conflict between the administration and the Faculty Senate. The conflict was precipitated by the administration's notice to the UFC, in January 2000, of its plans for eCornell as a *fait accompli*. At that time, the administration told the UFC that it intended to seek Board of Trustees approval, in March 2000, to create eCornell as a for-profit distance learning corporation. The Faculty Senate acted quickly, and within two months broadly debated the issue and passed a resolution at the March 8, 2000 Senate meeting asserting the Senate's entitlement to active consultation and participation prior to the creation of eCornell.³⁹ The resolution, which was resoundingly passed by a vote of 65 in favor, 1 opposed, and 2 abstentions stated:

THEREFORE BE IT RESOLVED, that the Faculty Senate expects to participate with the Administration and Trustees in the development of principles and plans for distance learning including any potential establishment of a for-profit corporation. Such plans, once formulated, should be presented to the Faculty Senate for faculty review.

One week later, however, the Cornell Board of Trustees voted to create eCornell as a for-profit corporation. The Board's action, in the face of the Faculty Senate's resolution, created significant frustration in the Senate. Following a series of discussions with the UFC, President Rawlings agreed to appoint a joint administration-faculty committee to study all types of distance learning models. This action avoided further conflict over eCornell, as the joint committee completed a report that was circulated to the Faculty Senate in July 2000, endorsed by the UFC on August 10, 2000 on behalf of the Faculty Senate, and discussed at the September 13, 2000 Faculty Senate meeting.⁴⁰ The joint committee report supported the creation of eCornell to deliver distance education only for nondegree programs, on the condition that faculty retain autonomy over course content.⁴¹

At its April 12, 2000 meeting, the Faculty Senate passed a resolution (by a vote of 64-4-3) instructing the UFC "to draft a written agreement between the Faculty Senate and the President, covering the process by which decisions of the central administration on academic matters will be handled."⁴² This resolution was prompted by the Administration's inadequate consultation with the faculty on issues of eCornell and the reorganization of the Division of Biological Sciences and the Department of Computer

³⁹ http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000308.html

⁴⁰ http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000412minutes.html

⁴¹ The committee did not take a position on whether eCornell should be a nonprofit or for-profit corporation, based on the committee's view that it lacked sufficient expertise on that issue.

⁴² http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000412minutes.html

Science. President Rawlings and Provost Martin entered a written agreement, “*Principles of Cooperation and Consultation between the President and Faculty Senate,*” to engage in early consultation with the Faculty Senate on issues of concern to the faculty.⁴³ While these Principles were ratified by the Senate at its May 10, 2000 meeting, it is unclear whether this document is still active, as most current members of the Faculty Senate are not aware of its existence.

⁴³ http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000510minutes.html
<http://web.cornell.edu/UniversityFaculty/FacSen/Pres/FSCooperation.pdf>

Decision to Investigate Dismantling the College of Architecture, Art and Planning

The following account is written from the perspective of City and Regional Planning (CRP):

1. To CRP, the College of Architecture, Art and Planning (AAP) had always seemed a diverse and tolerant place. The three departments operated with a lot of autonomy. This caused no problems; and all seemed to flourish. Core competencies were different. Special projects across departments did well, notably the Rome Program.
2. But AAP had always been underfunded, resulting in part from a lack of endowments for faculty chairs. College level finance administration was problematic under successive deans. CRP adapted partly by working across college lines through the Einaudi Center and other parallel units; and notably, with the Graduate School.
3. In mid-July 2002 President Rawlings and Provost Martin summoned the dean and three department chairs for a meeting in Rawlings' office, at which Rawlings, noting a series of difficulties and issues, announced the intent to dissolve the college and asked the three chairs to investigate alternative "homes." The chairs tried to get some elaboration:
 - a) They asked Rawlings whether, having made this announcement, it would now be possible to initiate discussions within AAP with more attention by faculty. He indicated that while AAP faculty were free to have internal discussions, he preferred to let his statement of intent stand.
 - b) Rawlings listed a number of issues that "caught our [his and the provost's] attention" – management issues like the tardy submission of required faculty conflict of interest declarations; failure to keep spending under Day Hall targets.
4. There were the following responses over the fall 2002 semester:
 - a) Dean Olpadwala communicated the President's statement to the faculty and to AAP alumni, through the AAP Alumni Council, a body with which he had regularly interacted, exchanging views with about the direction of the College. He had also enlisted the Council's help in fund raising for a new AAP building. The Alumni Council resisted the idea of dismantling the College.
 - b) CRP was strongly against any dismantling of AAP. It hoped for a continuation of the College, with improved administration and resources. CRP faculty spoke to faculty and associate deans in Agriculture and Arts and Sciences, and concluded that the department would not do as well in these environments, much as they respected their capacities and envied their administrative structures.

- c) By September, Olpadwala and Martin had set up a process to study the AAP situation. –
- Martin announced a target number for budget, faculty lines and staff lines.
 - The chairs of the three departments and selected faculty formed two committees
- d) The fall of 2002 was a major strain. Faculty sitting on the committees were frustrated that it was so difficult to get comfortable enough with one another to make progress. Staff morale became a major preoccupation. Their jobs, not faculty jobs, were on the line. They were operating heroically to provide services to students, while hearing their jobs would be gone.
- e) The situation notwithstanding, the central administration did devote serious administrative time to our situation. The Vice Provost, Walter Cohen, interviewed every faculty member and held regular hours in Sibley Hall. Day Hall also assigned a very competent financial administrator, who was quite helpful.
- f) Throughout, no one seemed to know the real reasons for the decision the President had announced in July.
- g) At the end of the fall, the Provost addressed the College faculty. She stipulated that AAP would continue as a college, and concern itself with built environment issues campus-wide, with a dean having a “capacious view” of architecture. There would be a search for a new dean, and the College would come back together. All these things have happened, or begun to happen.
- h) The next three semesters included a year of administrative fixing and exercises in goal setting, and a successful search of a new dean, who took office in July 2004.

Resolution to Establish a Committee to Investigate and Make Recommendations Concerning the Status of Non-Tenure-Track Faculty

Background

A resolution was passed by the Faculty Senate in October 2002 to establish an *ad hoc* committee of the Faculty Senate to study the status of on-tenure track faculty (NTTF) at Cornell. Following the adoption of Clinical Professor titles by the Faculty Senate in September 2002, it was clear that individuals holding clinical professorial titles had been granted several rights and privileges that were more analogous to those of tenure track faculty than to those of other non-tenure-track academic faculty at Cornell. Therefore, following the approval of the Clinical Professor titles, a task force was established to investigate and make recommendations concerning the status of non-tenure-track faculty. A copy of the report of the task force, including membership and recommendations, can be found at <http://instruct1.cit.cornell.edu/~sad4/NTTF/>. Several additional documents can also be found *via* the Faculty Senate website.

The specific charge to the committee, made in January 2003 by the then Dean of the Faculty, Bob Cooke, was “*to investigate and make recommendations concerning the status and conditions of employment of non-tenure-track faculty, paying particular attention to such matters as titles, job security, rights to academic freedom, access to appropriate grievance and appeals procedures, eligibility for sabbatic/study leave, eligibility for emeritus/a status, and voting rights.*”

The deliberations of the committee were held in an on-going timely manner over a two-year period, including reporting back to the Senate at frequent intervals (Feb 2003 - March 2005). However, more than 18 months have gone by since the final passing of two significant resolutions brought by the committee to the Faculty Senate, with no apparent follow through.

Time line of actions by the Faculty Senate concerning NTTF

The following is a time line of actions taken by the Faculty Senate during subsequent years relative to this Task Force.

October 2002:	Resolution to Establish a Committee to Investigate and make Recommendations Concerning the Status of Non-Tenure-Track Faculty
February 2003:	Finalizing membership on the Committee on Non-Tenure-Track Faculty
March 2003	Initial report from the Committee on Non-Tenure-Track Faculty
May 2003	Interim Report, Committee on Non-Tenure-Track Faculty

December 2004 Discussion of final report of Committee on Non-Tenure-Track Faculty

March 2005 Resolutions:
That the Provost and Board of Trustees create emeritus titles for Senior Lecturers, Senior Research Associates and Senior Extension Associates
That the Provost and officers of Schools, Colleges and administrative units employing non-tenure-track faculty create professional development opportunities (specified as non-paid study leaves every ten years)

Follow-up on specific recommendations

a. Research titles: Research Scientist and Principal Research Scientist

The report of the *ad hoc* committee, submitted by the co-chairs, Donald Holcomb and Norman Scott, on behalf of the Committee, is dated August 2004. It includes in it both a recommendation and a resolution for establishment of new research titles or Research Scientist and Principal Research Scientist. The idea for these titles had been originally grown out of efforts by faculty in the Engineering College. The UFC had first brought consideration of these titles to the Faculty Senate in May 2003. Following Senate discussion, further development of this proposal was assigned to the Committee on NTTF.

The Committee on NTTF brought this to the Faculty Senate in May 2004, but further discussion was postponed until the fall of 2004. At the October 2004 meeting of the Faculty Senate the UFC brought the proposal for establishment of the titles Research Scientist and Principal Research Scientist to the Faculty Senate, it passed with two abstentions, and has since been approved by the Trustees.

b. Creation of emeritus titles for Senior Lecturers, Senior Research Associates and Senior Extension Associates

No action has been brought to the Faculty Senate since the passing of the resolution in March 2005.

c. Creation of professional development opportunities

No action has been brought to the Faculty Senate since the passing of the resolution in March 2005.

In his annual report to the Board of Trustees for 2004-2005, dated April 2005, the Dean of the Faculty reported on the three resolutions, and noted that “In addition, there were a number of other issues in the report, including voting rights and grievance procedures that are going to require further action by both the Senate and the university administration.”

Summary of where we stand now

Currently there remain two Faculty Senate resolutions (creation of emeritus titles, and opportunities for professional development) that have passed through the Faculty Senate. The momentum for continuing action (the resolutions were passed in March 2005) is now at the level of the Provost, Board of Trustees, and officers of Schools, Colleges and administrative units employing non-tenure-track faculty.

In addition, several other recommendations made by the Committee on NTTF require further action by both the Senate and the university administration.

Resolution to Establish a Suspension Policy for Tenure Track Faculty

The following is the time line of actions taken from the time a committee was formed to develop a Suspension Policy covering tenure track faculty (also referred to as Policy on Sanctions and Job-Related Faculty Misconduct), to the final Faculty Senate adoption of the proposed policy. From initial formation to the final vote of the Faculty Senate was 4.75 years. There were two periods of almost a year each (May 2004 - May 2005; May 2005 - April 2006), when the policy had left the Senate and was under consideration by the administration, including the academic deans.

- November 2001 **Senate Resolution to create a Task Force on Appeals and Grievance Procedures**
- This Task Force consisted of a subgroup of members of the Senate Committee on Academic Freedom and Professional Status of the Faculty (AFPS), as well as non-tenure-track faculty and graduate student representatives.
- During the next two years the committee met on a regular basis. It turned out that tracking current suspension procedures was difficult due to the presence of conflicting policies, a high degree of autonomy by deans within individual colleges for making the decision, and difficulty in getting accurate information about how often suspension had occurred, under what circumstances, and for what duration. The committee met twice during this period with different subsets of deans for the purpose of discussing initial draft reports and specifics of the current procedures. The committee also met with other individuals such as current and former deans of the faculty and the ombudsman.
- The committee early on decided to restrict its recommendations to tenure track faculty.
- March 2004 **Senate: Initial discussion of the Suspension policy, brought by the AFPS**
- April 2004 **Report to the Faculty Senate from the Chair of the Task Force**
The Dean of the faculty said he had discussed the policy with the President and the Provost, and the deans had some reservations; the deans formed a group to meet with the AFPS.
- May 2004 **Announcement that the Suspension Policy would be reported on again in the fall.**
However, there was no further discussion of the Suspension Policy by the Faculty Senate in the fall of 2004.
- May 2005 **Adoption of the Policy on Sanctions and Job-Related Misconduct (Suspension Policy)**
The policy was brought to the Faculty Senate and passed.
- April 2006 **Senate: Update on the Suspension Policy**
The Dean of the Faculty said that the policy had gone back to the deans, and then to the Provost where it now resided; it will then go back to the AFPS and then back to the Senate.

The issue of grounds for an “emergency suspension” became an area of some disagreement. Initially clinical faculty at the Veterinary College were not to be covered in the same way as other faculty of the University under the emergency suspension provision (specifically as it related to their clinical duties). This issue was resolved within the Veterinary College following the bringing of a resolution by the General Committee and a vote by faculty at the Veterinary College affirming their desire to be covered under the University’s emergency suspension procedure in the same way as other university faculty.

- May 2006 Suspension Policy brought to the Faculty Senate, but there was no quorum so there was no vote. The policy had been modified in a variety of minor ways since the original passing (May 2005), but essentially was a nearly identical document.
- Summer 2006 e-mail vote on the Suspension Policy by the current Senate membership; this was not considered to be a final vote, but only a “straw vote” to demonstrate the level of approval by the Senate members who had heard the 2006 discussion. One third of Senators turn over each year. The e-mail vote passed by a large majority.
- September 2006 Suspension policy approved unanimously by the Faculty Senate

The Suspension Policy can be found on the website of the Faculty Senate.

The Provost gave verbal assurance that the policy, as passed by the Senate in September 2006, would be brought to the Board of Trustees, presumably at their October meeting. In February, 2007, a revised document was sent from the Provost to the AFPS for reconsideration of several aspects of the policy as passed by the Senate in September 2006. The AFPS will present their recommendations to the Faculty Senate later in the spring.

Redbud Woods

Resistance developed early among community members, students, and faculty to the University's plans to pave two acres of urban green space in order to build an off-site parking lot on University Avenue for the West Campus Residential Initiative. By December 2003, neighbors, the City Planning Board, and the Landmarks Preservation Commission had opposed the project; at that time, fifty-two faculty headed by J. G. Schurman Professor of Entomology Tom Eisner and W. H. Crocker Scientist Emeritus Carl Leopold wrote President Lehman to object, their letter remaining unanswered for six months. Once Cornell had secured court decisions against municipal opponents, it sought to proceed with the paving of Redbud Woods in 2005. Students occupied the President's office in protest in April and were removed; student protesters in the Redbud Woods Working Group occupied the Woods when cutting began, halting it, and held the Woods for forty-one days. More than 300 faculty signed petitions against the project, while a smaller group sought to intercede with Presidents Lehman and Rawlings, Vice President Murphy, and the Trustees, to little avail. Protestors withdrew July 18 after they and the University signed an eight-point agreement committing the University to sustainability and governance initiatives, and cutting began in the Woods on July 20.

Many of the faculty involved came to believe that Cornell's administration had dealt poorly with opponents, variously disregarding and seeking to coöpt them and on at least one occasion acting in less than good faith. A faculty group felt that planners and decision-makers responsible for the Redbud decision inadequately addressed issues of environmental sustainability and good community relations. They found the decision to pave Redbud Woods "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."

So they maintained in a resolution presented to the Faculty Senate on September 19 calling for a commission to study the Faculty's role in University governance and propose changes. It was that resolution (and another urging greater public dialogue over the resignation of Jeffrey Lehman from the presidency in June) which, after being committed to the University Faculty Council and returned to the Senate, resulted in the appointment of the present Committee to Review Faculty Governance.

Minutes from the April 11, 2007 Faculty Senate Meeting

Speaker Pro Tem Jeremy Rabkin called the meeting to order by announcing the existence of a quorum. "I am supposed to remind you that you shouldn't take photographs, or tape-record anything during the meeting. Turn off your cell phones. If you want to speak, raise your hand but then when you start to speak, you have to first identify yourself by name and department.

"At the end we will have a few minutes allocated to Good and Welfare. We have one speaker for that."

1. APPROVAL OF MINUTES OF THE MARCH 14 FACULTY SENATE MEETING

"The first item of business is the approval of the minutes of the March 14 meeting. I would like to call for unanimous consent to declare the minutes approved. You can just say aye. Is there anyone opposed? If so raise your hand.

[Minutes approved.]

"Our next item is a report from the Nominations and Elections Committee.

2. REPORT FROM NOMINATIONS & ELECTIONS COMMITTEE

Associate Dean and Secretary of the Faculty, Brad Anton: "First of all I will tell you that Dean Walcott cannot be here today. He is representing our interests to the Executive Committee of the Board of Trustees in New York this afternoon. I have no real report to give you. The Nominations and Elections Committee has met twice recently. We need some people to fill various committee positions. We'll have a full report at the last meeting, and hopefully everything will be filled at that time."

"We do have two important other positions to fill. Our Speaker of the Senate, Barbara Knuth, will be finishing her term this year and will not be able take another term next year because of new responsibilities she has in her own College. And, Speaker Pro Tem, Jeremy Rabkin, is moving on to greener pastures at the end of this semester, and he will be unavailable to move up, so both of those positions will need to be filled. They both are two-year terms. If you have nominations please e-mail them to me with a courtesy copy to Sandie Sutfin, our administrative helper. That is all."

Speaker Rabkin: "Thank you. The reason for the silence is that the next order of business is Professor Hatch is going to talk to us as soon as he gets back. We need to approve the resolution from the CAPP Committee to approve the offering of a degree in the Engineering College in Systems Engineering to be taught using distance learning."

Professor Ron Ehrenberg, ILR: "On behalf of the parents of all the students who have had Professor Rabkin as a professor during his years at Cornell, I would personally like to say thank you for everything you have done for the University and good luck to you."

Professor Peter Stein, Physics: "The words were taken out of my mouth, but I have a

more mundane observation - if you would turn the lights out that are shining light on that screen, it would make that thing a lot more visible.”

Professor Abby Cohn, Linguistics: “Can we reverse the order of two items on the agenda?”

Speaker Rabkin: “Yes, that a good idea. You are next. Are you ready?”

3. RESOLUTION CONCERNING CAMPUS CODE REVIEW

Professor Abigail Cohn, Linguistics, Faculty Senator-At-Large: “We are trying our new-fangled method here. I guess our resolution ([Appendix 1](#)) is there under Campus Code. I don’t think I need to say very much. As all of you know we have been engaged in a conversation about a proposed revision to the Campus Code, and the University Assemblies are responsible for that Code, at least they have been up until now. And there was a somewhat controversial report that was circulated in the fall. And the University Assemblies reviewed that report, and we heard from various members of the University Assemblies as well as the Judicial Codes Committee at a couple of different points about their response. They solicited a very wide input from the community. They held open fora. And then the CJC issued a report, which they referred to the UA. The University Assembly accepted that report unanimously. That report has now been forwarded to President Skorton. And so the idea today is whether we would like to just endorse both the process and the recommendations in that report. I might mention that the Student Assembly and the Graduate and Professional Student Assembly have also unanimously endorsed the report.

“They have been available online for the last few weeks. The crucial points are that they have reaffirmed some crucial aspects of the Code, which include the Judicial Administrator remaining independent, the University Assembly retaining oversight over the Code, and a uniform judicial process that applies not just to students but students, faculty, and staff, including administrators. There were a number of issues that were brought up for discussion that has been agreed warrant further discussion and consideration. And I understand that the CJC is prepared to continue that important work.

“So, the thrust of this resolution is to endorse the recommendations of that report in support both of the specific recommendations and the process. I’m happy to take questions and if they get too difficult I will ask Marty to answer them. There are five Senators co-sponsoring this, a couple of whom can’t be here today.”

Associate Professor Nick Calderone, Entomology: “What became of some of the more controversial elements of that report, specifically, the right to have an attorney speak for you, the right to continue with the University proceedings prior to and in civil or criminal proceedings?”

Professor Cohn: “Basically, the CJC didn’t fully engage on the substance of some of those matters, thinking that before that conversation could even happen there had to be a reaffirmation of the Code being the purview of the UA and some of these other more

fundamental matters. My reading of this, and I'm not a member of either the UA or the CJC, is that there's an implicit rejection of all those proposals. But that is not the way that the report has been framed. The report has taken a somewhat more neutral stand relative to some of the specific proposed changes with the idea that some of these things do warrant further discussion. The one item that the CJC explicitly acknowledged probably does need further discussion is the rather controversial issue of on-campus versus off-campus jurisdiction. There is a clause in the current code which allows the President to extend the jurisdiction if he or she feels that's warranted. The CJC did feel that fuller discussion of that item was warranted. "Marty did you want to add anything to that?"

Associate Professor Martin Hatch, Music: "No, that's right on line."

Professor Steven Beer, Plant Pathology: "I'd like to ask you to play the devil's advocate. Why would a faculty member or a Faculty Senator not support this?"

Professor Cohn: "I find it hard to play the devil's advocate because I find it hard to imagine that there wouldn't be quite strong support in this room, as I hope there will be. But I really can't answer that question directly. I personally have been very concerned about the matter since it first kind of broke or was broken by the Sun. I have been very concerned about the procedural issues, the issues of both the student governance, the faculty governance, and the notion of how we function as a community. I think both the CJC and UA have done an absolutely wonderful job of addressing those issues in a very constructive, positive light. So I do hope it will find very strong support for this resolution, which supports those of the report and those actions."

Professor Terrence Fine, Electrical and Computer Engineering: "How did this reach us? Did it reach us on the basis of six Senators going through the University Faculty Committee? How did this come to this forum?"

Professor Cohn: "Some of us have been quite concerned about this matter. I spoke first about it in Good and Welfare back in November at the request of the UFC. There were members of the UA who spoke to this body. We've had subsequent reports from the CJC. I've been kind of keeping an eye on this and once the CJC's report was accepted by the UA, and the other Assemblies also chose to endorse it. I, in consultation with a few colleagues in the Senate, felt it would be good for us to do the same thing. It supports, I think, principles that we as faculty should be concerned about - about democratic process, about how we function as a respectful community in decision-making, and it does touch on agents of faculty governance as well."

Professor Elizabeth Earle, Plant Breeding and Genetics: "Has the Employee Assembly taken a position on this?"

Professor Cohn: "Marty said that they were debating it. I don't know what's happened."

Professor Hatch: "Right. They have a committee that is drafting something but have not yet had a meeting to ratify it. They have representatives both on the CJC and the UA. Both representatives of the CJC and the UA have voted in favor of this."

Professor Cohn: "I might add just one point. Both the Student Assembly's resolution and the Graduate and Professional Student Assembly, their resolutions take on some of

the substantive issues. But we felt that because of how the CJC and the UA have handled these matters, we didn't need to engage in those points, even though they are indeed very important ones."

Speaker Rabkin: "If there are no further questions we can call the question. All in favor of this resolution, say aye. Opposed, say nay."

[Resolution passed.]

4. RESOLUTION FROM THE COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES TO APPROVE THE OFFERING OF THE MASTERS OF ENGINEERING DEGREE IN SYSTEMS ENGINEERING TAUGHT USING DISTANCE LEARNING (DL M ENG IN SE)

Professor Martin Hatch: "I am presenting a resolution from the Committee on Academic Programs and Policies. This is a resolution to approve the offering of a Masters of Engineering Degree in Systems Engineering taught using distance learning (DL MEng in SE) ([Appendix 2](#)).

"Okay. Let me read it to you. *"Whereas the General Committee of the Graduate School has reviewed and agrees that the existing Masters of Engineering Degree in Systems Engineering can also be offered in a distance learning format (DL MEng in SE).*

"Whereas, the Committee on Academic Programs and Policies has reviewed and recommends approval of this DL component in the MEng in SE consistent with the recommendations made by the General Committee;

"Therefore, be it resolved that the Faculty Senate approves the Distance Learning component of the Masters of Engineering Degree in Systems Engineering (DL MEng in SE) subject to recommendations made by the General Committee of the Graduate School.

"I ask if there are any questions about this. We have in the hall today Assistant Dean Deborah Cox of the Engineering School and Professor Peter Jackson in Operations Research, who is the Director of the Systems Engineering Program, to answer any questions you might have."

Professor Mike Timmons, Biological and Environmental Engineering: "A student, when they do a project, do they come to campus to present, or do they do that at a different site?"

Professor Peter Jackson, Operations Research and Information Engineering: "There is a project required in the Master of Engineering Program. There will be a project required in this degree program. The project presentations would take place during the face-to-face component of this degree. It's not a complete distance learning degree. There is a two-credit portion which is face-to-face, and that is where we would handle the project presentations, in particular their oral presentations."

Professor Howard Howland, Neurobiology & Behavior: "I went through this rather long document on the web and I have a couple of questions about it. One concerned the ownership of course materials. It says course materials developed for use in this learning

course shall be subject to the same ownership policy as materials developed for use in traditional on campus courses. I imagine is that there is a fair amount of technical expertise that goes into preparing a distance-learning course, is there not? It seems to me that that's a sort of collaborative project. So it's not clear to me, say that if I'm a professor who has put together a course with a lot of help from the University, and I say oh by the way I'm going to Yale and I'm taking my course, is that okay? What is the ownership arrangement here? That's the first question."

Professor Jackson: "The Systems Engineering Program makes no claim on the curricular content of the courses that faculty offer. So that's the primary intent of that clause. The courses that we are currently offering distance learning are traditional courses offered in a classroom, but we are capturing the session and video streaming it to students or in some cases it's a live connection with an off-site location. What the University contributes technically is hardware and just the video stream capturing. There's no development of materials that we are actively engaged in."

Professor Howland: "Presuming a lecture might be recorded?"

Professor Jackson: "Yes."

Professor Howland: "And does that then belong to the professor?"

Professor Jackson: "The Systems Engineering Program has no plans for use of that material after it's offered in the course. If the professor finds a use for it, then we would be happy to work with them on that."

Professor Howland: "Fine. There was also a note about fees, which I didn't quite understand. 'Students in Distance Learning Programs shall be charged tuition and fees at a College of Engineering special program rate.' Is that higher or lower than what you might expect on campus?"

Professor Jackson: "I would expect it would be higher."

Professor Howland: "It would be higher?"

Professor Jackson: "Because of the significant costs that we undergo as a program to offer these courses distance learning."

Professor Howland: "This is a professional masters program, right? It's true that part of the money that's earned that way goes back to the department, isn't that right?"

Professor Jackson: "Correct."

Professor Howland: "The last question I had was maybe a comment. Under curriculum information, how many committee members will a student be required to have? It says Master of Engineering students require only one committee member. But when I looked into the faculty regulations on the web it says, under academic program and special committee, a master student must have at least two members of the graduate faculty on his committee."

Professor Jackson: "I need somebody to help me on this on."

Terry Plater, Associate Dean for Academic Affairs, Graduate School: "I can only imagine

that at some point we responded to this request - allowing to have one committee member for the professional masters degree only.”

Professor Howland: “This is a professional masters, not master of science?”

Professor Fine: “For at least fifty years, the MEng program is run with a single faculty member advising the student in a Master of Engineering degree.”

Associate Professor David Delchamps, Electrical and Computer Engineering: “I don’t know if this is a CAPP question or a Grad School question. Are there any other degrees at Cornell now being offered through the distance-learning format? I’m not talking about courses, I’m talking about degrees.”

Terry Plater: “I can answer that question. No. And one of the reasons that we are both being cautious and also pleased with what we are discussing today is that we feel there will be more, and this offers us a very good learning opportunity.”

Professor Stein: “The experience of a student in taking this program, is the student that takes this program, is he equal to what a student does here, except that that student does it at a distance location? That is to say, all the various component parts of education like doing homework and taking prelims and listening to lectures, you could take those exact same things and have them done with the student at a distant location, and it seems to me it wouldn’t dilute the program at all. But then there are other changes that you make, like having the computer grade your homework, and having the computer take the class... I just wonder where does this program stand in that spectrum?”

Professor Jackson: “This is not computer-aided instruction. This is an on-campus degree and program offered to a distance audience to the best of our ability. So it’s classrooms that are televised, classroom lectures that are televised. It’s homework that you have to submit. It’s exams that you take under a proctor. The portions of our curriculum that are experiential, where you work in teams and you interact... we can’t replicate that in a distance-learning format, and that’s why we have opted to have a portion of it be face-to-face. And those will be intensive experiences where you run them through team experiences.”

Professor Stein: “Then I can’t imagine a single reason to vote against this thing.”

Professor Anton: I did not read the full document. The one question I’ve had about these things, or the worry I’ve had is, how would issues of academic integrity be handled or enforced? For example, what happens if people are receiving the broadcast of these lectures and receiving the assignments, the homework that they have to do, and they send these papers into to be graded, and you find that two students at different locations have the same answers, or something like that? We have a procedure spelled out. There’s a primary hearing of a witness, and so forth. How do you apply that in this circumstance?”

Professor Jackson: “We would apply the academic integrity process as we would on campus. In other words, if we do detect duplication of work we have to enforce the rules of the program. How we facilitate that with video conferencing or distance learning or require the student to come on campus, we’ll have to work out as we go through this. But

we are not sacrificing those principles in the design of the program.”

Professor Anton: “So you could have a distance hearing?”

Professor Jackson: “I would imagine so. I’ve never done one of those. I hope never to have to do one.”

Professor Richard Talman, Physics: “There’s been a scandal in the newspapers the last months or so about the quality of distance learning courses of one kind or another. I’d like to know the kinds of ways in which what’s being discussed here is superior or safer than those programs.”

Professor Jackson: “One of the things we did is we have all of the lecture links from the past several semesters. We have made those available to the various committees if they would like to see what we are doing in these. These courses exist. We are running them. People who have viewed the lectures say they are of high quality in terms of what we are putting out. We certainly enforce the rigor of the program for off campus students, just as for on campus. So that is very important to us.”

Professor Hatch: “May I just interject here that you notice there’s a clause saying subject to the recommendations made by the General Committee of the Graduate School. And CAPP had some questions along the lines of several questions that were raised here that the members felt were successfully answered by communications from the faculty. But the Graduate School also had certain conditions and recommendations to make which CAPP then reviewed and felt as necessary to make them a part of this. And I thought Terry Plater might be willing to at least be willing to review those recommendations, because they have to do with this being a new distance learning experience.”

Terry Plater: “I can review them. I am sorry I didn’t bring my full document with me. There were four. A lot of them have to do with that this is so new, and we are going to learn from these experiences. And so far, Professional Masters Degree only is what we are talking about, and no blanket approval is to be implied or inferred from this decision.

“There’s confusion if you read the Graduate School Code over both part-time and pro-rated. You can read the Code and come to any number of conclusions about whether we do it or not. So we made it clear that this is an exception to what people see as a prohibition on part-time registration enrollment. It’s a one-time only exception, and the business of how tuition will be charged is something we have to work out as we proceed. The other thing, though probably more germane for this discussion, has to do with attrition rates. I found out from talking with one of my colleagues within the room on an entirely different subject, that there’s a high attrition rate in some distance learning programs. It’s an attrition that happens even before the student takes the first exam, because it’s not as easy as people think to succeed in these programs. We have asked for a report on attrition rates in the program. They have some evidence based on the courses the students have enrolled in - individual courses - and we’ve asked them to be very conscious of that as they proceed, so we can know if this is something that needs to be addressed.

“And we asked for a review in three years. So we will do two cohorts. Two sets of

students will come and go through the program and we have asked them if they will come back and let us know how they are doing. We'll see if we can tweak it at that point. And as you can imagine, it was a very lively discussion in the General Committee, not the least of which was Professor Jackson coming in with two catapults being aimed around the room - he had everybody sort of ducking under the table - Systems Engineers to a group of humanists."

"Between our questions and the CAPP's questions we think we did a fair job of doing what we will be doing a lot of in the future, which is looking at some new models of delivering degrees. "Any other questions?"

Speaker Rabkin: "This is important and the first time Cornell is going to authorize this, so I don't want to rush people, but we are starting to fall behind schedule."

Professor Howland: "My fear is that we may be endangering some junior faculty who get involved in this. In the first place, there is a financial motivation for a department to keep doing this because it earns a lot of money for them. Secondly, it is primarily a teaching business; it's going to take a lot of energy and a lot of work to get it going. I can see a few junior faculty getting sacrificed in the machinery of this if they get taken up with it. That's my major worry. We somehow have to get the work done but still keep up the Cornell standards of promoting our faculty for doing research. Teaching is great, but on the other hand, we are a research university. The combination of the novelty of it, the attractiveness of it, and the financial motive scares me with respect to junior faculty."

Professor Ronald Ehrenberg: "I understand your concern, Howard, but in fact that's the same concern that you might express for the whole MEng Program. The MEng Program in the College of Engineering is designed to bring revenues to the departments and the college, which is then used further the research and the undergraduate teaching mission. So, if I felt your concern was an important one, I would worry about the whole MEng Program, and I don't. I think it's been a very important program for the college."

Professor Howland: "I can see the overall benefit, but it's the people who get caught in the wrong end of it, the teaching end and wrapped up in it."

Terry Plater: "If I may, it was addressed in the proposal. Professor Jackson - remember your wrote this. You had stated that faculty had to be groomed to take into account the work of junior faculty, especially with respect to getting it in their tenure reviews. Maybe it's not in the resolution, but it didn't go unaddressed."

Speaker Rabkin: "It looks like we are ready to vote on this resolution ([Appendix 2](#)). All in favor say aye. All opposed, say nay. Abstentions (4). [Resolution Passed.]

5. REPORT FROM COMMITTEE ON ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF FACULTY ON JOB-RELATED FACULTY MISCONDUCT POLICY (SUSPENSION POLICY)

Associate Professor Vicki Meyers-Wallen, Biomedical Sciences and Chair, AFPS: "First let me apologize to you. I did not know Power Point would be

available. However, I brought my memory stick, but it's in Word. So I am going to try to go from Word to Power Point. If you get motion sickness, don't look when I scroll.

"I'm here to report to you from the AFPS and there is a hand out on the table. If you didn't get it, I hope someone will pass one to you. First of all, the AFPS last reported on this issue in February, and the documents from that meeting are on the University Faculty Website. The information from the last meeting is also there.

"I am going to give you a brief history in case you weren't at the February meeting when we didn't have a quorum. This policy originally came from the task force that was formed by Dean Cooke in 2001. They came up with a policy. The Senate voted on it 2004 and passed it. Then there was about year period of discussion with the Administration, and it came back to the Senate as a different revision and was approved by the Senate in September 2006. We expected at that time that it would actually go to the Trustees, but it didn't. What happened was the Executive Policy Review Group saw it and decided to put it into a different format and gave it back to us, and we ended up with in on February 12th, and so on February 14th I informed you that we had it but hadn't had time to really look at it. I told you I was going to come back and report to you. So here I am.

"The AFPS has looked at this report that we got from the Executive Policy Review Group, that we got in February, and decided it was basically unacceptable. We sat down and asked ourselves, 'What are the essential principles that we want to see in a policy?,' and we also discussed this with former AFPS members. We came up with the essential principles that the AFPS would expect in such a policy. The central principle is a suspension is a serious disciplinary sanction, second only to that of dismissal in its effects on a faculty member's career, and therefore we should consider it right there with dismissal. Second, there should be a final common pathway to suspension, meaning that regardless of the offense committed, whether it be sexual harassment, stealing money, whatever, that the procedures for hearing a suspension should go through the same channels at the end.

"As with dismissal, we felt that the hearing board should report to the President as the final responsible authority who can impose a suspension, just as a dismissal. We thought that the definition of suspension should be stated as it was, in fact, when we submitted it and came up with a reasonable definition. We also felt the emergency suspension should only be levied by the highest authority for serious reasons and be tailored to the offence, as is stated in the Faculty Senate document. We also felt there should be a hearing in which the accused could come and question his or her accuser.

"Lastly, but it's not the only thing, punishment should not precede conviction and specifically, full salary should not be suspended or taken away until the process has been completed and a suspension has actually been levied. So they shouldn't lose their salary before being convicted, or even part of their salary. We thought those were the important things.

There was a meeting with the Dean of Faculty, administration representatives, and AFPS on April 5th, which was only last week. At that meeting a compromise was offered in

which the procedure for suspension would 'mirror' the procedure for dismissal. That means that they were going to give us a new procedure, not a policy, but a procedure that would have to replace the policy written by the Faculty Senate. The procedure is the one you have in front of you, which is the revision of the by-laws covering dismissal. So what we are suggesting is a revision of the Bylaws covering dismissal to include suspension which fully will take place of the policy that we passed. So that's the draft that you have in your hand out.

"The AFPS only received this yesterday morning, but we have all really worked hard to look at it, and we actually agree that it does contain the essential principles that I just talked to you about. Some concerns have been raised, and I'm talking about mostly by the AFPS members. There are some things to think about. The procedure doesn't pertain to suspensions that are less than one semester in duration. The procedure you have in front of you is only for suspensions that are a semester or more in duration. The second thing is, it's only for faculty that are full time, defined as they are in the by-laws. These are for full-time faculty. However, if the suspension is less than a semester or if the person is not defined as a full-time faculty member, the person can take the appeal about a suspension through the grievance procedure. And if you look at the grievance procedure, the final committee that will hear the grievance if it goes all the way through the college and it comes to the University, is the AFPS. They hear it and report to the President. That will be in Section D in the handout.

"Now another person asked me, 'What happens to the dismissal policy?' Regarding the dismissal policy - is there anything in there that we don't want to see in the revision of it? All I can say is that the part that's changed regarding dismissal is that the Provost rather than the President is now responsible for the receiving the complaint and for governing the hearing process. That's in A and B in your document; before it was the President. However, the final decision is still made by the President, not the Provost. The President takes the recommendation of the Hearing Board to the Trustees. That hasn't changed.

"Lastly there was minor change that the AFPS and if you look at A and B and D, the blue is not changing anything that you have in your document, it's just highlighted so you can see what I'm talking about. The red is suggested wording. So under A these suggestions remain because it didn't look really clear as to when you would have the opportunity to ask for a hearing. The question was, do you have the right to ask for a hearing when you are given the charges, or do you also have the opportunity to ask for a hearing when you are actually given the suspension? Clearly looking at the dismissal policy, you really only have one chance to ask for a hearing, and it's when you are given the written charges. However, we had the concern that how do you know you are given the charges? How do you know it fits into the suspension policy? Because unless you knew you might get suspended, how would you know to ask for a hearing at that point? So we thought that it was important to say that in addition to getting your charges, you should be given a hint what disciplinary action would be suggested, because it is a suspension if one semester suspension is applied. We had this put in, to request a hearing within thirty days of receiving the written charges. We think that's a minor change, and we don't think

that's going to be a problem with Administration. We also made a change in D just to clarify that if the suspension is recommended, and you have failed to request a hearing within thirty days as in Section B, then the suspension goes into effect. So there is only one opportunity to ask for a hearing, when you get the charges and it is suggested that you will be suspended more than a semester.

"I want to make it clear that adoption of this procedure would replace the policy that the Senate passed. And we, the AFPS, hope to bring this matter to a vote at the May Faculty Senate meeting. That's why I bring it to you now - that's why AFPS hurried up with it yesterday, so we could bring it to you now. We have been going at this for several years, and it's time for a vote. Finally it is important that we have a strong procedure that deals with this matter. I want to remind you that in order to actually get this done, we do need your support again in May, and so I hope you will all come. I now open this matter to discussion. I request that if you have additional comments that you will e-mail me at vnm1 or anyone else on AFPS. We all will be glad to take your comments."

Speaker Rabkin: "Just to be clear about this - if there is a quorum at the next meeting, there will be a resolution and there will be time for some discussion at the next meeting?"

Professor Meyers-Wallen: "Yes, but we are hoping that we will be able to hear a lot of comments now and in the next few weeks, so that we can address them."

Speaker Rabkin: "Not a lot of comments because we don't have time for a lot of comments. Let's hear some quick comments."

Professor Cohn: "Could you say a little bit more about the differences between this document and the approach in the one that the Senate approved, particularly in light of the fact that at our last meeting the Provost said explicitly that she still fully endorsed the document that we had passed?"

Professor Meyers-Wallen: "I have not talked to her. I'm sure that she does endorse what was in the document, and I think that what we have now, what she endorsed, is in this document. We can go through it if you like on your copy and talk about what's in here in these two pages, but I think if you have questions, I would rather do that first."

Professor Richard Talman Physics: "I didn't understand what was said about the time limit. I understood you to say that it applied only to suspensions one term or greater. The only reason there's a distinction between suspension and dismissal is that one is less serious than the other. Now suspension for one term is tantamount to dismissal. If that remains there is really no reason to have a suspension policy."

Professor Meyers-Wallen: "Well I think people might agree that dismissal is dismissal and you don't come back after the semester is over. So I think it has to be clear that there is a difference."

Professor Talman: "But there's not a difference because suspension for one term is tantamount to dismissal. So it basically guts the document as insignificant."

Professor Peter Stein: "As probably the biggest suspension expert on the campus from the faculty point of view, I would like to answer both of the questions that got raised. To

Dick's question, yes you are right. It does violate the essential policy that a suspension severely damages a person's career and not in proportion to the length of the suspension. You are absolutely right. So, in a sense this is a compromise.

"To Abby's question about what has changed between this policy and policy that the Provost endorsed, the essential change is that there is due process in the hearing in which the suspension is adjudicated. Now, if the suspension is a whole semester, the adjudication takes place with more due process than in the policy that we passed. On the other hand, if it's less than a semester, it takes place with less due process. Now, I believe this is a good deal because I frankly don't think that the level of due process is all that important. My conclusions are based on having gone through an extremely painful appeal of a suspension that lasted for about a year and a half, at which time a lot of the difficulties in the process were revealed. But the fundamental difficulty in the process was that for suspensions now of a month, it would go through the normal grievance procedure that ends up in AFPS Committee. What happened in that case was it ended up at the AFPS Committee. The AFPS Committee heard it, spent a lot of time. There were no hearings, but it didn't matter. The AFPS Committee discussed it fully, felt there was no need for hearings, no need to consult, to confront witnesses, and AFPS issued a finding that in blunt terms was simply disregarded by the Provost. And the Provost's Office took the position that an appeal to the Provost from AFPS was an improper action, and that in fact, a Dean ought to control what happens in his or her college. I'm trying to make it as brief as possible. But, that's more or less what happened. And, the AFPS Committee was in a furor about that, and a lot of things came to the forefront as a result of that. Now to me that's the essential question. What's common to both, the Senate-passed policy before and this one, is that the concluding process, in the one case, a committee that's appointed by both; and in the other case, for a short suspension, the AFPS Committee, and both lead to the President. And it's written down, it makes it absolutely clear that the President must take this thing and must make a decision. That's the same in both cases and as far as I'm concerned, that's the essential point."

Speaker Rabkin: "Okay. We have other business so I think we should move on now and we will have a chance to revisit this in the next meeting."

Professor Meyers-Wallen: "Yes. If you have any comments or questions, please e-mail anyone on the committee and we will try to get back to you."

Speaker Rabkin: "The last item on our agenda is Professor David Harris who will present findings of the Teagle Foundation Working Group on the Minority Achievement Gap in Higher Education."

6. REPORT ON THE FINDINGS OF THE TEAGLE FOUNDATION WORKING GROUP ON THE MINORITY ACHIEVEMENT GAP IN HIGHER EDUCATION

David Harris, Professor, Sociology and Vice Provost for Social Sciences: "Thanks Jeremy. Thanks folks for having me here. Charlie Walcott asked me to come talk with you today. The important part here is Professor, not Vice Provost. This is a project that started at the end of my second year at Cornell, before I was part of the Provost's

office. It's a project that started as a faculty member interested in equality issues. I was approached by the Provost about doing something with the Teagle Foundation, as in Teagle Hall. And so, that's the context in which I want you to hear it. Not as a Vice Provost administration person, but as faculty member's research project.

"I presented this to the Trustees first back last March at their meeting and then again when the report was pretty much done in October. At that point Charlie talked to me and said he was concerned about lots of these issues and he really wanted me to come talk with the Faculty Senate, both in terms of bringing this to your attention, but also in the context that any solutions we have are going to be the faculty having to be huge partners in any solution. It's in that context that I bring this to you today.

"I brought four copies of the report with me. They are over there on the corner of the table. If you are interested, it's also available electronically. At the end of my talk, I'll show you a link from the web to the report."

"So, what's this about? If you think about diversity - I'm only going to talk about race/ethnicity. Not because it's the only kind of diversity that's important, not because it's the only kind of diversity that's a diversity issue that the University has focused on, but because when this Professor started this project, it was a relatively narrow question of racial and ethnic issues, disparities in higher education.

"So what's the concern? I was at Michigan on the faculty from 1996 to 2003. If you are into these issues you know that was an important time period. Actually, that was right when the case was basically being filed to right when it was decided. I was at Michigan at that period. The big concern people had about diversity, race, and ethnicity in higher education was about access. They were very worried about being able to use a point system, or whatever it is, some form of affirmative action, so you can ensure that you have a racially and ethnically diverse entering class among undergraduates, primarily. While the case is decided, my concern though was that that wasn't the goal. The goal here should never have been - and I think most of it wasn't really - to get a diverse cohort in. The goal is really to graduate students from schools in rates that are comparable across racial and ethnic groups. We know that having a diverse cohort come in is necessary, but it's not a sufficient condition for graduating a diverse cohort. That's what really makes this project.

"Why do I say it's necessary but not sufficient? Obviously, it's necessary. Why isn't it sufficient? Well, first look at graduation rates. This was stunning to me when I first saw it. Even though the whites and Asians who have the highest graduate rates among the racial and ethnic groups, it's still about a third of whites and not quite as bad among Asians, who start as four year students, not community colleges, do not have a degree at the end of the six-year period. If you start at Cornell and transferred you would still count. The transfers are in here as successes. It's these students who do not have a degree from anywhere. That's quite high, I would say. In terms of students who don't finish, if you look at Blacks and Latinos, it's most of the Blacks and Latinos who start at a four year institution in the United States do not have a degree from any four year institution at the end of the six year period. It's not sufficient, and there is a big disparity by

race/ethnicity. Why else? Well, here is some data we've pulled together. You can see this becomes a bigger issue since the 1980s. You have seen this drop, look at the "Y" axis, it's not as big as you think it is, but it's still a big drop in percent white among the undergraduate populations at Cornell. What happened – blacks didn't move much, Latinos moved somewhat. Asians have moved quite a bit. So the context slide says that while you have seen the percent white among undergraduates drop over the last twenty-five years, you have actually seen the racial composition of that context (being the Cornell community), hasn't changed that much with respect to this indicator – percent white. In fact, faculty percent white declined, but not as much as for students. And among staff you have actually seen that not changed at all, or hardly at all. And now here is an interesting fact, if you look at the zip code of Ithaca, it's only 8 percent white. This is actually whiter than the zip code of Ithaca. And so that's gives us some sense about context and some issues about why you might be concerned about not graduating and some other data we could quickly throw up here to set the stage. Again look at the "Y" axis. It's not as big as you think it is. But there are differences. This is at Cornell in graduation rates for Blacks, Latinos, Whites and Asians.

“And the last slide where we get to the meat of it, is the GPA data. What you are seeing here in this box plot is the differences of GPAs at the end of the first year for Blacks and Latinos contrasted with the Asians and Whites. Why did I put this in a box plot? I put this in a box spot because there are two critical points I want you to remember. One, there's differences by race and ethnicity. Two, these are overlapping distributions. So I'm talking about these racial differences. I'm talking about differences at the mean. I'm talking about overlap; and substantial overlap going on. At this point you might have the question as we had in this project, so what's going on? Why is it that you are seeing racial/ethnic disparity in terms of graduation rates? Why are you seeing it in GPAs? You can see it in terms of satisfaction. There are lots of indicators. What's going on? I was going to have more conversation, but in the interest of time I will just tell you what I think. The usual response in people's head, it was in my head as well, is well if you have affirmative action operating in admissions and if you have students of one group who maybe don't have the same background as another group, then you shouldn't be surprised to find that at the end of the day, one group graduates at higher rates. One group also has higher GPAs and might be more satisfied. That shouldn't be that big of a surprise for us, right? So, is it true that this is a selection effect largely? What we did is form a working group project. This is an exercise that was Cornell, Hamilton, Hobart-William Smith, Colgate, and Wells College. So you got a lot of variation in the type of schools involved. But what unites these schools is that all of the schools are aware of concerns, especially once I said to them that Cornell has some concerns. They would say, we are concerned too, concerned that maybe there is some disparity going on at their schools and you might not see it as much in graduation rates but it might be bigger in terms of GPAs, or majors or other kinds of things. And so let's come together and see what we can figure out about what's going on at our schools, what's going on more broadly and see what we can do about it.

“A key part of this is it's not just faculty coming together. The teams from each school involved faculty, staff and undergraduates. Undergraduates were critical. Staff was

critical with some sort of on the ground knowledge. And the final report that came out after this sixteen-month project is sitting over there. There are four key components. Trying to understand the inventory of existing programs and that came out of conversations I had with one of our Deans. At one point I was sitting around with that Dean trying to figure out what we ought to do about a particular issue, and I said this is crazy, every school in the country has this issue we are thinking about right now. We are smart people, but why are we reinventing the wheel? We should have some lists that at least give us the sense of what is out there so we can say we can take one of those and modify it to do what we want to do. We could do this here for forty-three schools that we went through - the inventory of what they are doing in mentoring, what they are doing in separate programs, what they are doing in terms of advising and on down the line. Analysis of the most promising programs, and then last is assessment. And here is something that was quite contentious within the group, but I kept pushing. The argument basically is as follows. We know from lots of social science research and in particular from policy research, it's just really hard when you are the service provider to figure out if that intervention is working. So in this area, in particular, where we can see some things not going well in terms of outcomes, how can we know if these programs work?

"I point to Ron Ehrenberg and his study. When you take the selection question, it seems like pretty strong evidence that this is not wholly a selection story. Some of it's a selection story, but a lot of it isn't. There's work that Ron did with one of his students, who is now off to a Ph.D. at Michigan, and work done at Duke, and there are citations in the report. It is quite compelling work. It seems like you know there is something going on once students get to college that's not just brought in, students with gaps; they leave with gaps. There's something going on once they are getting to campuses. So what do we do?

"We looked through the literature trying to see what we could figure out, what might some of these escalations be, and in the interest of time I'll just talk of a couple of these. One is the issue on stereotype threat, Claude Steele's work being the best known in this area. Here the idea basically is that some of what you see, and you can see this with race and ethnicity. There is other work done with gender. For example, another mentions difference among individuals, that some of what you are seeing are individuals who have a highly salient, and in this case racial identity, and they are in a setting in which they believe that the expectations are that their group won't do very well. And, so it's a quick version, but the stress associated with that actually leads to worse outcomes than if that stress weren't there. It's really interesting. Most of it is work is done in a lab by some psychologists in which they prime race, people's race versus, and you can see quite significant differences in people's performance as a result. So there's some interesting other work on gender and math that works in very similar ways.

"Financial aid, financial need and social capital are a big part of the story, I would argue, as is something about networks. There is some interesting work that was done by some economists at Northwestern or Michigan. Basically what they did is, they said let's look at students and students' drinking behavior. Let's look at students at how much they drank before they came to college. Let's look at their drinking at the end when they were

randomly assigned a roommate, and your room mate's high school drinking behavior has an effect on your drinking behavior. It's one of many types of experiments that show that there is some kind of a peer effect that's going on here. The question therefore is to what extent do we have policies and other things that are putting people into contact with general student population as opposed to putting them in contact with the segment of the population that either is more prepared, more connected and so forth than average? Or less connected, less prepared than average, and that might be having an effect on individuals' outcomes.

“And the last piece, climate issues. One piece of that really is important is remedial versus enrichment. And the question here is do our policies have the perspective that these are students who can excel. These students we want to give a boost to make sure they are excelling. Are these the students we expect to fail? And our goal was to not have them fail. So it's really about the tone of program, and it looks back to some of these issues about stereotype threat.

“I'm in my last five minutes and then I'll take questions. These are the fourteen programs that we pulled out from hundreds around the country that we looked at. And we thought that these were programs, not that we can say these are the silver bullets these work, but these are programs that based on theories whether it's stereotypes, and so forth, we thought were especially promising. And that we encouraged administrations to consider some of these programs and to think about trying them on their campus and to think how we know if they work. And the point I would like to make to some administrative audiences: if you want to reject some of these, it seems like its incumbent upon you to say, 'We actually think what we are doing is better. And here is why we think what we are doing is better.' Otherwise, maybe you would think of some of these that are informed by theory. And let me just talk about a couple.

“This program here, The Summer Institute for Diversity and Unity, it's a program at Hamilton College. I'm sure you have heard the talk about a diversity course. People have heard of this, right? Some people are pushing it and saying there ought to be a requirement that everybody takes a diversity course. I'm not a supporter of the diversity course concept, and I'm happy to report that the student diversity forum we had Monday night, we had upwards of a 100 students there, the strong sentiment of those students was not for a requirement. But what's done at Hamilton College, is they said, 'You know what, we can probably inject a broader perspective in lots of our courses.' So that there's not a diversity requirement but just in terms of taking courses at Hamilton College, at the end we've got more diverse set of ideas and examples than you would otherwise.

“So here's how it works. In the summer of those four years they have trained facilitators come in, focused on sciences, humanities, social sciences. They bring faculty in for a retreat for three days. They pay the faculty \$1500 to participate, and the faculty come out with a syllabus. And the idea is those three days you are doing readings, you are working with facilitators and you are tweaking your syllabus. So by the end of those three days you have a start on trying to modify your syllabus in some ways that you may not have thought of in the past. And that group then gets together again in the second semester to talk about what happened. Did you tweak it? What worked and what didn't? That's one

example of a way to address these issues. And last, I'm going to finish with this one up here.

“There was tremendous support from the students the other night, the Breaking Bread program. What is this? This is at Colgate, and the Director Minority Affairs at Colgate came up with this. She was in our group. And it's starting to get lots of attention around the country. The idea basically comes from her observations. A bunch of student groups came to her saying we need some money for our program. And she thought, 'You know, this actually is an opportunity to achieve something. I can't give everyone money.' So she told them if you come to me with a proposal for a potential partner and you make an argument that's a partner you don't usually work with, another student group, here's what you do. I'll give you money. You figure out what you are going to eat. You go out as a group and purchase that food. As a group you cook that food. As a group you eat the meal and clean up afterwards. And in the process of that at the very end you come to me with a proposal for what kind of programming you could do together. And so my favorite example of this always is one of the groups that apparently came together was the College Republicans and the LGBTQ group. They don't usually interact with each other at Hamilton College. But they came together and what came out of it was an extremely successful session and presentation on campus by Andrew Sullivan, who some of you may know is a well known gay conservative pundit who was extremely well received. The person who runs this reports the students actually say, you know now, it's not just Bill who is a college Republican, now it's Bill who also likes this thing or it's Mary. There's a bit of a link that crosses these groups that wasn't there before. And it also helps the more diverse programs.

“There's a bunch of other things, and in the limited time you got the flavor for what this is about. In closing is the following. The report makes the argument again that basically this stuff is going to be hard. There's certain history that goes with a lot these program that's politically difficult for leadership to take on. Certain groups say we ought to change certain things. But the argument is we have to, for two reasons. One that we all like to talk about is increasing diversity within diversity. If you look at the students just on racial and ethnic grounds who are at places like Cornell now, and you compare them to the students, the non-white students, who were here twenty or thirty years ago, these are very different groups in many ways. And a program that maybe worked twenty or thirty years ago won't necessarily work today. And you are not going to know that unless you are seriously evaluating these programs and reconsidering them from time to time.

“And the second, and I think that this is the highest as a parent. My kids are too young now, but as the parent of a kid of color who will some day go through these programs, like all parents, we entrust our kids and our investment of those first eighteen years to the universities and the colleges. And so it is incumbent upon us to make the most of that trust that the parents are putting in us for their kids and the kids are putting in us for their futures. We have to do some the hard things.

“I finished in less than the time so I have time for a minute or two of questions if there are any.”

Professor Michel Louge, Mechanical and Aerospace Engineering: “Over the years the University has gone back and forth on policies to mix or not mix students from different ethnic groups and origins. What is your take on the current policy and your recommendations?”

Professor Harris: “So what we have at this point is there’s a lot of tension. I will not take the side which says definitively get rid of program houses or any other things we are doing, or we should definitively keep them. The simple answer is I don’t actually know what’s best. And I would also say, and this is the professor hat on my head, that a professor is often in contention with the Vice Provost on some of these issues. The professor says we don’t know, I don’t know and you don’t know either, which one is best. And part of the reason is because we haven’t done some of the things we want to do to try and figure out - did students do better, or did they not? In other words, what do we know about it? We haven’t done enough of that. And sometimes I’ll use the word ‘courage’ to say let’s look at this in great depth and figure it out. The tension is, on the one hand, you can argue that it’s extremely important for individuals of color, in particular, and lots of students who are minorities in a setting to have a place where they can go and just be friends, and not be the Black kid or the Latino kid or the Asian kid who has to answer those questions and address those issues. And for many students it’s the fact that they can just take a breather and just be themselves in an environment where they are not a minority that makes these kinds of settings extremely important and extremely positive for many of these reasons. Plus most of their interactions aren’t in those places. That’s one.

“On the other hand though, and you can argue that there are social and capital networks issues, which if you have one group that you know is much better academically, one group that you know on average is much better prepared in schooling and everything else, if you are not interactive with them you can imagine having a negative impact on your grades, negative impact on your potential jobs, and so forth later. I think there’s a real question and it needs some serious scrutiny and then needs to act on whatever we find. So I think that’s the answer there.”

Professor Cohn: “I was just curious to know what the Trustees response to your presentation was.”

Professor Harris: “I was very pleased. I think their response was this is important, and we want to know. I have been impressed also since the start of Jeff Lehman and Bidy and time also under David Skorton. What I have gotten from them throughout is a green light continuously. I keep saying, ‘You understand what Professor Harris is doing could get us in lots of trouble.’” And the Trustees that I have talked to say, yeah. They are buying at some level the argument that in the end that it’s our responsibility to do what’s right, and at some levels the job of the people in leadership is to take the heat that might come if doing something that’s right conflicts with something that is politically popular. And so there’s been lots of support. And the last thing I’ll say and then sit down is that this is almost certain to happen, but nothing is firm yet. With the money we have left we are hoping to hold a major conference in New York City this fall in which we invite the Presidents, the Provosts, Vice Presidents of Student Academic Affairs and other

such folks from each of 43 schools to have a day in which we have people from these 14 programs in sessions of 30 or 45 minutes each to say, 'So here's the Breaking Bread Program, and let me talk to you about what worked and what didn't work.' So trying it with each of Presidents of these five schools when we have been moving around to try to get them in essence encourage each other to take some of these steps and look at these things. Thanks folks."

Speaker Rabkin: "Our last item is Professor David Levitsky as a Good and Welfare speaker.

7. GOOD AND WELFARE

Professor David Levitsky, Nutritional Science: "A hundred years ago in 1985 when I was arrested with probably some of you in here in Day Hall, I never thought that I would say thank you, Cornell. But having gone through an eight-year litigation brought up by a student, I just want to say, 'thank you, Cornell,' because they stuck with me through the entire course. And it's quite important to me. I believe I didn't do anything wrong, and it would have been much cheaper for Cornell to make a settlement, but there would always be a stain on me, on any professor who the University had to capitulate on that. So I have to say first of all, thank you, Cornell. Second of all, I would like this body to take seriously up the procedures that happens when a faculty member is accused and in particular gets involved with litigation. We have to think about insurance, who pays for it, what are the conditions. There are many issues involved that no one ever thinks about until one gets involved. So thank you, Cornell, "

Speaker Rabkin: "I think that was our last item of business although we have five more minutes if someone else wanted to thank Cornell for something.

[Meeting adjourned - 5:55 PM.]

Resolution Concerning Campus Code Review

Whereas the charter of the University Assembly stipulates that the said Assembly has "legislative authority for those aspects of the conduct of members of the university now covered by the Campus Code of Conduct," and

Whereas the University Assembly has received, reviewed, and accepted the report of its Codes and Judicial Committee (CJC) concerning the Code, and

Whereas the said report recommends maintenance of Cornell University's existing practice in the following three areas:

a) the Judicial Administrator should remain independent; b) the UA should retain oversight over the Code of Conduct; and c) a uniform judicial process should be retained for campus judicial proceedings, and

Whereas

these recommendations are in accord with an overwhelming majority of community opinion expressed in recent public discussion of the Code, and have been endorsed in resolutions of the Student Assembly and of the Graduate and Professional Students Association,

Be it therefore resolved that the Faculty Senate endorses the recommendations of the CJC, including the independence of the Judicial Administrator, the University Assembly's oversight over the Code of Conduct, and the recommended uniform process for campus judicial proceedings.

Respectfully submitted,

Eric Cheyfitz
Faculty Senator
Department of English

Abigail Cohn
Faculty Senator-at-Large

David Levitsky
Faculty Senator
Nutritional Sciences

Marilyn Migiel
Faculty Senator
Department of Romance Studies

Carol Rosen
Faculty Senator
Department of Linguistics

**Resolution to Approve the Offering of the
Masters of Engineering Degree in Systems Engineering
Taught Using Distance Learning (DL MEng in SE)**

WHEREAS, the General Committee of the Graduate School has reviewed and agrees that the existing Masters of Engineering Degree in Systems Engineering can also be offered in a Distance Learning format ([DL MEng in SE](#));

WHEREAS, the Committee on Academic Programs and Policies has reviewed and recommends approval of this DL component in the MEng in SE consistent with the recommendations made by the General Committee;

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the Distance Learning component of the Masters of Engineering Degree in Systems Engineering (DL MEng in SE) subject to the recommendations made by the General Committee of the Graduate School.

CAPP APPROVAL

April 2007

**A Proposal for a Masters of Engineering Degree in Systems Engineering
Taught Using Distance learning
(DL MEng in SE)**

Proposer/Contact Information

Name:

Peter L. Jackson

Field:

Systems

Campus Address:

218 Rhodes Hall

Phone:

255-9122

Fax:

255-9129

E-mail:

pj16@cornell.edu

Program Information

	Current (if any)	Proposed
Program Title (i.e., major field; major subject)	Systems Engineering	Systems Engineering
Award (e.g., degree; certificate):	Master of Engineering	Master of Engineering
HEGIS Code:		
Program [SED]Code:		

I. Proposal Narrative

1. Purpose

The purpose of this proposal is to gain approval to award the Master of Engineering (Systems Engineering) degree, an existing graduate degree, on the basis of courses taken in a distance-learning format, along with a small but critical face-to-face component.

2. Background and Motivation

"I would found an institution where any person can find instruction in any study."
Ezra Cornell, 1865

There are approximately 73,000 Bachelor's degrees in engineering awarded in the U.S. annually, and about one-half as many Master's degrees. However, the Master's degree is increasingly viewed as the requirement for effective professional practice in engineering. In recent years, this position has been espoused very directly by several of the major engineering professional societies. For example, the American Society of Civil Engineers has adopted Policy Statement 465, which states, in part, "The ASCE supports the concept of the Master's degree or equivalent as the first professional degree for the practice of civil engineering at the professional level." The National Academy of Engineering Committee on the Engineer of 2020, Phase II also views the baccalaureate degree as a "pre-engineering" degree. They challenge the engineering profession to recognize and reward the distinction between entry level engineers and engineers who have "mastered an engineering discipline through further formal education." They state specifically, "Adequate depth in a specialized area of engineering cannot be achieved in the baccalaureate degree."

As more and more engineers pursue Master's level education, the demand for Master's programs is increasing and will rise dramatically in the coming years. Many of those prospective Master's degree students are engineers who already have professional jobs, and who want to pursue a professional Master's program without leaving their employment. For these mature students, part-time study, often based on distance learning, is a necessity.

Systems Engineering is a valuable discipline for Master's level study because many engineers from various undergraduate disciplines find that they are deeply involved in designing and implementing complex systems. Master's level study in that area can support their career goals and give them tools for continued improvement of professional skills. Thus, the Master of Engineering (Systems Engineering) degree program is an important place for Cornell to begin its offerings of distance learning based professional Master's study.

There is strong interest in this initiative from local companies that have international operations. For example, Steven Betza, the Director of the Engineering Leadership Development Program at Lockheed Martin in Owego, strongly supports this initiative (see attached letter). Companies like Lockheed Martin have a global perspective with engineers working in many different facilities around the world. To be an effective partner with such companies, Cornell also needs to have a global view of educational opportunities and offerings. Distance learning is a vital element of meeting their needs.

In addition to strategic partnering opportunities with major companies that employ thousands of engineers, there is also substantial evidence of demand for distance learning based Master's study by individual engineers in various locations around the U.S. and the world. This fall alone, we have received inquiries from more than 100 engineers looking for a distance learning Master's program in Systems Engineering. At present, we are forced to respond that we do not offer such a program. We believe it is in the University's interests to respond more positively to the demand for this type of Master's study. Furthermore, we believe that this type of program can be created in a way that has the full rigor and educational value of the on-campus offerings.

3. Cornell Systems Engineering Program History

The Cornell Systems Engineering Program is designed to promote an understanding of the Systems Engineering process throughout an organization enabling our students to better design and manage complex systems that will evolve over their life cycle. The program is designed to help engineering professionals make trade-off decisions in high-risk environments and to make the transition from managing independent engineering projects to creating globally optimized integrated solutions to meet customer needs.

Founded in 1999, the Cornell Systems Engineering Program grew out of strong corporate interest from General Motors, the Xerox Corporation, Applied Materials, and Lockheed Martin. Based on continued feedback and input from industry, our course content and curriculum continue to evolve and are designed to be highly responsive to industry needs

The Systems Engineering Program quickly developed two courses in systems engineering and made these available to the sponsoring companies via distance learning. In particular, the commitment of General Motors to these initial offerings was critical to their success. In 2001, the Program instituted an on-campus Master of Engineering degree program. In 2003, the Program created a one-week short course in systems engineering fundamentals. In 2004, the Program created a Minor in Systems for M.S. and Ph.D. students. In 2006, the program started offering a third course in systems engineering, emphasizing the role of reliability in the design and operation of complex systems. Since 1999, over 800 students have had significant exposure to the concepts of systems engineering through these offerings.

4. The Systems Engineering On-Campus Degree Program

The Systems Engineering Program emphasizes the fundamentals of requirements analysis, systems architecture, product development, project management, operations research, optimization, simulation, systems analysis, integration and verification. The program's strength in these areas helps promote an understanding of the systems process throughout an organization and prepares students to transition from designing and managing independent engineering projects to creating integrated solutions that meet customer needs. Courses are offered via traditional in-classroom delivery as well as distance learning and online options--all designed to meet a student's particular needs for enhanced learning.

The Master of Engineering (Systems) is designed for students who want to specialize in Systems Engineering. It presently requires a minimum of thirty credit hours. Students must complete the following required ("core") courses:

- Applied Systems Engineering (3 credits)
- Systems Architecture, Behavior, and Optimization (3 credits)
- Project Management (4 credits)
- Systems Engineering Project (6 – 8 credits)

Approved electives account for the remaining credits to reach the minimum of 30 credits required for the degree and are to be chosen from the following areas:

- Systems Modeling and Analysis (at least 1 course): Courses that enrich the understanding of generic methods to design and analyze systems including courses in simulation, feedback and control, decision-making, reliability analysis, and risk analysis.
- Systems Applications: Courses that provide depth in the design and operation of specific systems such as power, communication, software, manufacturing, and transportation.
- Systems Management (at most 1 course): Courses that enhance student understanding of the management activities and processes which are necessary to successfully design and operate systems.

5. Suitability of the Systems Engineering Curriculum for Distance learning

The Systems Engineering core courses are well suited to being taught in a distance-learning format. There are no laboratory experiences requiring specialized equipment and no computer experiences requiring site-licensed software. Much of the material is methodology-oriented and lends itself to traditional lecture-style presentation. These lectures can be recorded and transmitted asynchronously.

Delivery of Systems courses via distance learning does pose a few challenges. There are experiential exercises in the Project Management course that cannot be taught through distance learning. However, by reorganizing the curriculum, these course components can be delivered using face-to-face short courses. There are also required collaborative experiences, such as the Systems Engineering Project, that are more difficult to replicate for off-campus students. However, the College of Engineering has already surmounted this challenge by pioneering the facilitation of geographically dispersed teams and providing the technology to support collaborative workgroups in real-time.

6. Target Population

Need, nature, and extent

The target population for this degree program are young working professionals who satisfy the admission criteria for the MEng in Systems Engineering but who cannot afford to interrupt their careers for full-time, on-campus graduate study. These are typically mature students who have at least one year of work experience when they begin their graduate work. We have many years of experience in working with such students through our relationship with Lockheed Martin – Owego. Our initial target geographical area is New York State but there is already interest from Lockheed Martin for us to consider an international audience consisting of facilities in Canada and the UK reporting to the Owego site.

Demonstrated interest

Steven Betza, Director of Engineering Leadership Development for Lockheed Martin Systems Integration – Owego, has written a strong letter of support for this proposal. We currently have 260 inquiries on file from students seeking to find a distance learning Master's degree program in Systems Engineering. There were 100 inquiries in the Fall 2006 semester alone. Additional letters of interest and support are attached to this proposal.

7. Technology and Facilities

By distance learning, we refer primarily to the transmission of on-campus lectures to remote sites, and the facilitation of faculty-student interaction by electronic and other means. There are numerous proven technologies to support distance learning and new technologies continue to evolve. The SE Program currently offers courses with both synchronous (two-way live audio and video) and asynchronous (web-based video-streaming) delivery methods. Web-based course administration tools (the Blackboard course management system) are used extensively. Courier services are used for the timely delivery of dated confidential materials such as exams.

The University has invested in excellent distance learning facilities in Ives Hall. These facilities are well staffed and are adequate to support a limited distance learning degree program.

8. Face-to-Face Instruction

The distance learning degree program shall include a minimum of two weeks (ten days) of face-to-face interaction with classmates and Cornell faculty. The two weeks are not required to be contiguous. They may be conducted on-campus or at a remote site. The purposes of this requirement are to:

- initiate new students into the program,
- facilitate the networking and bonding of classmates within a cohort,
- establish standards for performance,
- create a sense of identification with the institution of Cornell University,
- complete the team-based experiential learning components of the on-campus program, and
- conduct project presentations and project evaluation.

The face-to-face instructional component shall be designed to satisfy two credit hours of the degree program.

9. Equivalence

Equivalence of Rigor and Quality

All distance learning courses offered by Cornell for academic credit shall meet the same standards for rigor and quality as on-campus courses and shall be taught by Cornell faculty.

Distance learning degree students seeking academic assistance in their courses shall have access to teaching assistants and faculty comparable to their on-campus counterparts.

Equivalence of Respect

Distance learning degree students shall be considered to be fully matriculated graduate students of Cornell University, with full student privileges, rights, and responsibilities.

All credit-bearing distance learning courses shall be viewed as equivalent to on-campus versions of the same course. Graduate degrees granted shall not bear any distinction as to the manner in which credits were earned (distance learning or on-campus).

10. Assurance of Academic Integrity

The SE Program shall obtain third party verification of academic integrity observed by the student in the off-campus completion of exams or major assignments for each Cornell course in the degree program.

11. Admission and Enrollment Criteria

The basic admission criteria for the on-campus and distance learning degree programs shall be the same; however, applicants must document at least one year of work experience in a relevant field to be eligible to enroll in the distance learning degree program. All successful applicants will have, as a minimum, a baccalaureate degree in engineering, mathematics, or science, conferred by an accredited college or university. Additional selection criteria may apply for enrollment in the distance learning degree program.

The SE Program reserves the right to restrict distance-learning enrollments based on program capacity, the geographical location of the student, and the technical or administrative capability of the program to provide adequate service to the student.

Students eligible to enroll in the distance learning degree program shall be admitted into the degree program using the same process as on-campus MEng applicants and may opt to enroll in either the distance learning program or the on-campus program. With sufficient advance notice, matriculated distance learning degree students may also transfer into full-time on-campus study at the beginning of any semester of their study.

12. Distinctiveness (from on-campus and undergraduate instruction)

It is understood that the residential experience is central to the Cornell undergraduate degree. There is no intent to replace or erode the undergraduate residential experience with this proposal.

On-campus undergraduate students are excluded from core SE courses except by permission of the instructor. The pre- or co-requisite for enrollment in a core SE course is a significant experience in a team-based project. There are a small number of seniors who satisfy this requirement and are admitted to these courses. Undergraduates shall not be permitted to register for the distance learning versions of these courses.

Lecture attendance and class participation is required of all on-campus students in core SE courses. Typically, a portion of the grade is reserved for class participation. An exception is granted for graduate students pursuing the Minor in Systems Engineering who experience course conflicts between classes in their home department and core, non-experiential courses (SYSEN 510, SYSEN520) required for the minor. In this case, and

with the written permission of the student's graduate committee chair and the instructor, the student is allowed to participate in the distance-learning course.

13. Policy on Re-use of Recorded Lectures

Recorded lectures are intended for use by students only within the semester in which they are delivered. At the end of each semester, distance-learning students shall be required to delete or dispose of any copies of lectures they may have made during the semester.

Recorded lectures, or portions thereof, may be used in other graduate courses with the approval of the originating faculty member.

14. Ownership of Course Materials

Course materials developed for use in a distance learning course shall be subject to the same ownership policy as materials developed for use in traditional on-campus courses.

15. Tuition and Fees

All students in the Systems Engineering degree program, both the on-campus and the distance learning variants, shall enroll and be registered in the Graduate School as fully matriculated students in the MEng degree program.

Students in the distance learning degree program shall pay tuition and fees pro-rated on a per-credit hour basis and shall be enrolled for a minimum of three credit hours per semester. The distance-learning student is expected to complete the degree requirements within five years. In special circumstances, the student may request a leave of absence. The degree requirements must be satisfied within seven years.

Students in the distance learning degree program shall be charged tuition and fees at a College of Engineering Special Program rate. This rate shall include a distance learning technology and administration fee.

Distance learning students shall be exempt from the requirement of purchasing health insurance.

16. Program Review

In the fourth and seventh years of operation, the Systems Engineering Program shall undergo an academic review with oversight by the Faculty Committee on Program Review (FCPR). The first such review shall be a self-study. The second review shall include an external review. The Systems Engineering Program shall maintain annual and cohort-based statistics of enrollments and student academic performance to facilitate these reviews.

17. Faculty Professional Development in Distance learning

The University shall provide resources sufficient for faculty to develop their teaching skills and adapt their curricular materials to succeed in distance education.

Course Development Support

The SE Program typically provides teaching assistant support to a faculty member in the field of Systems to assist in creating a distance-learning course or in converting an

existing on-campus course to support distance learning. This support is provided at least one semester in advance of the first scheduled distance-learning offering.

Faculty Rewards and Compensation

Teaching a distance-learning course is more demanding of the faculty member than teaching the same course on-campus without the distance component. Course administration is more complicated and an extra effort is required to keep off-campus students as engaged in the learning process as on-campus students. For this reason, it is typical for the SE Program to provide faculty in distance learning courses with support and/or compensation in excess of that provided to other faculty. This support or compensation may consist of (and is not limited to):

- Team teaching assignments or a lighter course load;
- Support for graduate students;
- Extra salary compensation.

In addition, there exist numerous other opportunities for faculty to enhance their skills and to mount new distance learning courses. These include support from the School of Continuing Education and Summer Sessions and from Faculty Innovation Grants.

Cornell SCE Support

Faculty developing distance learning courses for the SE Program will be supported by the Cornell School of Continuing Education and Summer Sessions with a range of support services:

- determining technological needs,
- organizing non-academic production components of the course,
- resolving copyright issues,
- creating a marketing plan, and
- coordinating resources for the improvement of online teaching skills.

Cornell Faculty Innovation Grants

“The Faculty Innovation in Teaching (FIT) program is part of a larger distributed learning initiative supported by the President and the Provost. The program is designed to allow faculty to develop innovative instructional technology projects that have the potential to improve the educational process.

The program provides faculty with the technical staff and other resources necessary to plan and implement their projects, thus allowing faculty to focus on their pedagogical objectives.

The Provost has funded a number of staff within CIT’s Academic Technologies & Media Services division whose explicit focus is to support these innovation projects. Project support comes primarily in the form of the development services required to turn faculty ideas into reality. These services are coordinated by CIT’s Academic Technologies & Media Services staff in collaboration with campus partners, such as the Library and the Center for Learning and Teaching. Funds have also been made available for the purchase of hardware, software, and other technical services/assistance that might be required. Support is also available for faculty release time.

It is a goal of the Faculty Innovation in Teaching program to support the cycle of innovation beyond implementation of individual projects. Faculty will be encouraged to participate in program activities that promote scholarly discussion of the relationship between pedagogy and technology, and to share information with the larger Cornell teaching community.

Scheduled Special Interest Groups and other avenues of communication are intended to support faculty in identifying best practices and technology solutions that merit further exploration. These and other forums will be available for faculty to share their experiences, explore evaluation findings and make recommendations regarding the future direction of instructional technology at Cornell.”

Source: <http://www.innovation.cornell.edu:5000/fig/content/about>

18. Benchmarking

Johnson Graduate School of Business

Boardroom Executive MBA Program

“The Cornell Boardroom Executive MBA program is delivered over 17 months in a combination of residential sessions and videoconferencing-based boardroom sessions. The three residential sessions are each between 10 days and two weeks in length and held on the campuses of both Cornell University in Ithaca, NY, and Queen's University in Kingston, Ontario. In addition to these residential sessions, the international collection of Boardroom Learning Teams is connected via a multi-point, interactive videoconferencing network for boardroom sessions. These are held on sets of three consecutive Saturdays with the fourth Saturday off.... The Global Business Project's one-week field study rounds out this learning experience.”

“Program participants within one city are organized into Boardroom Learning Teams, typically comprised of six to eight individuals. Each team is assigned a boardroom location in its home city, and these teams stay together for the entire length of the program.”

“For the class starting in July 2006, we are targeting selected sites in New York State, Ohio, Washington State, and Washington, D.C. for Boardroom Learning Teams.”

“The bottom line: this team-based, technology supported program allows you to earn prestigious dual degrees in just 17 months - without sacrificing the quality of the learning experience and without interrupting your job or life.”

Source: <http://www.johnson.cornell.edu/academic/boardroom/format.html>

Columbia University

Columbia Video Network

“Columbia Video Network (CVN) [is] the graduate distance learning program of Columbia University's School of Engineering & Applied Science (SEAS). CVN enables students globally to pursue residency-free, fully accredited engineering courses and degree programs completely via the Internet, allowing students to view their lectures anytime and anywhere.

“Graduate Degree Programs are fully accredited by the Middle States Commission of Higher Education.

“Columbia Video Network (CVN) brings graduate engineering education to you through distance learning. Students earn the same credits and degrees as their on-campus counterparts without actually coming on campus.

Columbia Departments Offering Masters Degrees

- Applied Mathematics
- Biomedical Engineering
- Chemical Engineering
- Civil Engineering
- Computer Science
- Earth & Environmental Engineering
- Electrical Engineering
- Industrial Engineering Operations Research
- Materials Science and Engineering
- Mechanical Engineering

Lecture Delivery Method

“Columbia Video Network lectures are delivered via Internet with both streaming media and download options. Lectures are asynchronous, which means that they are recorded and generally posted to the Internet the same day the class meets. Students interact with professors and teaching assistants primarily by e-mail. Professors and their teaching assistants may also establish telephone "office hours" for consultation.

Homework and Exam Submission Method

“Homework assignments are posted in CVN's Student Center, where students can retrieve it via the Internet. To submit finished homework, students either upload or fax their work to CVN using a customized fax coversheet. The homework will then be automatically posted to CVN's Student Center for viewing by both the instructor and the student. CVN students can view their own homework posted online, so safe transmission is self- confirming.

“Instructors return assignments and exams to students through the same method. In this way, students can view the instructor's handwritten comments and corrections.

Exams

“Students choose a proctor, subject to CVN approval, to monitor their test-taking. The exam may be taken at one's workplace or other suitable venue. On the day of the exam, and at the time specified by the instructor, the student's proctor will be able to download and print out the exam to be administered. After the test period is over, the proctor faxes the finished exam to CVN for auto-posting to the CVN Student Center.

Equivalence

“When you are a CVN student, you ARE a Columbia University student. Because you will take the same classes as on-campus students, do the same homework, and take the same exams, your degree, transcripts, and diploma are the same.

No Need to Come to Campus

“CVN students do not ever need to visit the Columbia campus, but they can if they wish. It is possible to sit in on a class, to meet your professor, and best of all, to walk with all other Columbia students on graduation day. In many ways, CVN's system offers the best of both worlds.

Columbia Program Costs

“Many CVN students are company sponsored, and CVN accepts a variety of tuition vouchers. The tuition for one credit hour (or one "point") is \$1122. The newly matriculating student also has some one-time charges, such as the transcript fee, which covers transcripts for the student's lifetime.

“Typical tuition for a newly matriculating student registering for a three credit course would be \$3366 + transcript fee \$75 (one-time) + video special fee \$55 (one-time) + online viewing \$350 = \$3846”

Source: <http://www.cvn.columbia.edu>

Georgia Institute of Technology

Program Description

“Georgia Tech offers seven M.S. degree programs via distance delivery. To enroll in the program, you must meet the same admission requirements as those who attend classes on campus. You will need to adhere to Georgia Tech's rigorous academic standards to earn the same degree as your on-campus counterparts. You may apply any time to Georgia Tech for admission the following term. Upon acceptance to the program, working engineers typically enroll in one course per term. Most companies provide tuition reimbursement for these classes.

“Most of the degree programs require thirty credit hours (typically, 10 courses) to obtain a master's degree. A thesis is not required, and you must maintain a 3.0 grade point average. Please refer to the websites of each of the programs for curricular details.

How the Program Works

“Courses are offered via the internet to off-campus students. Video cameras record faculty lectures and student-faculty interaction during regular graduate classes. These recordings can be viewed via video-on demand through the internet using WebCT or CD-Roms. Supporting class materials are also accessed through WebCT. Student-to-student and student-to-faculty interaction occurs using telephone, email, fax server, bulletin boards and the threaded discussion capabilities of WebCT.

“Georgia Tech offers approximately 65-70 courses each semester, except during the summer when a small number of courses are available. Check the Georgia Tech website for current and planned class offering.

“Access to the electronic library, the computer facilities of Georgia Tech, and the Internet is available to you with a home or business computer and a modem. Internet instruction includes links to other web-based materials and features the power and capability of Georgia Tech's sophisticated computer network. Student-to-student and student-to-faculty interaction occurs using bulletin boards and the threaded discussion capabilities of WebCT.

Participating Departments

“If you have been accepted into a Georgia Tech graduate program, courses can be applied toward a master's degree in the following areas:

- Aerospace Engineering
- Building Construction & Integrated Facility Management
- Electrical and Computer Engineering
- Environmental Engineering (MSEnvE)
- MS from Environmental Engineering
- Industrial Engineering
- Mechanical Engineering
- Medical Physics

Principles of Good Practice

“The Georgia Tech Distance Learning program adheres to the WCET Principals of Good Practice.

http://www.wcet.info/services/publications/accreditation/Accrediting_BestPractices.pdf

Equivalence

“The degree you earn through the Georgia Tech Distance Center for Distance Learning is a Master of Science degree exactly like the degree you would earn if attending courses on campus. There is no distinction between video and campus on your diploma.

Proctor

“Every semester all RGO and PDO/G students MUST select a proctor to administer, supervise, and authenticate that exams were taken by the student according to the guidelines established by Georgia Tech. All proctors will be approved by the Center for Distance Learning. If you do not have an approved proctor you will not receive exams.

GT Distance Learning Tuition

“Distance Learning tuition for 2006-2007 school year is \$801 per semester credit hour except Building Construction which is \$1156 per credit hour.”

Source: <http://www.cdl.gatech.edu/dl/servlet/DLHome>

Stanford University

Masters Programs at Stanford

“The Honors Cooperative Program (HCP) is the only part-time graduate program offered by Stanford University. It allows working professionals an opportunity to earn a graduate engineering degree through SCPD [Stanford Center for Professional Development] while maintaining employment.

“HCP students apply to the department in which they would like to pursue a graduate degree through the normal graduate admissions process, and compete with all other applicants for admission to the program. Once admitted, the HCP students implement degree study on a part-time basis through SCPD. HCP students are fully

matriculated graduate students of Stanford University, with full student privileges, rights, and responsibilities.

“HCP students must complete the 45 units of master's degree study in five years. They file study plans for their degree program, and are tested and graded to the same standards as on-campus students. Eighteen units may be transferred from the Non-Degree Option (NDO) to the HCP program.

To participate, industry students must have the support of their employer as a member company of the Stanford Center for Professional Development.”

Source: <http://scpd.stanford.edu/scpd/programs/mastersDegree.htm>

Member Companies Benefits

“The opportunity to participate in Stanford engineering classes for credit on a part-time basis is available to students whose employers are members of the Stanford Center for Professional Development (SCPD). [Membership benefits include:]

- “SCPD provides an easily accessible gateway to School of Engineering (SoE) education by world-renown faculty, to state-of-the-art research, and to emerging interdisciplinary programs.
- Access to Stanford courses supports technology transfer, and recruitment and retention efforts at member companies.
- SCPD is positioned to garner resources and support for newly emerging educational delivery technologies, coupled with the interests of faculty and customers, to improve engineering and technology management education.
- By outsourcing education and training administration to SCPD, companies reduce burdensome administrative tasks.”

Source: <http://scpd.stanford.edu/scpd/members/companies/>

Annual membership fees range from \$1000 to \$3000 depending on the number of employees in the company. Member companies agree to appoint an education manager and an administrative coordinator. Member companies also agree to provide exam monitors of suitable rank.

Stanford Departments Offering Masters Degrees

- Aeronautics and Astronautics
- Applied Physics
- Biomedical Informatics *
- Chemical Engineering
- Civil and Environmental Engineering
- Computer Science *
- Electrical Engineering *
- Management Science and Engineering *
- Materials Science and Engineering
- Mechanical Engineering *
- Statistics

* Departments offering master's degrees that may be completed entirely online.

Other departments offer a range of courses that are broadcast, but still require some attendance on campus for degree completion:

- BioMedical Informatics

- Computational and Mathematical Engineering
- Education - Learning Design and Technology

Stanford Delivery Technology

“In order to meet the varying locations and scheduling needs of its students, SCPD delivers its courses in a variety of formats, including the following:

- “Stanford Online: delivered over the Internet via streaming media, courses are posted online within two hours of the live Stanford University course concluding.
- Broadcast: transmitted through microwave technology, SITN broadcasts up to 75 courses a quarter, both live and tape-delayed.
- Two-way Video: using videoconferencing technology, students can participate in two-way compressed video

“Member companies within an approximate 35-mile radius, ranging from San Francisco to San Jose, may receive the broadcast signals with the use of a simple roof-mounted antenna.

“A frequency-changer must be installed on the company's premises. It converts the microwaves to VHF TV frequencies and enables students to view the classes on standard television receivers.”

Source: <http://scpd.stanford.edu/scpd/about/delivery/>

Tuition and Fees

Students in the Honors Cooperative Program pay \$1,240 per unit (3 unit minimum) for the 2006-2007 Academic Year. HCP students must enroll for a minimum of 3 units of coursework each quarter, unless they have been granted a Leave of Absence. There is an additional one-time \$80 document fee and a per-quarter Associated Students of Stanford University fee of \$30. Total tuition and fees for 45 units is estimated to be \$56,330.

University of Southern California

DEN (Distance Education Network)

“Established in 1972, the USC Viterbi School of Engineering's Distance Education Network was a pioneer in the distance learning arena, utilizing the most cutting-edge technology to enable professional engineers to take USC engineering courses for graduate degree credit without having to set foot on the campus.”

“DEN offers over 30 Master of Science degrees to choose from - more than that of any leading research university.”

Source: <http://den.usc.edu/prospectives/overview.htm>

“DEN strives to meet the needs of engineering professionals, providing the opportunity to advance your education while maintaining your career and other commitments. By breaking down geographical and scheduling barriers, DEN allows you to take your classes anytime and anywhere.

How DEN Works

- “Courses are transmitted from studio classrooms at the USC campus via an Internet-delivery system. DEN students are viewing the same lecture as on-campus students.
- Students can view the courses live, or later at their convenience. Lectures are archived for the entire semester and can be downloaded.
- Live instruction is interactive - students can call by a toll free phone line to ask the professor questions, or use threaded online chat.
- Professors' in-class notes are digitized and posted so students can print them and watch the lecture.
- Homework is submitted by email or fax to the DEN Document Center.
- Exams are proctored at local testing centers (with the exception of Los Angeles based students, who are required to come to campus for their exams).”

Source: <http://den.usc.edu/prospectives/howdenworks.htm>

USC Master of Science Degree Programs – Online

“Each degree program [below] can be completed entirely online.

- Aerospace & Mechanical Engineering
- Astronautics and Space Technology Division
- Biomedical Engineering
- Chemical Engineering
- Civil Engineering
- Computer Science
- Electrical Engineering
- Industrial & Systems Engineering
- Materials Engineering
- Petroleum Engineering”

Source: <http://den.usc.edu/programs/degreeprograms.htm>

Tuition and Fees

Off-campus students pay \$1,151 per unit, plus a \$500 DEN fee per course and \$43 in student fees per semester, for the 2006-2007 Academic Year. There is an additional fee of \$25 per exam taken at a certified testing center. Total tuition for 30 units is estimated to be \$34,530. Fees for a five-year program are estimated to add \$6,180 to this for a total degree cost of \$40,710.

Corporate Partners

USC lists several corporate partners. In particular, “The Boeing Company has selected the team of the University of Southern California (USC) and the University of Missouri-Rolla (UMR) to provide its engineering employees with an opportunity to enroll in a graduate program in Systems Engineering.

“Boeing employees and its suppliers worldwide have the opportunity to earn a Master of Science degree or Graduate Certificate in Systems Architecture & Engineering.”

Source: <http://den.usc.edu/programs/boeing/index.htm>

II. Curricular Information

1. How many committee members will a student be required to have?
Master of Engineering students require only one committee member: their academic advisor.
2. How many registration units are required for your degree program(s)?
None. The Master of Engineering program is exempt from the requirement of registration units.
3. Will students be scheduling their exams with the Graduate School?
No. Master of Engineering students do not sit for graduate field exams.
4. Will students be required to submit a project (circle **yes** or **no**) or a thesis (circle **yes** or **no**)?
Master of Engineering students in Systems Engineering are required to complete a project. This applies to the current on-campus program and the proposed distance-learning program.
5. Will students submit their project or thesis to the field or to the Graduate School?
Students submit their project report to the field through the Systems Engineering Program Office. This applies to the current on-campus program and the proposed distance-learning program.
6. Will a master's degree be awarded to students who pass their A exams and continue on for the Ph.D. (circle **yes** or **no**)?
No. Master of Engineering students do not sit for graduate field exams.
7. Will a master's degree be available to a student who was admitted into a Ph.D. program but who will be not continuing on for the Ph.D. (circle **yes** or **no**)?
No. Not applicable.
8. Do graduates of your program qualify for professional licensure? (If so, which ones.)
No. Professional certification is available through the International Council of Systems Engineering (INCOSE).
9. Will the Papers Option be available to Ph.D. candidates? If yes, please describe.
No. Not applicable.
10. What is the effective beginning date of the proposed curricular change?
January 1, 2008.
11. How long will currently registered students (or students on leave) have to complete a degree under the current structure?
There are no currently registered students who are affected by this new program.

III. Student Enrollment and Funding

12. Describe the projected student enrollment over time and **indicate the sources and amounts of funding for those students for the duration of their degree programs**. Please address all costs associated with student enrollment (internal and external fellowships, assistantships, stipends, and financial aid) for both domestic and international students. **Note that the Graduate School can not provide fellowships or stipends for new degree programs**

Initial entering cohort is anticipated to be 15 students and increase by 5 per year. The students in the distance-learning program will be self-funded with assistance from their employers. The Systems Engineering Program does not require any form of fellowship to institute this distance-learning program.

IV. Program Format

13. If your proposal requires a change in format or delivery mode (e.g., distance learning), describe the availability of relevant courses, faculty, resources, or support services.

The degree requires 30 credit hours of instruction. Of those, at least two credit hours will be delivered in the form of face-to-face modules to be developed upon state approval of the curriculum. Seven credits will be delivered in the form of systems engineering project work supervised by Cornell faculty. The participating departments will be compensated for the faculty supervision time out of Program revenues.

The remaining twenty-one credit hours will be delivered by means of seven three-credit courses taught using distance-learning technology. Of these seven courses, five courses are already being offered in distance-learning format. They are:

- *SYSEN 511 Applied Systems Engineering*
- *SYSEN521 Systems Architecture, Behavior, and Optimization*
- *SYSEN531 Systems Engineering for the Design and Operation of Reliable Systems*
- *CEE691 Principles of Project Leadership*
- *CEE697 Risk Analysis and Management*

The program requires at least two additional three-credit courses within the College of Engineering to be converted to distance-learning format. These courses will be selected from the dozens of eligible electives across the College, with the participation of the home departments. Departments and faculty participating in distance learning will be compensated out of Systems Engineering Program revenues. The Systems Engineering Program and the College of Engineering will provide support for the conversion of courses to distance learning format.

Additional support services, as detailed in the proposal, include those provided by the School of Continuing Education and Summer School and those available through the Faculty Innovation Grants.

14. If your proposal is based, even in part, on distance learning technologies, please describe those and indicate the percentage of instruction that will be delivered through those technologies.

At most 28 credit hours of the required 30 credit hours for the degree will be delivered using distance learning. At least two credit hours are delivered in face-to-face instruction.

The current plan calls for twenty-one credit hours to be based on courses taught on-campus, to on-campus students, but made available to distance-learning students through various video technologies. The Systems Engineering Program uses both synchronous and asynchronous methods of delivery. Off-campus sites participating in synchronous delivery connect to the classroom using live, two-way audio- and video-conferencing capabilities. The course is delivered to both on- and off-campus students simultaneously and both groups are able to participate in the classroom discussions. Off-campus sites participating in asynchronous delivery view the lectures in a post-production interactive video available over the Internet, hosted by a Cornell website. The video is posted on the website within 24 hours of its delivery to an on-campus audience. In practice, the video is available immediately after the lecture is delivered and often while the lecture is still in progress. In the current technology, the video features a resizable video frame of the instructor speaking and a large image of the instructor's slides or drawing surface. The video is indexed so that the student can advance to or review any part of the lecture.

Project supervision will account for up to 7 credit hours. This will be facilitated by on-campus visits of the students, where possible, and by various technologies for remote design collaboration (teleconferencing, videoconferencing, shared websites, and Webex). The Systems Engineering Program will provide support to the supervising faculty to employ the technology that best meets the needs of the project.

15. If your proposal involves a change of (instruction) location, specify that location and describe the availability of relevant courses, faculty, resources, or support services.

This distance-learning program requires no change in location.

16. If your proposal involves a change in the program calendar -- from, say, two academic years to one calendar year -- describe that change in detail. Demonstrate that the program remains sound in terms of content as well as structure (i.e., minimum number of contact hours; required number of credits, courses, and registration units; availability of faculty, staff, and support services). Address the special needs of international students re: obtaining visas and compliance with all INS regulations. Address the resolution of grievances that might arise if, for example, a student can not meet the degree requirements in the allotted time because of program design.

The proposed degree program is equivalent to the existing on-campus degree program. The difference is that a majority of the credits may be taken in a distance-learning format.

To meet the needs of working professionals, it is essential that this program be offered as a part-time degree. This class of students cannot be expected to complete more than eight credit hours a semester. For job flexibility, the demands of travel and family life, the accommodation of corporate education schedules, and the scheduling of distance-learning courses it is necessary to allow for as few as three credits in some semesters. For example, because of the intensive nature of project work and the extreme

demands such projects sometimes place upon a student's time, some companies strongly discourage students from taking any other course in the semester they use to complete the project course. Also, until the College of Engineering portfolio of distance-learning courses expands beyond the minimum, some students may experience difficulty in scheduling electives to complete the degree.

Two- and three-year variants of the part-time degree program will be designed. The table below shows two possible variants that satisfy the requirements of the existing degree in part-time. The modules refer to the face-to-face short courses to be developed.

Year	Semester	Two-Year Program	Three-Year Program
1	Summer	Module 1 (0 credit)	Module 1 (0 credit)
1	Fall	SYSEN511 (3 credits)	SYSEN511 (3 credits)
1	Fall	SYSEN531 (3 credits)	
1	Spring	SYSEN521 (3 credits)	SYSEN521 (3 credits)
1	Spring	CEE691 (3 credits)	CEE691 (3 credits)
2	Summer	Module 2 (1 credit)	Module 2 (1 credit)
2	Fall	Elective (3 credits)	SYSEN531 (3 credits)
2	Fall	Elective (3 credits)	Elective (3 credits)
2	Fall	Project (2 credits)	
2	Spring	Elective (3 credits)	Elective (3 credits)
2	Spring	Project (5 credits)	
2	Summer	Module 3 (1 credit)	Module 3 (1 credit)
3	Fall		Elective (3 credits)
3	Fall		Project (3 credits)
3	Spring		Project (4 credits)

We propose a minimum of three credits per semester to permit the design of programs for different groups of working professionals and to accommodate the needs of students in exceptional circumstances. This would translate to the degree being completed in at most five years unless a leave of absence is granted. The maximum period of matriculation, including any leaves, shall be seven years.

The availability of faculty is not an issue for courses that are already offered in distance-learning format as part of the on-campus degree program. This includes SYSEN511, SYSEN521, SYSEN531, and CEE691.

The Systems Engineering Program is in the process of identifying faculty members to offer existing engineering electives in a distance-learning format. For the near future, arrangements will be made with individual faculty members and their department chairs. Professor Jery Stedinger is currently offering CEE697 (Risk Analysis and Management) in a distance-learning format. Professor Paul Francis has expressed interest in offering CS 419 (Computer Networks) on a one-term trial basis. The Systems Engineering Program offers support to faculty members and revenue sharing with their departments as compensation for the additional teaching effort required for distance learning.

The face-to-face modules will likely be offered during summer either immediately before the fall semester or immediately following the spring semester. The core faculty in the Systems Engineering Program has experience in developing and teaching short courses for industrial audiences. Responsibility for teaching these courses shall be

shared by the Systems faculty members of three departments (Civil and Environmental Engineering, Mechanical and Aerospace Engineering, and Operations Research and Information Engineering). The Systems Engineering Program shall compensate these faculty members for their summer teaching activities.

17. If you are proposing either a joint or dual degree option, additional information will be needed. Please contact the Graduate School.

Not applicable.

V. Staffing and Operations

18. Does your field faculty have endowed appointments only, contract college appointments only, or both? Will the field membership change as a result of this proposal? (If so, describe.)

The field has both endowed and contract college members. Field membership will not change as a result of this proposal.

19. Will any faculty need to make changes to their concentrations and areas of research as recorded on their faculty cards? (If yes, faculty cards on file with the Graduate School will need to be updated.)

No.

20. Comment on the need for additional staff, space and/or financial resources relevant to the implementation of your proposal and describe how you will meet those needs.

The Systems Engineering Program is administered jointly with the School of Operations Research and Information Engineering. The administrative manager is Jessica Best.

It is anticipated that an additional staff member will be hired into the Systems Engineering Program to provide teaching support services for the distance-learning program. The role of this individual will be to ensure that all matriculated part-time students in this program get access to the resources they need to be successful in their coursework. This will include, but is not limited to, access to the website for viewing video-streamed lectures, access to electronically mediated course management exchanges (ex. Blackboard), access to instructors and teaching assistants for resolution of educational issues, homework drop boxes, exam proctoring, and timely grading.

The Systems Engineering Program has prepared a budget for the incremental expenses required to mount this distance-learning degree program. The additional expenses, including technology costs, administration, staff, and revenue sharing with departments, are estimated to be \$315,000 per year. Depending on tuition assumptions, the break-even number of students to matriculate each year is under fifteen. The College of Engineering has approved the budget for planning purposes.

VI. Institutional Concerns

21. Comment on the University's institutional need for this change in, or addition to, the graduate curriculum.

At the Inauguration Ceremony of Cornell University, Ezra Cornell delivered a brief speech in which he said, "I hope we have laid the foundation of an institution which shall combine practical with liberal education, which shall fit the youth of our country for the professions, the farms, the mines, the manufactories, for the investigations of science and for mastering all the practical questions of life with success and honor. I believe that we have made the beginning of an institution which will prove highly beneficial to the poor young men and the poor young women of our country." Since the inception of this institution, there has been an egalitarian ideal together with the recognition of the importance of the practical arts in raising the material well being of its students. To hold to those ideals and yet to prevent part-time study at the professional masters level is incongruous. Wealthy students from around the world will continue to come and be educated at Cornell. The question is whether working professionals in our own state will have access to a degree from the College of Engineering. The technological problems of delivering education at a distance have been largely solved. It requires only the will to reach out and work with the potential students employed in the companies all around us, delivering a quality education in the practical arts to the best of our ability.

22. Describe the positive effects of this change on other fields or Cornell faculty.

Numerous faculty members will comment on the benefits of having mature students in the classroom. Infusing our classes with students who are immersed in the working world will enrich the experience of faculty and students alike. This initiative will increase the level of contact between the College of Engineering and technological companies in upstate New York.

23. Address the negative effects, if any, of this change on other fields or Cornell faculty and explain how those effects will be mitigated.

A common apprehension of distance learning is the extra effort required to teach in this format. While we believe some of this apprehension to be exaggerated, we do not deny that success in this format requires skill, preparation, and attention to detail. We believe that success in a distance-learning format also improves the experience for on-campus students. The Systems Engineering Program is committed to supporting faculty in distance-learning courses so that their experience is pleasant and their efforts rewarded.

24. In the event that your proposal does not receive approval, how [else] might you accomplish the goals it represents?

If the distance-learning proposal were not approved, but a part-time degree option were approved then we would seek guidance on the extent to which Cornell credits earned in distance-learning could be counted toward the satisfaction of the on-campus degree program. We would attempt to develop a part-time degree program with the maximum allowable distance-learning component.

If neither the distance-learning, nor the part-time aspect of this proposal are approved then we do not see a viable alternative to meeting the needs of working professionals in upstate New York for a professional degree in Systems Engineering. We

would find it necessary to direct their inquiries to other universities. We would continue to offer our distance-learning courses to be used as transfer credits into degree programs at other universities.

VII. Attachments

25. Attach a sample multi-year curriculum and schedule of course for the typical student enrolled in this program. Include evidence that minimum State requirements are met re: contact hours, credits, etc., if applicable

A sample two-year and three-year program curriculum is included in the text of our responses in section VI. Program Format, above.

26. List and describe new academic courses for which you will seek approval, if applicable.

The face-to-face modules will be developed upon approval of this proposal. The current plan is for three modules, totaling 2 credit hours. These courses will be submitted to the College of Engineering for approval.

Module 1 (3 days, 0 credits) Cohort orientation, instrumentation, course advising. This module would be taken before enrolment in the first semester in the program (August).

Module 2 (5 days, 1 credit) Systems engineering and project leadership. This module would be taken before the midpoint of program (May).

Module 3 (5 days, 1 credit) Systems architecture and integration. This module would be taken before program completion (May). This could include final project presentations.

27. Please include evidence of a faculty vote and address the results including the thinking behind negative votes or abstentions.

The Master of Engineering Committee approved the proposal in November 2006 by a unanimous vote.

The Field of Systems approved the proposal in December 2006 with 10 members of the field voting (all in favor).

The Engineering Policy Committee (EPC) reviewed the proposal and recommended its acceptance by the College of Engineering. The EPC presentation to the College of Engineering Faculty is attached.

The Faculty of the College of Engineering voted on February 6, 2007 in favor of the proposal (48 for, 15 against, 15 abstentions). Those opposed to the motion focused on the additional workload required to teach in a distance-learning format, the small number of courses currently available in a distance-learning format, and the inferiority of the distance-learning experience compared to on-campus learning. Those in support of the motion spoke of the enhancement to on-campus teaching provided when courses convert to distance-learning format, the needs of working professionals, the commitment of the Systems Engineering Program to quality instruction, and the need of the faculty to encourage new initiatives such as this.

27. Attach a current and a revised FIELD/Subject and concentration list if necessary.

The current curriculum requirements for the M.Eng. degree in Systems Engineering are listed in Section II. Proposal, Subsection 4, The Systems Engineering

On-Campus Degree Program. No change in curriculum requirements is proposed for the distance-learning form of the degree program. The two credit hours planned for face-to-face modules would be applied toward the four-credit Project Management requirement (to supplement the three-credit distance-learning course in Project Leadership, CEE691) and the elective portion of the degree.

28. Attach copy text for eventual publication on the graduate school website and on-line application.

The Systems Engineering Program emphasizes the fundamentals of requirements analysis, systems architecture, product development, project management, operations research, optimization, simulation, systems analysis, integration and verification. The program's strength in these areas helps promote an understanding of the systems process throughout an organization and prepares students to transition from designing and managing independent engineering projects to creating integrated solutions that meet customer needs. Courses are offered via traditional in-classroom delivery as well as distance-learning and part-time options--all designed to meet a student's particular needs for enhanced learning.

The basic admission and graduation criteria for the on-campus and distance-learning degree programs are the same; however, applicants must document at least one year of work experience in a relevant field to be eligible to enroll in the distance-learning degree program. All successful applicants will have, as a minimum, a baccalaureate degree in engineering, mathematics, or science, conferred by an accredited college or university.

The Systems Engineering Program reserves the right to restrict distance-learning enrollments based on program capacity, the geographical location of the student, and the technical or administrative capability of the program to provide adequate service to the student.

30. Attach evidence of support from all relevant faculty.

31. Attach support letters from your college Dean and others as relevant.

Forthcoming.

32. (For new major fields, new degree programs, or new academic initiatives): Provide the names and addresses of three [non-Cornell] professors who could serve as potential external reviewers if this is required by Albany.

Prof. F. Stan Settles, Professor of Astronautics and Industrial and Systems Engineering, University of Southern California

Dr. Cihan Dagli, Program Director, Systems Engineering Program, University of Missouri-Rolla

Dr. Richard Grzybowski, Research Director, Systems Engineering & Program Management, Corning Inc.

List of Attachments

- *Letter of support, Steven Betza, Lockheed Martin*
- *Letter of support, Randy Simpson, Schweizer Aircraft*
- *Letter of support, Tim Corsmo, Applied Materials*
- *Letter of support, Ed Alef, General Motors*
- *Presentation of Engineering Policy Committee to the College of Engineering Faculty, David Hysell, Chair.*

Lockheed Martin Systems Integration – Owego
1801 State Route 17C
Owego, NY 13827

October 30, 2006

Dr. Peter Jackson
Director, Systems Engineering Program
Cornell University
Rhodes Hall 218
Ithaca, NY 14853

Dear Dr. Jackson:

I am writing to express Lockheed Martin's support for a proposal to award the Master of Engineering in Systems Engineering degree (an existing graduate program) through courses taken in a distance learning format, supplemented by a small, but well selected, face-to-face component.

Since 2000, Lockheed Martin Systems Integration – Owego has enrolled over eighty (80) students in the Cornell MEng Systems Engineering program, and it is the cornerstone of our Engineering Leadership Development Program (ELDP). The quality of the Cornell SE degree is outstanding, as it: (1) builds a superior base in the theory and practice of Systems Engineering, (2) allows students to gain additional depth in their core discipline (e.g. ECE, MAE, etc.) through electives, and (3) includes an invaluable two-semester design project which we have tailored to model a real-world, full-lifecycle engineering program.

In recent years, Lockheed Martin has welcomed the addition of new courses and electives offered through distance learning (both synchronous and asynchronous), and the significant benefit that this has provided to our graduate students who balance a full-time professional work schedule with the completion of the MEng degree over a regimented three-year time period. These courses have allowed our students to participate in a "virtual" classroom with no compromise to course quality.

Awarding the Master of Engineering in Systems Engineering through distance learning (and a well chosen face-to-face component) is of mutual benefit to both Cornell and Lockheed Martin, including:

- The ability to expand our ELDP program to students in LM Canada and LM United Kingdom who organizationally report to Lockheed Martin Systems Integration – Owego.
- The ability to offer the Cornell MEng program to high achieving ELDP students across Lockheed Martin, with over 250 new Lockheed Martin employees selected for this program each year.
- The ability to offer a more flexible MEng program to non-ELDP Lockheed Martin employees who enroll and complete the program on a self-paced basis each year.

In summary, I would like to offer Lockheed Martin's highest recommendation for approval of this proposal to the Master of Engineering Committee and Cornell Senior Administration. This is a high-priority initiative for us, and a great opportunity to further expand our already successful academic-industry partnership. If I can be of further assistance in your evaluation, please do not hesitate to contact me at (607) 761-7353.

Sincerely,

(Signature on File)

Steven J. Betza
Director, Engineering Leadership Development
Lockheed Martin Systems Integration – Owego



SCHWEIZER AIRCRAFT CORP.
A Subsidiary of Sikorsky Aircraft

ELMIRA/CORNING REGIONAL AIRPORT
1250 SCHWEIZER ROAD • HORSEHEADS, NY 14845 USA

January 15, 2007

Professor Peter L. Jackson
School of Operations Research and Industrial Engineering
Rhodes Hall 218
Cornell University
Ithaca, NY 14853

Dear Peter:

Schweizer Aircraft Corp. is a rapidly growing aviation company located in the Southern Tier of New York. The company's primary focus is in the design and manufacture of rotorcraft and surveillance aircraft. The company also supports various internal and external cooperative research programs including the X-2 Technology Demonstrator Rotorcraft. Although the company has a remarkable 65 year history, it is poised for tremendous financial and technological growth in the upcoming years.

An area which has already seen tremendous growth is our Engineering Department. We have doubled our department's size and increased our technical capability markedly in the past four years. We currently have a department of 46 engineers and plan on further increasing the staff size to over 80 within the next three to four years.

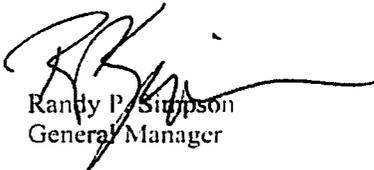
Schweizer engineering would like to expand its knowledge and capability in Systems Engineering. As our products and projects grow technologically and in complexity, the need for engineers qualified/educated in systems engineering has developed. We see the need for specific Systems Engineers and Systems Engineering training/education for many of our general staff.

During your recent visit we were excited to hear about your proposed Distance Learning (DL) Degree in Systems Engineering. We are very interested and would actively support such a program. We have several staff members who have already expressed/shown strong interest in such a program since they can further their professional education while staying on the job.

Please keep us informed of any progress in the program approval. We look forward to working with you and Cornell University on this and other endeavors.

Regards,

SCHWEIZER AIRCRAFT CORP.



Randy P. Simpson
General Manager

RPS/jb



Tim Corsmo
3050 Bowers Avenue
Santa Clara, CA 95054
January 4, 2007

Professor Peter Jackson
Director, Systems Engineering Program
School of Operations Research and Industrial Engineering
Rhodes Hall 218
Cornell University, Ithaca, NY 14853

Dear Professor Jackson:

As one of the corporate sponsors of the initial Systems Engineering distance learning program and a driving force behind the one-week short course, Applied Materials is committed to improving our Systems Engineering capabilities. As the company faces the challenges of an increasingly mature industry and fewer opportunities for technological differentiation in our core business, our ability to execute effectively becomes more and more critical to our success. Systems Engineering has become a core competency, essential to the attainment of our business goals.

The Applied employees who participated in the early ASE1 and ASE2 programs gave the courses high marks for relevance, quality and instructional excellence. The delivery medium was the only obstacle to greater participation by our Engineering community. With that obstacle removed, plus curriculum expansion to a full, advanced degree, the Cornell program will be the preferred solution for Applied Materials.

Applied Materials is very interested in a Masters of Engineering Degree in Systems Engineering that is delivered through distance learning. We look forward to the opportunity to again work with the Cornell team to further enhance our product development capabilities and productivity.

Sincerely,

T. J. Corsmo

Tim Corsmo
Head, Applied Global University

From: edward.r.alef@gm.com
To: pj16@cornell.edu
Sent: Wednesday, January 03, 2007 8:28 AM
Subject: Proposed DL Degree in Systems Engineering

Dear Peter,

It is well documented within the automotive industry that a solid organization capability in systems engineering is critical to compete in an intensely competitive global market.

The Cornell University course SYSEN511 Applied Systems Engineering has not only been endorsed by the GM Technical Education Program but as been subscribed by over 80- engineers. The GM endorsement and subscription can attest to the importance of this course and, more broadly, this discipline.

Further, we are in discussion stages with your university to bid on an additional course in this area for the Fall 2007 term which we are calling Vehicle Architecture.

I applaud your innovative efforts to work with industry in this very important discipline.

Thank you for the opportunity to support this academic effort.

Ed

Ed Alef

Technical Fellow - Education, GM Technical Education Program

Mailcode: 483-710-137

Powertrain Headquarters - Building C

Phone: (248) 857 - 8753

<http://tep.gm.com>

"TEP: The Competitive Edge"



Engineering Policy Committee Review of Distance Learning Initiative in Systems Engineering

Ken Birman (CS), Harold. Craighead (AEP)

Ashim Datta (BEE), Terrence Fine (ECE)

Emmanuel Giannelis (MSE), Mircea Grigoriu (CEE)

Shane Henderson (ORIE), David Hysell (EAS, chair)

Stuart Leigh Phoenix (TAM), Mark Psiaki (MAE)

Paul Steen (CBE), Warren Zipfel (BME)

...

Kent Fuchs (ex-officio), David Gries (ex-officio)

Michael Spencer (ex-officio), Zellman Warhaft (ex-officio)

1. Are additional faculty positions needed to support the DL initiative, and if so, what form of appointment is envisaged for those faculty, and how would they be supported?

- Negotiations of services and commitments will be made with various department chairs to maintain and increase the number of elective courses offered as DL. Maintaining these courses is seen as the respective department chair's responsibility and also revenue sharing will be arranged with department chair, not individual faculty.
- Questions arise concerning how a junior faculty investing in this program will be seen in the tenure process (persons hired in these lines will be required to teach DL courses). The program should support the junior faculty at tenure time.
- Still, it seems as if the responsibility for this program rests with one or a few faculty members, and the college should be prepared to support it more tangibly.

2. How can we be sure that the students receive a quality degree that deserves the good name of Cornell?

- The burden of proof rests with the new program, which will have to demonstrate quality at three- and six-year reviews. The reviews will need to be as carefully designed and executed as the DL program.
- At this stage, the program appears to be sufficiently well motivated and constructed to warrant trial.

3. Will a sufficient number of classes be available in DL format to ensure a reasonable selection for DL students?

- Several courses for the program already exist in DL mode, and others will become DL irrespective of the proposed program. The face-to-face course(s) have to be developed.
- Two planned electives would constitute the bare minimum to get the program going, and it appears that the viability of the program depends on maintaining those two elective courses. More electives are expected to come on board with time.
- It was suggested that it would be prudent to start with more than the two minimum elective courses, although economics argues against this.
- At the moment, neither elective is firmly in place, although the chairs of ECE, CEE, MAE, and ORIE are being consulted (ECE and ORIE most immediately).

4. Lockheed's letter regarding the importance of distance learning is impressive? Are there any other similar letters?

- General Motors Technical Education Program
- Applied Materials Global University
- Schweizer Aircraft

5. Office hours can be of great help to many on-campus students. Has a feasible alternative to office hours been considered for off-campus students?

- A number of technologies exist with sufficient maturity to facilitate remote office hours. For the JGSM DL program, advising through email has been successful.
- Distance learning is a different experience, and keeping the personal connection with an off-campus audience requires extra effort from the instructor, but this has been done.

6. It is not clear how a third party can guarantee academic integrity. What can be done if, for example, the exams of some students from the same unit are similar?

- An authorized person from a participating company (i.e., Lockheed Martin) who is seen as a disinterested party can assume this responsibility. This has been done by USC/Boeing.
- Outside of such company situation, the student will have to utilize a testing center for a fee.

7. How can we preserve the quality and quantity (already in short supply) of suitable M. Eng. projects while adding an additional body of students.

- High quality projects arise from the corporate participants. An example is the Fireball competition at Lockheed Martin.
- Project quality also benefits from the maturity of the students involved and the experiences they've gained through corporate affiliation.

8. The comparison with the USC program seems to be the most relevant.
Can we learn more about their experience?

The DL proposal from Systems Engineering appears to be well considered and thought out, and specific concerns raised by the EPC have been addressed. We support continued work toward a DL degree program in this instance and suggest that firmly establishing electives be the priority at this stage. However, we do not view the program as a template for college-wide implementation. The program is based on a one-of-a-kind, resource-intensive model requiring enormous effort on the part of a few individuals. It has limited course offerings and does not appear to be easily scalable. Much more college support would be required to replicate DL programs widely in other departments.

Minutes from the September 12, 2007 Faculty Senate Meeting

Acting Speaker of the Senate Dean Charles Walcott: "First I would like to call this meeting to order. It is my duty to remind the body that no photos or tape recorders are allowed during the meeting. Everybody please turn off your cell phone, and if you want to say something, please tell us who you are and what department you are from. I will also announce the number of Good and Welfare speakers, as far as I know so far, there are none. "

You might wonder why on earth I am up here doing this, and the answer is that we have not yet officially elected a Speaker for this session. So I am acting as a temporary substitute speaker, and we will get to the business of electing a real, genuine speaker further down in the meeting. I would like to begin by welcoming President Skorton to the first Faculty Senate meeting of the year and his first Faculty Senate meeting, and I invite him to take the floor."

1. REMARKS BY AND QUESTIONS FOR PRESIDENT DAVID SKORTON

President David Skorton: "Good afternoon. I am really thrilled with the turnout. I am glad that everyone could make time to get together today. This is the start of my second year working with you, and it's been quite an extraordinary first year, a year that was a great joy to me. I'm very, very happy to be here. I'm very enthusiastic about Cornell. I want to share some of my thoughts and observations about my first year and projections for the second year and onward. Before I go into some specifics, though, I wanted to acknowledge the dialog that Dean Walcott and I have been able to develop over the last nineteen months and thank you Dean Walcott for things that you taught me and kept me focused on during the year. One of the things I decided early on was that I wanted to spend the maximum amount of time the first year getting to know the student environment at Cornell. I spent a lot of time with undergraduate students and graduate students and to a lesser extent with students at Weill Cornell Medical College. I have established a wide variety of mechanisms to allow me to interact and communicate with students. I have office hours for groups of students, open forums, and I meet with student elected leaders. I have also during the year had a chance to meet with the UFC regularly. Dean Walcott and I meet on a monthly basis. And I had a chance, with his guidance and with Provost Martin's guidance and with the deans' guidance, to begin to visit the faculty in your offices and studios and laboratories and departmental meetings.

"In the second year I am going to focus much more actively on engaging directly with rank and file faculty more than I had time to the first year. I also wanted to share with you, because I believe that I report to you in a sense, how I spent the first year time-wise. I spent a bit over a quarter of my time traveling -- 27% of my time traveling -- much of it to New York City, some of it elsewhere. I had one international trip to India that many of you know about. Some of that was related to fund-raising and some of that was related to meeting alumni. During the course of that year and interacting a lot with alumni, and coming through the faculty ranks myself at two different institutions, I came to believe -- and it is something that I have believed for a long time and I keep thinking that it will be

different -- but every where I go it's the same; that explaining the faculty experience to people not on the faculty is a never-ending job and a very important one for university communicators, of which I am one. So in talking with Dean Walcott and thinking about this, I have decided to make that theme of relating the faculty experience an important part of my communications in the second year. With Dean Walcott's help and advice and some editing, the first article I wrote is a column in Cornell Alumni Magazine, the one that just came out, the first one this year. It is the beginning of this focus on translating the faculty experience. So if you get a chance to look at that alumni magazine column and you have criticisms (it's already published so it's too late to change what is in print) but in terms of altering my communication on your behalf, please send it to me. I would be very, very glad to get the commentary. Take a peek at that article.

"I will talk about a few highlights of the past year. In 1989, you had eleven of your colleagues elected to distinguished national academies. And last year, ten were elected. So this is the second most robust year of faculty from Cornell University being elected to national academies since we began keeping track of it. I am very, very proud of that. Ten new members and that is including the National Academy of Sciences, the National Academy of Engineering, AAAS, the American Philosophical Society. So it's very, very impressive. I congratulate you for that.

"Another very strong reflection on faculty excellence is the faculty's engagement with students. Last year was the largest number of applications for first year places in the university's history; 30,100 applications for the 3,055 slots. Of course, that's a direct reflection on you. From symbolic things like staying in the dorm - something that my wife and I decided to do each year - and in more substantive ways I have become very impressed and engaged with the concept of the living and learning communities that you have developed over the last decade and a little bit less time than that. I know that many people here had a part in that. It's a very high priority for me and, if I can speak on Provost Martin's behalf, I can tell you from many, many conversations and from her actions, it's a very high priority for her as well, both North Campus and West Campus. It does give all of us on the faculty a role in student life that is not a traditional part of the Cornell history. It is relatively new to Cornell, and I commend to you the job of becoming even more engaged in the living/learning communities in terms of faculty-in-residence, house professors and house fellows. I am a fellow at Becker House. Sometimes I see Dean Walcott there usually holding forth at the table. I think that it would be great and I want to urge you to become even more involved with the living/learning communities as the opportunities arise. Everything I hear from the faculty who are doing it; everything I hear from the students who are engaged in it, both first-year students and students farther along in the undergraduate process, makes me think that it's a very important system for faculty and students. So it's an observation and something that I hope you will think about.

"During last year there was a culmination of a process that was set in motion by some years before by Hunter Rawlings and others to develop an Economic Impact Study for the university. And I honestly can't recall, Dean Walcott, if we talked about this in the Faculty Senate last year, so I want to talk about it now. Of course we don't need an economic

impact study to talk about the importance of Cornell University or what the main contributions we make are. However, like all distinguished research universities this university gets a lot of public money. Nearly a \$1 billion of the \$3 billion budget that we have are from public sources, including grants and contracts from federal agencies which includes money from the State of New York related to our land-grant mission and, of course, support to specific colleges and also federal student aid. So I do think it's important and support Hunter's decision to take a snap shot, a semi-quantitative snap shot, of some of the economic multipliers of the university. Semi-quantitative is the right term for the economic impact study: order of magnitude estimates of the impact of the number of employees that we have and the spin off effects of supplier purchases and so on and so forth. I hope a lot of you had a chance to look at this Economic Impact Study. Once again, I want to emphasize two things about it. One is that we don't need an economic impact study to focus on the main reason that we are here. But secondly, this study has been very helpful as one data point in what may be a set of measurements of this type over the future. And, also with the interactions on your behalf that I have in the community and the greater area in this part of the state, it's interesting and important to see the effects that Cornell has. There are a couple of things that I wasn't aware of that I have learned from the study. I wasn't aware that Cornell had the largest research expenditure in the state of any institution and we do. Many of you knew that. And secondly, I wasn't aware of the level of activity that Cornell has in New York City. Of course Weill Cornell Medical College is a big piece, but it's not the whole piece. There are several other footprints in New York City related to the Ithaca campus, and I have had a chance to visit all of those now. And, I'm doing my best to stay in some regular touch with the faculty and staff related to those areas.

"Dean Walcott asked me to give an update on the philanthropic campaign. I'm spending a serious amount of time meeting alumni on your behalf and on my behalf. It's an interesting experience, a little humbling and mind-numbing to come in brand new to the university and with a new development officer and very quickly thereafter start a campaign and go to meet people for the first time and then come back quickly afterwards and meet them again with a different conversation in mind. Cornell has a enormously effective approach to fund raising that keeps it in the top handful of universities in the country year after year in certain measures of fund raising results. Last year was the biggest year in the history of the university in fund raising. It was a level year for the Ithaca campus. I personally think that it is stupendous that it was a level year. I don't take much credit for that because I really came in the middle of the stream. But despite changes in administration and changes of leadership in development, the alumni matched a very, very high year that they had the year before, which was the highest year. The Medical School had the best year in fund raising, so far as I can ascertain, of any medical school in the United States ever for one year. So, last year all together we raised nearly \$760 million. And we are now at \$1.71 billion toward the goal of over \$4 billion. This is the year we are going past the half way mark in the campaign. I'm very confident about that. And I want to publicly recognize the very important role that the individual faculty have played in helping us to communicate messages and dealing directly with individuals who may want to invest in the university, the absolutely critical role the deans

are playing, not only in all the things they do every day in priority setting, but directly in fund raising. And I also want to acknowledge Provost Martin for a very successful and an effective role, an increasing role in fund raising. We are asking contributors to the university to raise their sights this year, fifty percent, fifty percent from the sort of steady state. That's an enormous, actually unheard of, level of increase, and I am hopeful that we are going to hit it. But to do that is taking a level of effort obviously different than it would to hit fifty percent less. And so I will be counting on Provost Martin's willingness to be involved even more than past provosts have been in this very important effort.

"I want to remind you about some of the gifts that are, it's such a cliché, but I believe, actually are transformative of the university. These are just a handful that I grabbed and not meant to be exhaustive, not meant to ignore any parts of the university, but these are ones that took my breath away when I saw them come in. \$30 million was given by Irwin and Joan Jacobs to support graduate fellowships and scholarships in the College of Engineering. I thought I saw Dean Fuchs; there he is, as making that happen. Chairman Pete Meinig and Nancy Meinig gave a \$25 million gift to the University, which Provost Martin and Steve Kresovich and others developed a very interesting strategy, which allows those monies to be spent very wisely. A high level group would develop a competition on campus for a certain kind of investigatorship - - Meinig Investigatorship - - that looks more like a Howard Hughes Medical Institute investigatorship than anything else you might look at as similar to that. It's a very, very generous gift, and it's very supportive of the Meinigs to do that. Lee and Mary Pillsbury gave \$15 million to the School of Hotel Administration. A gift of \$5 million from Don Opatrny was given to the Department of Economics. And the thing that's been most striking to me is that we depend on these investments at the university as our fastest growing revenue stream. I want to repeat that. The increase in tuition is, you know, a couple of points above inflation, something like that. The increase that you bring in in competitive grants is also two, three, four points above inflation, which is dramatic performance especially in the competition nationally and the downward pressure on those so called discretionary budgets. But the increase in the revenue stream from the investment pool, which is a combination of gifts and the success of the investment strategies. is 25%-30% percent above inflation. And it needs to be, because we need to be operating on a higher operating curve than we are to be competitive at the level of distinction that you have developed at Cornell. So, the most impressive statistic to me: the annual fund support, that is support that comes in year after year, went up 29% in one year. This is a tremendous tribute not only to what you have done and the leadership that Bidy and others have supplied to the deans for years, but the job that the volunteer leadership, of the Board of Trustees and elsewhere in the campaign are doing by talking to each other and talking to their colleagues and encouraging them to give more predictable support to the university. And 29%, I've been doing fund raising for many years, and I have never seen a one-year increase anything like this. So it's been a great year in that part. And, again, I want to acknowledge because I don't know if everybody in the faculty would be aware of this, the very, very critical role the faculty play in getting this done. Not in the final solicitation, which really is the end game of a long process, and not only at the front end and the distinction of what you do every day, but in actually interacting and showing examples to

people who want to invest in higher education but don't really agree with everything. So I thank you for all the things that you have done in that regard. I also want to thank, through you, the faculty themselves, who have made very generous gifts to the campaign and looking forward to making more gifts to the campaign. That would be great.

"I want to talk about the issue of renewal of the university. Bidy graciously agreed to give the first in what will be an annual series of major addresses once a year by the provosts, which we call the Academic State of the University Address. I know many of you were there and many others had a chance to read it. It was a very, very important address and one thing she talked about, in her words was 'rebuilding the university' and that is to say recruiting the next generation of faculty and staff. I just want to tell you that the plans for doing that are moving along at pace. There is a good deal of planning going into that and the reason I say that funny thing is that so much of has to do with the opportunities that arise when faculty positions become vacant. But, there are two aspects of that that I want you to know that are very important. One is that we are not done with the issue of striving for gender equity among the faculty ranks, especially in science and engineering. And I'm reminding you that Bidy and faculty colleagues got this \$3 1/3 million NSF so-called ADVANCE grant to actually develop some new approaches, test those approaches and disseminate the successful aspects of those approaches. Recruiting and retaining women and minorities in science and engineering is very, very important. It puts Cornell in a leadership position nationally.

"The other aspect of it, which is very important, is that those who are retiring from the active faculty ranks absolutely have to continue to be, some portion of that group, actively engaged with the university. I'm approaching retirement age like many of you, not this year, maybe not next year, but not in too many years, and so I'm thinking a lot about it. I was thrilled to be able to be one of the people who started an emeritus faculty organization at the University of Iowa. The number of ways in which faculty who are emeritus can become and need to become involved and stay involved are legion. I hope that those of you who are approaching that transition will engage directly with me about it and the Provost and with Dean Walcott so that we can not only take advantage organizationally of things like CAPE, but we can learn from you what ideas come forward to maintain your contribution to the university and to ease the transition for the next generations of people doing that.

"One of the areas that I have been focusing on since the late eighties has been the international activities in research universities. Cornell - - you may know the statistic, but I was very surprised to find this when I came here - - Cornell is the 13th most international university in the United States, in the raw number of international students we have on campus. Most of the schools above us on that small list of twelve are much larger institutions than we are. There is no index, I guess I could have calculated it, but there's no sort of size corrected index for this but we would be right up in the top in a small handful of universities. So, you have for decades developed a huge international presence. And, that is measured by the students coming here. Secondly, there is a very robust program of Cornell students and faculty working overseas and studying overseas. The Study Abroad Program is not as robust as I wish it were here, it is not as robust as I

wish it were many places in the United States. But, it's robust. Several percent of the students every year, five hundred out of twelve or thirteen thousand undergraduates, do study abroad experiences. And I think that we should try hard to increase that number. The main thing that we deliver in our international activities is education and discovery like the things that we do here in Ithaca and New York City. However, there is another thing that we do whether you define it as a direct action or what I call capacity building overseas. I firmly believe, and it has been my belief a long time before I came here, that what you deliver overseas through your interactions with international students and your own activities overseas and through the students we send, I think, is the very strongest kind of diplomacy that the United States has. So I am suggesting the idea of a new plan somewhat analogous in its reach, although not its methods, to the Marshall Plan of sixty years ago. Because of the sixtieth anniversary of the Marshall Plan speech at Harvard's commencement, I introduced the thought piece about this at the commencement here in May and also at the Weill commencement. At the Weill commencement I talked about the use of higher education as a global health tool, and here I'm talking about the broader idea of capacity building. I want to be clear when I am going around talking about this, I would say a long obsession. but that's too negative of a word, sort of long commitment I have had to recognize the role of higher education and hopefully to encourage more public support of the kind of activities that we do. Actually they had quite a reduction in public support especially through the USAID. And so you will hear me talking about this a lot. Those of you who read the Chronicle of Higher Education, I have an op ed in the Chronicle that is coming out later this week. I have found a huge, huge area for my continuing education by just interacting with many of you and others here and in New York City. I want to congratulate you for all you do in that regard.

"Now I'd like you to let me off the really easy stuff. Dean Walcott asked me to talk about transportation between Ithaca, New York City and Washington, DC. When Hunter, I always hate to bring Hunter up as a foil in these kinds of talks, but, why not? Hunter, when he hired me as a VP at Iowa in 1992 said there were two things, as I was sort of sitting on his knee and learning about academic administration, said there were two things I should never claim I know anything about, transportation if the university was in a rural area, and parking. And it turns out, as with many other things, he was right. But Dean Walcott put me on the spot. As you can see, Charlie, I am trying to eat up as much time with these homilies as possible and then ask for questions. Here's the report of how we are doing. We are not doing fabulously. Well I guess you would know that even if I didn't tell you that. As Bidy told me when I first came here, she said people say that Ithaca is centrally isolated. I thought that was pretty good humor. It's not so funny any more. I have traveled out of Tompkins many times on your behalf, sometimes by wheels and sometimes by wheels-up, so to speak. And we do have to continue to work on this. I am going to tell you some of the things that have been done. The Campus-to-Campus bus service, I think is terrific and we need to continue to emphasize, as you believe and your students believe it's useful, how that should proceed. I looked into some of the data. We have logged so far around 20,000 seats on trips. When they say seats I'm not sure if they are talking about human anatomical type or the type you sit on. But, anyway, 20,000 individual trips, some the same people again and again. We also have been working on

the so-called air-services board and talked about air service. You know it's a difficult battle. One positive thing that I learned just by accident after coming the first few times from Cedar Rapids, Iowa is that the service that Northwest has that goes through Detroit and therefore is somewhat of a gateway to the rest of the country is a good option. From everything I can tell, Northwest has been heavily utilized by faculty and staff of the university and has been a good addition. There's also been a marketing plan, which you may have seen something about, to try to get more people to use the Ithaca airport and therefore encourage airlines to invest in more flights here. And the number of people, from the figures I was able to find, has gone up from 68,000 a year to 80,000 a year. We are continuing, you know that the old thing that presidents always say, we are continuing to explore, you know what that means, but we are continuing to work on ways to add flights and reduce prices and so on. Adding flights is a quantum sort of phenomenon. It's a discreet not a continuous phenomenon. You get to a certain point then all of a sudden there's a new flight and whether going from 68,000 to 80,000 will get the job done we will just have to see. I think about it. Really I do, every time I decide to fly out of Syracuse versus out of Ithaca. Sometimes I take a charter flight to get somewhere to fit in another meeting during the day, but the vast majority of time I travel commercial. I think we have to continue to talk as a group about what to do about this issue. One thing we did look into, in conversations with VP Golding, Bidy and others, was the possibility of actually providing a charter aircraft to DC, maybe once a week. This is a little bigger job than getting to New York City. And the price turned out to be \$10,500 for a round trip or \$273,000 for twenty-six weeks of providing the service during the so-called school year. That's something you need to take a deep breath about. We need to continue to explore ways to increase the access for the faculty.

"In that vein and getting ready for questions and answers, I just want to again thank Charlie all the help he has given me during the year, and for all the very constructive criticism and guidance.

"I'm glad to take questions for whatever time remains."

Dean of Faculty, Charles Walcott: "Are there any questions for the President?"

Professor Brad Anton, Associate Dean and Secretary of the University Faculty: "The campaign results so far are impressive in total and very impressive when you consider the fraction of the money that has gone to the medical school, but are from my perspective a little bit worrisome. I am speaking about what the flow has been to the Ithaca campus. I wonder if you have any comments about this."

President Skorton: "Sure. I think that's the wrong observation, to be honest with you. Ithaca was flat this year. This is a year when the main two people who do industrial strength fund raising turned over, different development officer and different president. The prediction from professionals would be that we would take a big hit this year and we didn't. It was flat. Secondly, we had a new donor; Sandy Weill who gave a \$75 million gift to the Ithaca campus who had never participated in a very large way in this campus before. Perhaps you think that my expectations were too low. This is the prelude to enormous increases. The way you know that this is true is that annual support went up

29%. So if the annual support was lack luster or the total went down then I would absolutely agree with you that it would be worrisome. It's not worrisome. Now, when I come to talk to you next year or you and I see each other at UFC six months from now and it's still flat, then I'm going to be worried. But I don't think that's going to be the case. Now, one thing that's very, very important to say is that we both, we - Bidy and I -- will depend on touching you on the shoulder, many of you, to show what is being invested in. They are not investing in me but you the faculty. Presidents are just communicators on behalf of the university except in the role where I can actually give a lecture and participate as faculty by showing what it is that people are investing in, that is the difference. I think Bidy and others will confirm this. Dean Fuchs and others will confirm this. That's the difference in showing what direction you are talking about investing in - and that's largely students and faculty. So if we do call on you, or somebody on our behalf, if Charlie Phlegar calls on you and it's a busy day, or there is a thousand other things you are doing, I hope you will think about this. But most importantly we have to show them what they are investing in. We got such tremendous, tremendous support from the faculty on short notice this year. It is what made the difference in a lot of cases. So presidents as they say are paid to be more optimistic than the facts support, but I think the facts here are very, very, very upbeat and as things go on please stay in my face about this. We will keep you apprised of what the data are. I'm astonished by that 29% increase and very happy. I wouldn't say astonished, but very happy about that level, you know given the turn over. A lot of these folks who have been investing here for a long time knew the people who were in leadership positions before. They didn't know me and they didn't know Charlie until later. It takes some leap of faith just to be assured that you are going to continue to go in the right direction. You and I know that that has much less to do with top leadership than it has to do with the faculty ranks. That's not the conventional wisdom, so let's keep talking about it. I am actually very, very positive about it."

Professor William Arms: "Recently this Senate spent a little time talking about the balance between tenure-track and non-tenure track faculty. Do you have any wisdom in that area?"

President Skorton: "Well I have struggled with the same issues that you have and I am toward that part in my career where I'm not going to change now. I think it's very important to maintain the concept of tenure. I know that that's not exactly what you are asking about, but I want to get that statement out. In terms of the balance, it just depends on the particulars of the of the local situation, both within the university and the budgetary realities. It is important that the departments and colleges and the provosts both here and in New York City have the flexibility of doing whatever is necessary to get the entire job done. I think it's very important that we don't retreat at Cornell and that American higher education doesn't retreat from full-fledged tenure-track faculty. There's going to be a mix. There's no question about it. Given there's going to be a mix the question is, do non-tenure track faculty feel engaged with the entire faculty process. And that's something you need to decide among the faculty ranks. I have a lot of opinions on that but I don't think it's appropriate for me to talk about them because they are faculty-based opinions. They are not based on the presidential position. I could just summarize

by saying it's important to me to retain the concept of tenure-track because it is the prime order of what we do and it's important to have the flexibility to do other things. It important to consider the totality of the experience of non-tenure track faculty."

Professor Michel Louge: "A number of major agencies have recently curtailed budgets for research in science and engineering, NASA, The Department of Defense, even NSF. Do you have any plans to engage political leaders in Washington and tell them they might be wrecking the teaching of science and creativity in this country?"

President Skorton: "You bet. I am one of the most active presidents in the country and not just because I have been around a long time. The president before me and the VP for Research have been yammering about this for years. There's an organization and alliance for innovation in America or Alliance for American innovation. I'm so embarrassed. I'll get the name to you. That's one of those things about not seeing something everyday. (Correct name is: Task Force on the Future of American Innovation.) Anyway, there's an organization, of academic and industrial associations, not individual companies, although there are some individual companies - Intel and other huge companies as well as the associations like the American Chemical Society who put together a letter to all of the declared presidential candidates, across the political spectrums, urging them to make higher education and research funding, specifically research funding a priority. It doesn't affect colleges of social sciences or humanities or arts. We focused on biological and physical sciences to have that be an issue in the 2008 campaign. We sent the letters to each candidate. They asked me to sign on behalf of private universities in the US and at the president the University of California System signed on behalf of the publics along with the CEO of Intel and some other high rollers whose opinions you might not be surprised to find out have more weight than mine."

"We are doing that. We are following up with a small staff in Washington. We are going right to the staffs of these candidates. We are working directly with them to make it an issue. That's a long-term, not a short-term approach. In the short term we are trying to get op eds published. Despite the fact that I wrote what I thought was a stirring, heart fluttering op ed and Biddy edited it, it got turned down. We are trying to get it in The Hill. The Hill and Roll Call are two publications that Congress reads everyday. Although there's a lot of direct lobbying going on, I did not do a lot of lobbying this last year because I wanted to limit the time that I was away from campus. And, it depends on whom you ask but 27% is a lot of time off campus. It's less than I thought I would be off campus. And so I will be doing some more lobbying. Biddy will be doing a lot of it. Biddy and I are going to meet with at least one major agency director of an agency, and I forgot which one -- either NSF or DoE -- in the very near future. We are going to be representing not just Cornell but the breadth and it's a big problem. We have fallen to the 22nd in the world as a country in the following metric, in the amount of our basic research budget per corrected for the nation's GEP. In raw numbers we are still by far, of course, the biggest investor and if you do it in all research weighted per GDP, we are fourth or fifth, behind some very small countries where the denominator is so much different it's hard to compare. But if you look at the basic budget, the part that I'm sure you are talking about, we are falling, and falling and falling. If it's of any use, It didn't get

accepted so there's no copyright issue, I can send you the op ed we put together and if you like the language, thank Bidy. If you like the data, thank Steve Johnson. If you like my by-line you can thank me. But, I'll send around and use it. It has those data and also we have a little reference list at the end, which you can not see in op ed and you can see where we got the numbers. We are working on that like crazy. The question is how successful will we be and I can see the look in your eye."

Dean Charles Walcott: "I want to say thank you so much for taking the time to come to meet with us. We appreciate it very much.

"I will now call on Provost Martin."

2. REMARKS BY AND QUESTIONS FOR PROVOST MARTIN

Provost Bidy Martin: "If there are more questions for the President, I am happy to defer.

"Hi everyone. I just have a few things and I think everything I have to say you all have already read in the Cornell Chronicle if you read the Chronicle, or you will have gotten by e-mail. I will go through a few key things quickly.

"First, I always thank you all for participating in the book project at the beginning of the year. And, I thank those of you who did. I am very sorry I wasn't able to be here this year for the book project. But, I know that it went extremely well. And, I thank you. I also want to tell you we have less faculty participation or have had fewer faculty participating in the discussions over the past few years. We are going to be using the deans and perhaps this body, the UFC, to help us think about how we can get more faculty involved again. A lot of the students, not a lot, but some students have complained that we offer the book project as a way for them to have an intellectual experience and an interaction with faculty in an orientation week, which as most of you know has virtually no intellectual or academic content otherwise. When they are in discussions with people who are staff who might be great, good at leading the discussions, some of the students, nonetheless, feel short-changed because they had hoped to meet a faculty member when they get here.

"We are also considering a non-fiction book for next year, if you have any good ideas. Some faculty have told us that they don't feel qualified to discuss literary text. Wait to you hear what the humanists say when we pick a non-fiction science book.

"There will once again be a lot of dean searches this year, as I am sure you know. The search for a dean of the Johnson Graduate School of Management didn't result in a new dean. So we are picking up again with a search firm and continuing to look for a new dean of the Johnson School. The University Library search has been going extremely well, and it's proceeding apace but won't be completed until later this year. In addition we need a new dean of Human Ecology and a new dean for Architecture, Art and Planning. Because that is so many searches at once, there's only one other year since I have been Provost where I had four dean searches, I'm considering not using the process I have been using for the past several, which is to have work be done out of my office, a sort of search-firm of our own conducting the searches with faculty committees, but have the faculty committees in at least in a couple of places aided by an outside search firm. I'm

considering that. I haven't made up my mind yet, except in the case of the Johnson School, where we will have a outside search-firm working with the faculty search committee. I don't even know if you care that much about that, but I do because of the amount of time it takes to run the dean searches is enormous.

"In the Provost office, as you probably heard, I appointed Bob Buhrman the new Vice Provost for Research. Bob is a former chair of the department of Applied and Engineering Physics, which is ranked consistently as the best such unit in the country and possibly the world. He's also the former director of the Cornell Center for Materials Research. He is currently director of one of our NSF nanoscale science centers. He is already focusing on absolutely the right things, and he will be a great advocate in Washington along with the President and the rest of us. I am delighted. I don't know how many of you know Bob Buhrman. He's been at Cornell for a very long time. He's a loyal Cornellian. He's brilliant. He's tough-minded. He's fair-minded. He chaired the LAC, which is a committee of the Senate and the Vice-Provost's office, for quite a long time. I know many of you have great faith in him. And those of you who don't yet know him will come to have great faith in him, I'm sure.

"We are planning a symposium in honor of Bob Richardson for next year. As soon as I have more details I will certainly let you all know, because I'm sure you will want to help us honor Bob Richardson in that way.

"I also asked David Harris in my office to serve as Deputy Provost to help me with some of the internal work of the office, given President Skorton's request that I contribute more to fund raising and government relations, which I am happy to do, but which requires that I have a little help in my own office.

"The Sustainability Initiative is up and running, and, as I hope you read or heard, Frank DiSalvo, who is also a former director of the Cornell Center for Materials Research, which is a great qualification for putting together larger interdisciplinary initiatives. Frank DiSalvo has agreed to be the interim Director of the Sustainability Center that we are trying to get off the ground. As you know this has been underway for several years; this effort to get a sustainability initiative that's University-wide and profoundly interdisciplinary. And we will keep you posted on how the Center evolves. But Frank's leadership is going to permit us, I think, finally to do something concrete and broad and substantive and to position us for the kinds of external funding that we think we ought to be getting but haven't been getting in the past, whether it's federal funding or private funding for sustainability.

"On the diversity front, David mentioned the advance grant. We are focusing our chairs' training and our deans' meetings very heavily on diversity in the context broadly of faculty recruitment and retention. And, we will continue to do so. There will be some changes this year in the organization of the Center for Learning and Teaching so that some of the focus on teaching and faculty support moves into the provost's office, and we hope to mount some new programs in support of teaching excellence.

"Those are just a few of the many things I could report on and tell you about. But they are some of the important ones. And, I'm happy to take questions."

Dean Walcott: "Are there questions of the Provost?"

Professor Abby Cohn, Linguistics: "You just mentioned that NSF advance grant, and I understand there's a site visit later this week, and I was just wondering if you could share with us a little bit more about the areas that you feel you have already shown success and areas that still need attention."

Provost Martin: "Well I think the PIs other than me, because really the work isn't being carried by me, the work is being carried by other PIs. I think they have been extremely successful in getting out into the faculty. I would want to know if you all agree. They have been working with the deans, working with the chairs, they have had a lot of meetings, workshops, activities established and planned that I think will make a big difference. They have provided grants to Abby Cohn and others meant to help women faculty in particular. I think that where it still needs work, not specifically the grant itself, the grant activity, which I think is going well but the University as a whole, is in converting our commitment and our ideas into action, as I mentioned in the speech I gave last spring that David referred to earlier. It really is going to take the deans and department heads requiring that all searches entail evidence that departments and programs have found ways to build pools, potential pools, of women and underrepresented minority candidates in advance of being permitted to search. There's no other way it will work. So my job and I think the other PIs from their points of view and positions feel that really we need the department heads, the program directors, and the deans to be on board with ensuring that we really are doing what it takes to build a more diverse faculty. I think there are very few places in the University that could boast having really over the years done what I have just described. I think that's where we need more work."

Professor Peter Stein, Physics: "I did the freshman book project this year."

Provost Martin: "Oh good."

Professor Stein: "You actually at some meeting described the book and that intrigued me so I signed up for it and found it very successful."

Provost Martin: "Did you like it?"

Professor Stein: "I wondered in my head, I calculated that it must be only 150 sections that you have because there is something like 3000 incoming students."

Provost Martin: "No, we have over 200."

Professor Stein: "Okay. Well, how many faculty did participate?"

Provost Martin: "I don't have the numbers for this year yet. The first year we did it, which is the year for which I have better numbers. Very shortly after I sent out the e-mail requesting participation we had over 200 faculty sign on. And in the subsequent years it's gone down so that I'm guessing that we have over a 100 but probably not many more than that. But I'll get you the numbers."

Professor Stein: "I sort of think it's a mistake to go away from that format. The group of students I had, we had a lively discussion, a real discussion. I think a fictional work that addresses an issue that is current is just exactly the right thing you want. If you give a

book about non-fiction, meaning science or something like that, it really must be hard to have a discussion."

Provost Martin: "Well, you are preaching to the converted. I think there's an additional reason to read fiction, and that is that all the statistics tell us fewer and fewer people read and fewer and fewer people read literary texts at all. We have kept that in mind as we have chosen fiction over and over again. I don't know that it matters whether it's fiction or non-fiction as long as it really an outstanding and provocative rapport. You know we did do *Guns, Germs and Steel* the first year. That was sort of at my insistence. And no one has ever let me live it down. You notice that every other year the books have been shorter and they have been fiction. Of course, many of our scientists have told me that *Guns, Germs and Steel* was fiction, but it wasn't fiction, just badly written. I don't know. I am happy to hear your opinions, because we are not yet at the point of choosing."

Professor Stein: "The whole concept of the faculty member has to be an expert just is contrary to the whole notion of it."

Provost Martin: "Well, that's what I keep telling people. And, by the way, if you could spread that word in Physics because that's where I have gotten a little bit of push-back in that very context of people saying they don't feel qualified to talk about literary texts. But, we wouldn't choose a literary text that didn't raise issues that I think everyone is qualified to talk about. And the other thing is the faculty member leading those discussions with seventeen and eighteen year olds in the first week of classes, the first week here not even in classes, is not meant to be an expert. So that's a hard thing for us to grasp, I think sometimes."

Unidentified Speaker: "Quick comment from another scientist in support of fiction. If you go to Facebook you will find that the *Great Gatsby* is now the number two favorite book among Cornell students."

Provost Martin: "Yes, that's excellent. Well then I'm going to choose a book this year based on I want to be the most widely read and favorite on Facebook."

"Thank you all. Any other questions?"

Unidentified Speaker: "This gets back to a former question about budget council meetings and the facts on research support. This is more of a comment but I can see that this is having a huge, disproportionate effect on junior faculty. I'm not sure what can be done about it. But I see many very talented junior faculty really struggling to get grants, which is what they are going to be judged on. I'm just wondering if there is any relief for these people. Many of them are women and many of them we want to retain."

Provost Martin: "Did everybody hear the question? The question was again a worry about cuts at the federal level in research budgets and what that means especially for junior faculty whose tenure, whose success in their fields depends heavily on getting grants."

Provost Martin: "Yes. It's hard to know exactly what to do yet. I think that you all - the chairs, the deans and I - need to keep an eye on the actual effect this might that this might be having over time on junior faculty. I don't think we are yet at a crisis point where it

means big policy changes. But one thing Bob Buhrman and I discussed and agreed to do was elevate the budget in the research office for discretionary funds for this very reason, to tide people over in the absence of grants. Now the problem is of course we can't do that for everyone who ends up in a bad spot with NIH or NSF, but we will try to do more than we have based on the recommendations of chairs and deans. We are just keeping an eye on it, and I think that's the best we can do right now."

Dean of Faculty, Charles Walcott: "Thank you very much, Bidy. I have to scold the members of this body. Diane passed me a note, which said please give us your name and your department otherwise the minutes are incomplete. And this body might not approve them, a dreadful state of affairs."

3. REMARKS BY THE DEAN OF FACULTY

Dean Walcott: "I have a brief report, which I would like to give. First, the outcome of FACTA reviews this past year, this as you recollect is the committee that passes on the dossiers for tenure. Thirty-five files were reviewed, seven by the full committee. There were thirty positive recommendations and five negative recommendations. The Provost concurred with thirty of those thirty-five recommendations. Now, does that mean that Bidy and the committee had a big fight about those five, no? It simply means that the files that were presented to the committee did not convince the committee that tenure was warranted. And, the Provost's Office then went back and consulted further with the deans, further with the department chairs, and in some cases the information they got resolved the issues that FACTA had found. I don't think there was any case of which I am aware where FACTA disagreed with the eventual decision that the Provost made. And so, I think it's very important when you look at those numbers to realize what they mean, which is not that we have been having knock-down, drag-out fights with the Provost, because in general, we have not. It's been totally collegial kind of enterprise, which I do believe and hope is helpful to you."

Provost Martin: "Very helpful."

Dean Walcott: "So that's my report on FACTA. The Faculty Governance Committee produced its report. The University Faculty Committee has been working on it. To do some of the things that are required, we are going to have revise that wonderful document known as OPUF, which is the regulations for faculty governance. And to change OPUF it turns out to be a simple and straightforward procedure. All that has to happen is the University Faculty Committee has to propose the changes. It has to then come to this body, which approves it. If this body approves it, it goes to a meeting of the entire university faculty, which has to by majority vote approve it. If that group approves it, it then goes by mail ballot to the entire university faculty. So given this simple and straightforward process, we thought we would try and combine all of the changes that need to be made to OPUF in one great big steaming heap, which we could then run through this process. Stay tuned. That will come in due course to this group. But, it's not a simple matter and one of the changes that might possibly be worth thinking about is changing the process to change OPUF, because it strikes me that this one is awkward in the extreme."

"Finally, I need to report to you the results of last spring's meeting. You may remember that in May we did not have a quorum at this body, and there were two important resolutions that came up. There was the resolution to establish a new PhD program in Human Behavior and Design. This was discussed by the committee, by this group, which was acting kind of a committee of the whole. We took a straw vote just for our own enlightenment since we are not allowed to vote. It was overwhelmingly approved, as was the report from the Committee on Academic Freedom and Professional Status of the faculty on job-related faculty misconduct, familiarly known as the suspension policy. That got the same treatment. And then the University Faculty Committee, acting as it is charged to do, approved both of these resolutions and set them forward. So I am reporting this activity of the University Faculty Committee, which in its inimitable fashion approved of what the body, though not a quorum, had suggested. And that is my report.

"Are there any questions?"

"Now I will call for approval of the minutes of the April 11th Faculty Senate meeting. Since there wasn't a quorum in May there are no minutes. So how about the 11th of April 2007 Faculty Senate meeting. It is moved to be approved. Is there anybody with any objections? Hearing no objections, I ask for unanimous consent. Say aye, please. Anybody say no. Good."

[Minutes approved.]

"Now I call on Associate Dean and Secretary of the University, Brad Anton for a report of the Nominations and Elections Committee."

Associate Dean Anton: "Charlie, may I ask something? The minutes from the April meeting could not be approved at the May meeting because we did not have a quorum. The minutes from the May meeting can they be approved now also?"

Dean Walcott: "They can't be. Because there was no meeting so there's nothing to approve. The notes from the meeting are on the web but they may not approve them because there wasn't a quorum."

4. NOMINATIONS AND ELECTIONS COMMITTEE REPORT

Associate Dean Anton: "I am pleased to present the report from the Nominations and Elections Committee ([Appendix 1](#)). As is usually the case we will sort of move this by you with a brief view of each page. While these are up, I would like to thank particularly Sandie Sutfin, who helps us out in the Dean's office, and the people on the Nominations and Elections committee. I also want to thank the chairs of the various committees. We picked new chairs this summer and we are very thankful for those of you who agreed to serve in those roles and put in the extra effort.

"Also I want to tell you that you will be receiving in the mail, I think in about a week, a canvas for the Dean of the Faculty election. Charlie will be finishing his term at the end of the year, and we need to find a replacement. I encourage you to read that and think about it carefully and forward your recommendations to the Nominations and Elections



Committee."

Dean Walcott: "We have now seen the list of candidates and I think we need to ask for approval of this report from Nominations and Elections. All those in favor say aye. All those opposed say no. Excellent."

[Approved.]

"Now we come to the important part, that is the election of a new speaker and I call on Professor Anton."

5. ELECTION OF SPEAKER

Associate Dean Anton: "Last spring we asked for nominations for people to serve as Speaker of the Senate. We were left in a little bit of an odd situation in that our Speaker from last year, Barbara Knuth, was not interested in serving another term. She did a good job for us, and we are very thankful, but our Speaker Pro Tem, who might an obvious person to follow-up, took a job at another university and left.

"We received only one nomination for a person to serve as Speaker, and we contacted that person, Professor Steven Beer from Plant Pathology, and asked him if he would be interested in serving as Speaker. He said yes, indeed he would. He was here and I asked him to leave. That was the one nomination received and the person who is an enthusiastic volunteer. I can take nominations from the floor if there is anyone else you would like to nominate. If not then I ask that we take vote now to accept Steven Beer to be speaker of the Senate this year."

Dean Walcott: "Technically this has to be done by mail ballot. But under the circumstances and due to the fact that this is such a hotly contested race, I thought perhaps we could actually just do it by a show of hands. All in favor of Professor Beer raise your hand. All opposed."

[Unanimous approval.]

Dean Walcott: "The next item on the agenda is Senator Stein and he wants to talk about the Resolution to Reaffirm Senate Support that Cornell Establish a University Club ([Appendix 2](#))."

6. RESOLUTION TO REAFFIRM SENATE SUPPORT THAT CORNELL ESTABLISH A UNIVERSITY CLUB



Professor Peter Stein, Physics: "I think that usually you know a resolution, I've sort of learned this new poetry. I am not much interested in poems, but the whereas clauses, whereas, whereas, has sort of a nice poetic quality. I have come to like whereas clauses. But most people think that that's sort of just like window dressing that you put on a resolution - therefore be it resolved and they look at that. But I would rather talk about the whereas clauses if we have them. Do we have them? Because I think the whereas clauses tell the story. The first says whereas the Senate in its March 2003 meeting strongly supported the recommendations of the University Club Task Force that Cornell establish a University Club with the mission, characteristics and capabilities described below. The

point there is in 2003 is four and one half years ago. That resolution was passed four-and-one-half years ago.

"The next one - whereas the opening of a University Club seems as distant in September 2007 as it did in March 2003. That's sort of a flat statement without much emotion. I am the author of these whereases. That seems to be to be a reasonably good description of what has happened over the past four-and-one-half years.

"And whereas, each year the number of possible sites for a University Club diminishes as space is committed to other uses. In this report that we submitted we talked about a variety of possible sites that could be used for a University Club. A University Club must by its nature be in the center of campus. You can't put it out at East Hill Plaza. Or you can't put it out at a place where you can't get to, or else will not fulfill its function and will fail financially. It must be in a place where people can walk to. And there are, as you know limited sites that are accessible to all faculty. And when we did this report in 2003 we wrote down something like, I don't know, five, six, seven sites of which two or three have now disappeared. As space is devoted to other activities it becomes less and less possible to fulfill this.

"And, whereas in 2002 the Cornell University Club Task Force presented to the administration a viable plan to establish a financially self-supporting club at Cornell based on its study of the characteristics and finances of successful clubs at a number of universities. The crucial word there is viable. It did present a plan, and viable is an adjective I put in. So you might say, "Well, how do you know it was viable" because many people say, "Well, you can't have one. It won't work. It won't support itself. This campus will not support this activity." This plan was carefully looked at by a number of people, by people that manage other university faculty clubs. At the time I was either a Faculty Trustee or a Dean of the Faculty or something like that, I can't quite remember in 2002, and had access to Trustees. We had a Trustee at that time that made millions, billions erecting resorts and hotels and so forth around the world, and I went to him and said, "Michael will you take a look at this." I even felt embarrassed. I mean we are talking about some trivial little thing with a budget of a million dollars a year, but he took a look at it, and he said it looks good to him. He seriously looked at it and asked me a bunch of questions and was satisfied by the answers. I think this has been seen by a number of people and a number of people with some knowledge of the restaurant/hospitality business, and they have said it looks viable. So that word viable is not just a word I threw in, I think it has been examined and the conclusion is supported by the people who looked at it. And,

"Whereas, the newly developed Cornell University Comprehensive Master Plan has identified the lack of social space and opportunities for faculty and staff as a major problem for Cornell. That is in fact true. That's what I heard when I discussed the University Club with the people who are doing that plan. They said do consider that to be a major problem. I consider it to be a major problem. I certainly know that in the fifty years that I have been part of the Cornell faculty, the opportunities for social interaction from people outside your department have decreased. And, my only conclusion is that that is a problem for Cornell, that we would be a better place if in fact there was a greater

social cohesion.

"And, whereas the overriding goal of the University Club is to create social space and opportunities for faculty and staff. That is the way the plan is written. A University Club is not supposed to be a cheap place to go in and have lunch. It is supposed to create an environment, and eating together is, as we all know, is a basic fact of human interaction, and that is a basic social opportunity. But the notion of this is not to feed the faculty. The notion is to give faculty an opportunity to have a place where they can come to without plans, without seeing it listed in the announcements of meetings, where they can come to and find interesting people to talk to and share social interaction doing something that they do every day.

"Therefore, be it resolved that the Senate reaffirms its strong support for the recommendation made by the University Club Task Force in 2002 that Cornell establish a University Club with the following mission and with the following characteristics and capabilities. The mission and characteristics and capabilities are attached to the resolution. If you read them I don't think you will disagree that those are good things to have. Some of you may think they are more important than others, but the notion is, as I say, to provide some sort of a geographical focal-point for social cohesion to give new people that come into the University a place to find some sort of meaningful, social bond with Cornell as an institution, the way that other faculty have a chance of meeting their peers and also the older faculty to somehow pass on the traditions of Cornell. That's what it is supposed to do.

"So we have had some slight progress. And the slight progress is that it was put on the master plan. One of the things they looked at was a place that you might put such a club both in the near term and the far term. It was a little bit complicated, because the plan they have has this massive change of the center of gravity of the University. Meaning that if you are talking about a University Club in the future it's not the same place as the University Club now. That became clear when in fact they came out with place and they said you can put it in the center of campus, at the Dairy Bar. And, I said, "What? At the Dairy Bar? It can't work at the Dairy Bar. Nobody will walk from the Arts Quadrangle to the Dairy Bar for lunch." They said, yes but in the future the Dairy Bar will be the geographical center of the University. Well I suppose that we could then put the whole project on ice and say we don't need a University Club for fifty years and in fifty we will suddenly come to the center of campus. But, of course if we do that, then the center of campus will be otherwise occupied by things that have already been there.

"So, it did seem to us in talking that we have a problem here at Cornell, mainly a significant lack of social space for faculty and staff. That we need something in the near future in my lifetime and in your lifetimes, not necessarily the same span of time, that will satisfy that need and possibly it should be part of the planning for fifty years from now.

"It has come up that the people say well you think it's a good idea, but the faculty may not think it's a good idea. And, the answer was, well, the faculty thought it was a good idea four and one half years ago. The response to that was, well, maybe they don't now. I don't know anything to do except to ask you. That is the reason for putting up this resolution.

One of the problems this thing has run into is that there's no advocate for it in the way that there is an advocate for a new physical sciences building, because there's a small group of faculty who desperately want a new physical sciences building. And, another group that desperately wants an expansion to the hotel school and so on and so forth. These people have got people in the administrative hierarchy who can advocate for them. This is something that is of perhaps minor or limited benefit to everybody instead of a major benefit to a small number of people. And as a result it really has no advocate whose business it is to make sure that that thing happens. The only advocate is this group, I think.

"Therefore, I move this resolution."

Dean Walcott: "Is there a second?"

[Seconded.]

Dean Walcott: "Okay. Moved and seconded. Is there any discussion?"

Professor Eric Cheyfitz, English: "Two comments. My own experience at other universities that I have worked at is that these are not the best mechanisms for such interaction. My experience here at Cornell is that the best mechanism for social interaction I have had is in governance on committees and meeting faculty across the campus and interdisciplinary initiatives where people do get together from different departments and actually do engage in sustained activity. The faculty clubs I have been at in the past, the University of Pennsylvania being the one I'll mention, where I was for ten years, seemed to me to maintain a certain kind of compartmentalization. People come to lunch with people they usually go to lunch with, which are not typically promoting the kind of interdisciplinary or interactive across campus activity.

"The second thing is where are we going to put this thing. Who are we going to displace, if anyone?"

Professor Rebecca Schneider, Natural Resources: "I remember when this came up several years ago and please remind me, was there a survey done to evaluate how many people will be interested in using it? And the reason I ask is that seems if faculty are so busy, we are so spread with so many different things we do, not many take time for lunch to do any business. I see that the Alfalfa Room, Max's, small nearby facilities tend to be the ones we use because they take less time to get to. So one place centrally located you may end up with just the people that are nearby use it. The rest of us are too busy to take that time. So given lifestyles, I think a survey of all the faculty needs to be done to really see who would use that facility."

Professor Stein: "Well, my answer to that Rebecca, is what you don't know, you don't know. It's hard to take a survey. I'm sure you could take a survey in such a way that you would get a positive answer or take a survey in a way that would get a negative answer. But, if you really want some data, when we investigated this five years ago, one thing that became clear is that the Statler Club, which collapsed some years ago, I think it may have been between ten and fifteen years ago, I can't quite remember, but at the time that it collapsed it was absolutely a social center for Cornell. And, it collapsed because of the fact

that the landlord that owned it didn't want to support it and raised the rent to a point where it couldn't possibly pay it. But there were at that time a thousand people who had paid memberships to the Statler Club. The thing just collapsed at the end. In the not too distant past, there was a demand, and a demand that translated itself into users. That's number one. And number two, people did argue when we did this study the same thing that you have said. Lifestyles have changed; people don't want this anymore. This is not what they want. We did a survey of the institutions that were used as peers for the faculty salary calculations and discovered that, I forget now, I should have remembered these numbers, but of the, I think eighteen or nineteen institutions that we surveyed, fifteen or sixteen of them had successful, active university clubs at the time. At institutions, which we consider peers and which are as like Cornell as any institution that you might pick, I think the answer is that there was a demand at those institutions. So, you could argue. It's so hypothetical; you could say Cornell is different. Why? Because it's a small town. I have heard people argue all kinds of things. In the best way that we could try to assess that without sending out a questionnaire which I am dubious about the validity of, it seemed reasonable to believe that there was a demand."

Professor Ted Clark, Microbiology and Immunology: "Have you thought about bundling this with, say something that would be more attractive or at least as attractive to the faculty like a fitness center, where people might actually want to go there to work out, have a sauna and then have a drink or something. You might have a bigger draw if you bundled it with something else that was attractive to faculty and their changing lifestyle."

Professor Stein: "Yes we did. We talked about day care centers. We talked about the need for a bar. There were other activities, but that was discussed. For instance, the need for some kind of a social space for one's family. That was another thing. But it's like a mathematical theorem - once you have it there, you can kind of fix it up. But really what we are talking about now is what they call an existence theorem in mathematics. There is no faculty club. There is no university club. If we could get a decision that yes, yes we will have a university club, then we can interface, too, as to what should that university club be. Should it have a fitness center? Should it have a day care center? What about, how does it interact with graduate students? That's a very important question. What other kinds of services might it offer? How might emeriti be connected to this? Those are people who tend to have more leisure than younger people. How do you solve the problem of the social needs of younger single people on this isolated, centrally isolated campus? All of those things have been talked about, but at the moment we are not in a position to talk about it, because we don't have any commitment that we will have such a thing."

Professor Howard Howland, Neurobiology and Behavior: "I want to say something about the position of a possible location of a faculty club. We have two buildings on this campus, which in the past have had important social functions. One is Toboggan Lodge on the shore of a beautiful lake. The other is a restaurant on the other side or it used to be a restaurant on the other side. It's now a closed language lab of all things. If we were in Europe they wouldn't waste resources like this. They would put some very nice restaurant next to them. I don't know why we can't consider places like these for our University

Club."

Professor Stein: "Well, both of those places have been on the list of things that we have talked about."

Professor Greg Poe, Applied Economics and Management: "I want to follow up on Rebecca Schneider's comment and your comment. Correct me if am wrong. My understanding was that the Statler Club collapse is in part due to the fact that a number of faculty were in arrears, that they had not paid their bills for several months."

Professor Stein: "Yes. I certainly have heard that story. And I tried to follow up that story, and I was told that it was confidential information, so I couldn't follow it up. But in fact I believe it's an urban myth. I think that in fact there were perhaps one or two faculty who incurred extremely large bills and those bills were talked about ad infinitum by the Statler Board, and I don't know what the resolution was, but that's not what made it collapse."

Professor Richard Burkhauser, Policy Analysis and Management: "I have a couple of comments about my lifestyle. I actually have to teach a class in the building past the dairy bar, so, for me it's distance, but I'm willing to go there, because that's where my students are, although they complain that's it's pretty far away, too. I actually spend most of my lunch away from the office at Louis' Lunch. I usually just sit on the steps. I guess we don't have a lot of empirical evidence as you said about this, but one of the things that strikes me as I looked at the people who signed this petition are a broad group and all of them look like me except that are about eight or nine years older. I'm just wondering whether the people who are pushing this are representative of the population of us faculty members now, and whether you really have a sense of the way times have changed in terms of the way we do spend our time and our need for these kinds of activities. It seems to me that university clubs are a thing of the past. I can't imagine spending scarce resources in the center of campus for a university club."

Professor Stein: "Well, let me look at this and see whether they are eight or nine years older. Yes, I guess they are pretty much older."

Associate Dean Anton: "First to the history of what happened to the Statler Club. I remember not getting a bill for like a year and one half, because they said the billing system had broken down, and finally getting a bill and having to write a check for \$600, which was kind of shocking. I think that was part of the problem, that their accounting system was messed up. But that's not what I wanted to ask. I want to ask the Provost something. About four years ago there was all this hoopla about this, and people seemed kind of enthusiastic and committed, and nothing happened. And I wonder is there some fundamental problem? Is it the money; is it the space; is it somebody else's space? Because the Provost's office is putting a bunch of effort into trying to figure out why faculty are unhappy. Something like this maybe would be a natural thing to invest in if there was no problem. What's the problem?"

Provost Martin: "Well, I don't know if I think faculty are unhappy. But we will put that aside for a moment. We worked really, really hard on this. I think even Peter will have to admit that we spent many woman hours, primarily Carolyn Ainsle and Bidy Martin, trying to come up with a plan that would work, including advocating for this with our

friends at the Statler and the Hotel School. We also came up with a plan that entailed a subsidy that was so obscene according to the advocates of the faculty club that encouraged us not to spend our money. The reason why it isn't on the list now for a major new building project is because we don't have the money or the space. As long as you asked me a question, it allows me to take issue with one thing Peter said. By the way, I want to say if we had the money to have a really wonderful club of some sort, not so much in the traditional sense, but something that really did have a fitness club, maybe some massage, who knows what, a dance hall, I don't know. I think it would be great, and we do need more social space on the campus. I don't know whether that should take the form of a mini Duffield Halls and physical sciences projects, where there are large interactive spaces closer to where faculty actually live and work but still interdisciplinary and still open to wide portions of the community. I don't know whether that's the best model or whether one central faculty club is the best model. I'm for anything that promotes interaction and fun. I think that I have proved that over eight years. But, if you want to ask what's more important a physical sciences building or a faculty club, you can say a physical sciences building serves only a small portion of the community, but that's not true. The physical sciences building serves three of the most highly ranked departments at this University, physics, chemistry and applied and engineering physics. A lot of Cornell's reputation and all of its Nobel prizes rest on those three departments. So every single one of us in this room benefits hugely from the effort to sustain a strong physical-sciences campus. If you go to those faculty or even come to some of you who aren't in those units, or if you come to me and say, which should we invest in? Something that will keep our physics, chemistry and applied and engineering physics faculty programs, educational programs, in the top five or a faculty club in roughly the same area of campus. It is a really hard trade off. If somebody says to me would you like to have a great club, I'm not going to say no. I think it's a great idea. But the problem is the trade-offs. One of the early ideas for central location for this club was the A.D. White House. Well, the humanities are, relative to other disciplines nationally, under-funded and invisible. And we are great in the humanities at Cornell. And the idea that we would take the one major resource that our humanists see as having promoted the visibility and health of the humanities and put the faculty club there is just a non-starter. I'm just being blunt and honest with you. These are the kinds of trade-offs that you have to think about. Not just that I have to think about, but we all have to think about. It's not just a small portion of the faculty that we are talking about when we are talking about the humanities, the Society for the Humanities. It's not just a tiny group of people that we are talking about when we talk about whether we are going to have strength in the physical sciences going forward. It's the reputation of the University from which we all benefit, whether it's our field or it's not. Should we have a faculty club? I don't know in what form, but should we have something that promotes more social interaction and more space for innovation and fun? Yes. But I don't see it happening for the next five-to-ten years. That's my honest opinion. Because we have on our list of capital projects too many things that we can't fund that were committed earlier, many of them or most of them before 2002. And even with the Capital Campaign the University doesn't have the sort of endless funding that would allow us to do everything we would like to do. I would like to see it happen and come on to the next list of approved capital projects for the five-to-ten year-out period. But sooner than that is just unrealistic.

So, I don't want to be misleading. I think I am for it. President Skorton thinks it's a great idea. I don't know anyone who doesn't think in principle it's a great idea. The question is the trade-offs."

Dean Walcott: "Biddy, thank you.

I think we have to call a halt to the questions and we have to go to the vote. We are almost at the end of our time."

Professor Stein: "I think I really should answer that."

Dean Walcott: "Thirty seconds, Peter and no more."

Professor Stein: "Biddy, that's an unfair comparison. Of course, the physical sciences are more important than the University Club. I would never propose that we spend a hundred million dollars on a University Club. You can't trade-off one against the other. The physical sciences building project is a hundred million dollar project."

Provost Martin: "Well you used the comparison."

Professor Stein: "We are talking about a ten million building or something like that. That's the estimate we had. We had a six million dollar estimate five years ago. The way we look at is the trade off if not against the physical sciences building, it's against the wrestling building or a boathouse. We spend five or ten million dollars on lots of things, which one can argue a university club is more important. I think the only trade-off against the physical sciences building is an unfair way of doing it."

Dean Walcott: "Peter, you are out of time. I am going to call the question and ask if all of those in favor of this resolution would indicate by saying aye and all opposed by saying nay. "I think the ayes have it. "With that I will call the meeting adjourned. Thank you for coming."

[Meeting adjourned - 6:00 PM]

Respectfully submitted,

A. Brad Anton Associate Dean and Secretary of the University Faculty

Minutes from the November 14, 2007 Faculty Senate Meeting

Speaker Steven Beer called the meeting of the Faculty Senate to order for November 14, 2007. "I don't believe we have a quorum at this point but we will proceed with the first several items of the agenda. First I would like to remind the Senators and guests that no photos or tape recorders are allowed to be in operation during the meeting, and I ask everyone please turn off his or her cell phone.

"When you wish to address the Senate please do so after you stand and identify yourself as to name and department. There are no Good and Welfare speakers so the allotted time will be used for the other items on the agenda. At this point I would like to call on Provost Martin for her remarks and perhaps also to take questions."

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Biddy Martin: "I would be glad to. Good afternoon everybody. I thought I would give you an update on the dean searches. Of which as you know, or at least some of you know, there are many. The first is the Johnson School. As you know we did not hire a dean last year as a result of the search process. We are now working with the search firm of Isaacson-Miller out of Boston. And they are rebuilding the prospect pool. They will be on campus before the end of the semester to meet with the Johnson School search committee and will present them with a list of strong prospects at that time.

"The University Librarian search is going extremely well. I think some of you sitting in the audience actually serve on the committee. There were 125 or so individuals who were identified as prospects and the committee has now had preliminary interviews with a number of these prospects and is whittling down the list. I believe that the finalists will probably visit campus the beginning of the year, that is the beginning of 2008, and we should have a new University Librarian in the next few months.

"In the College of Human Ecology the faculty search committee is now established and everyone has agreed to serve on the committee, everyone who was asked. The students and staff members of the committee will be selected by the faculty search committee members or by a process that faculty search committee members deem appropriate.

"Now let me stop here and tell those of you who are not part of the UFC that we changed the deans' search processes. I'll probably have to give a little bit of background. When I became Provost in 2000 I met with the UFC of the Faculty Senate and we came up with an agreed-upon process for searches for Deans. And we have been using it ever since. So, anybody in a college that has had a dean search over the past seven and one half years knows what the process looked like. It has been a very open process and has included among other things the posting of the finalists' names and CVs on the Provost's web site, the video-streaming of the finalists talks on campus so the alums and others who can't be on campus can hear them, and public announcement of the finalists and their talks. We have found increasingly that it's difficult to get people who are in administrative positions to take part in our searches because they are so open, and we actually have one of the most open processes in the country. And so with quite a bit of regret I came to the

conclusion in the late spring/early summer that I needed to work with the UFC to change our dean search process. And so I met with Charlie and the UFC about a month ago, and we came up with a revision in our approach to dean searches.

"So the searches will now be less-open than they have been in the past. And because they are going to be less-open at the end point, when we actually have finalists, than they have been in the past, I decided that we ought to have a student representative and a staff representative on the search committee itself. Those of you who served on any of these dean search committees know that that for the past seven and one half years, they have been faculty- and dean-only in their composition. So there will now be staff and student representatives on the search committees, and those students and staff members, as I just said in the case of Human Ecology, will be chosen by the faculty search committee members or through a process that the faculty search committee members think is appropriate.

"This will also hold for the College of Architecture, Art and Planning. There too the faculty search committee is established, and they will decide how to add staff and student representatives. Both the Human Ecology search committee and the Architecture, Art and Planning search committee will start meeting very soon, I'm sure within the next week or two. And I want to thank Brad and the Nominations and Elections Committee for the speed and efficiency and good will in which they helped us come up with a list of search committee members.

"So, those are the four searches and an announcement about the change in the process of dean searches. Do you have any questions, especially about the change in process or specific dean search?"

Professor Abby Cohn, Linguistics: "Could you say a little bit more about how the later end works and at what point faculty who aren't on the search committee would or would not be involved in the process?"

Provost Martin: "Yes. I will. It's easier to say what will not happen anymore. What will not happen anymore is that we will not post the names of the finalists on the Provost's website with their CVs for all the world to see. And we will not video-stream the finalists' talks on campus for their colleagues back at their home institutions as well as the alumni to see. We won't do those things anymore, which probably sounds somewhat small given the way we do other kinds of searches. But I still find it somewhat regrettable, because we did have good participation by alumni, for example, in the use of the video streaming. But anyway, we have decided to do it, so let me now share my lamentations with you. We won't do those things. What will we do? Will we for example publicly advertise the finalists' talks? I don't think we should in quite the same way we have in the past. But what we have decided is that each search committee, because those faculty know their own college best, will decide what the end game should look like; how to get faculty involved in meeting the candidate, but not necessarily by virtue of putting out public announcements that they are giving a talk as a dean candidate, but find some other mechanism to ensure that faculty in that college get a chance to get introduced to the candidates."

Professor Cohn: "So there will be a mechanism whereby every faculty member of the college would have an opportunity to add something, or could it be more filtered than that?"

Provost Martin: "I think it could be more filtered than that, but we didn't make a decision about that. We are leaving it up to the process and the specific search committees to decide. In some of the smaller colleges it probably wouldn't be that difficult to create an opportunity for any faculty member who wants to meet the candidates to do that. In some of the larger, such as our own college, it might be more difficult. But of course not every faculty member has ever availed him or herself of the opportunity to meet the candidate. In fact sometimes the attendance is rather shockingly low for these talks, so maybe it won't be such a disappointment to everyone. But I think what everybody wants is to find a way to allow as many people as possible to have contact with the finalists. Exactly how that should be done, I think, the faculty in each individual college probably are the best judges of that, as opposed to having the Provost's office decide."

Professor Cohn: "But here's the question I would raise, and I've probably have gone on too long about this. The difference seems to be about whether you come up with a mechanism that avoids the public nature of these advertisements but doesn't eliminate the option for any individual faculty to self-elect to participate, versus the changing of the public nature of it than limiting that. So that would be my concern."

Provost Martin: "I agree with you. I think the ideal would be no public announcement or that it's a talk of a dean candidate. But several people in Architecture, Art and Planning have suggested this as a way of perhaps of inviting people to give lectures that would be advertised differently, for example. I think that we are all smart enough to deal with the problem, but I don't want to dictate in advance exactly how each college does it."

Speaker Beer: "Three more minutes."

Professor Brad Anton, Associate Dean and Secretary of the University Faculty: "To what extent, or if at all, are professional "head-hunters" involved in the search process?"

Provost Martin: "Professional "head-hunters" as they are delicately called. Well, as I said, Isaacson-Miller is involved in the Johnson School search, and in the case AAP we have enlisted the help Spencer-Stuart. In the other two searches we are not using search firms. As you know over time we haven't used outside search firms or head-hunters, because we haven't believed that add enough value in the identification of good candidates at this level. But this time we simply have too many searches underway to do it all ourselves. In the case of the Johnson School I think there is value-added because there are search firms with extensive experience in the world of business schools and business-school deans. I think it makes sense there. Likewise in AAP, I think Spencer-Stuart will have a pretty clear sense of where the likely prospects are. But it doesn't make me want to enlist search firms for every dean search."

Professor William Arms, Computer Science: "Biddy, are there any plans to speed up the search process. The process is extremely well run but seems to take a very long time."

Provost Martin: "I think that some of these changes will speed it up, actually. First of all it's really hard, as I said, and this is one reason we are changing things. It's been really hard to convince people to get involved in a search and that has sometimes taken weeks, even months to get the people we really want to apply for these jobs to be willing to talk on the phone and then come interview with the committee. So I actually think that being able to tell people that their confidentiality will be better preserved will speed things up. That's one of the things that takes longest. First you identify really strong people, but then getting them to take part is very difficult. I think that the end game might be shorter depending on what process each search committee comes up with if we don't have to do the sort of public advertising and the really elaborate set of meetings that we have always had to plan with people in the past that takes two full days out of their schedules and typically wears them out, so that they decide to stay home. No, no that hasn't really happened."

Speaker Beer: "Thank you very much Provost Martin. I would now like to call on the Dean of Faculty, Charles Walcott for his remarks."

2. REMARKS BY THE DEAN OF FACULTY

Dean Walcott: "I will be very brief because we have great fun in store for us when we start talking about OPUF. The one issue that has concerned me a little bit is this body lacks a parliamentarian. And I am calling on any member of this body who feels that they are familiar with Roberts Rules of Order if they would be willing perhaps to help our distinguished speaker in the event some question about parliamentary procedure were to arise. If you could just identify yourself quietly and in confidence of course to Professor Beer at the end I would be grateful. That's my report unless anybody has any questions."

Professor Richard Talman, Physics: "Does the parliamentarian have to be a member of the Senate?"

Dean Walcott: "No."

Speaker Beer: "Thank you very much Dean Walcott. I would now like to commend members of the Senate for showing up because we have now achieved a quorum and therefore we can conduct the important business of the Senate. The first item of business is the approval of the minutes of the last meeting that was held September. Are there any comments about the minutes? If not, I'll entertain a motion to approve the minutes of the September 12th meeting. Motion has been made and seconded to approve the minutes of the Faculty Senate of September 12, 2007. All those in favor say aye. All those opposed say nay.

"Thank you the minutes have been approved by acclamation.

"Our next item is a report from the Nominations and Elections Committee delivered by Associate Dean Brad Anton."

3. NOMINATIONS AND ELECTIONS COMMITTEE REPORT

Associate Dean Anton: "The Nominations and Elections Committee has been busy as usual ([Appendix 1](#)). We have filled, or as you can see, we have hopefully filled a number

of committees. We have a few more to go to get caught up. I thank those people who have expressed their willingness to serve.

"Also, in the background we are making progress in preparing for the Dean of the Faculty election, which will happen next semester. The Nominations and Elections Committee presented a list of candidates and came up with a group of about fifteen whom we have contacted face to face to get them to express interest in this, and it looks like we will have several people willing to run for the Dean of Faculty election. We will get back to you. That will happen next semester. Sometime early next semester we will have an open forum to meet the candidates and hear their opinions and so forth.

"And, that's all I have. Are there any questions about the report?"

Speaker Beer: "Thank you. At this point I would like ask for approval of the slate of nominees for various positions in the faculty committees. All those in favor signify by saying aye. Opposed?"

The slate is approved by acclamation.

"Now we will move to the next item on the agenda which is a report from Vice Provost John Siliciano on the NCAA review."

4. REPORT ON NCAA RECERTIFICATION REVIEW John Siliciano, Professor Law and Vice Provost: "Thank you. I just want to briefly update you. I doubt this will take fifteen minutes. We have begun the NCAA recertification for Cornell. Cornell was first certified a decade ago by the NCAA, and it's time again. So President Skorton has formed a committee of faculty, staff, students, athletes and administrators to manage the process. As you might imagine it's an enormously elaborate bureaucratic process with huge requirements of data. And so the committee is busy at work doing that.

"The process covers three areas, and so there are three sub committees. I should back up. The committee was formed by President Skorton. It's chaired by Mary Opperman, Vice President for Human Resources and myself. It has extensive representation across the campus. It is working in three separate areas, and there are three subcommittees that do the lion's share of the work for that. There is a subcommittee on governance and rules compliance. So we threw at layer at that, Nelson Roth of Counsels' Office. We have a subcommittee on equity and student-athlete well being. That is chaired by Dale Grossman. There is also a subcommittee on academic integrity that is chaired by Professor Rosemary Avery.

"The bulk of the work is developing a self-study along the very detailed lines required by the NCAA. That will first arrive as a draft, which will be circulated widely and available on a website soon to be launched – cornell.edu/ncaa. It will be under discussion. We will visit a variety of groups on campus, the University Assembly, the Student Assembly and a variety of others including the Senate's Faculty Advisory Committee on Athletics and Physical Education. The comments on the draft will be considered by the committee as a whole and then incorporated into a final draft sent to the NCAA. And then about a year from now they will visit for a site visit on campus to go over these issues of certification. At this point we are not anticipating any significant problems with recertification. In

terms of the three areas Governance and Rules compliance, we keep a careful tab on that all the time. The Athletics Department has staff devoted to that very issue on an ongoing basis. We haven't had any compliance issues in this period of time and we aren't anticipating any, but you can never rule them out. The process is really designed to ferret out whether we have slipped or missed anything.

"Equity and student athlete well-being - this is an issue that is probably one that we will pay the most attention to, mainly on the equity side in terms of Title IX compliance and whether we are providing all of our athletes with the opportunities that are appropriate.

"Academic integrity – we don't have the challenge that many universities do in that we don't have athletic scholarships. That removes a huge area of concern, but nonetheless there are a number of other things in terms of admissions that we need to pay careful attention to.

"So that's a basic summary. We are at the beginning of the process. We are just getting underway. But, again it's a very public process and all the work will be posted and available and we would solicit comments. I am happy to come back at any time people want an update."

Speaker Beer: "Are you willing to take questions?"

Vice Provost Siliciano: "Absolutely."

Professor Abby Cohn: "John, could you just say a little more about the implications? I mean maybe for a faculty member who isn't directly involved in any of these activities and endeavors. Should I care about this? Is it really reactive to a set of demands that are imposed on us or is a process that could lead to shifts in resources, rethinking of the relationship between athletics and other aspects of our ongoing activities?"

Vice Provost Siliciano: "I think it's both. And again we are at the beginning of the process and it's my first time through so I can't attest to how it works exactly. But my sense so far is that on one level it is a massive exercise in responding to NCAA compliance issues, to make we are doing all sorts of things and present a very extensive set of data. It would be unfortunate if we went through the process simply with the attitude of getting through certification without using it as an opportunity for reflection, and ideally all self-studies are actually self-studies as opposed to meeting paper requirements. Since I think the process is structured and the committee as you know was very carefully and thoughtfully chosen with people with a lot of insight to allow the possibility for us to brace ourselves for the expectations.

"The NCAA is interested obviously in having this happen. They are not a body that seeks to exclude or decertify a college. The last certification left Cornell with a series of action items, which they have been pursuing diligently on a number of these fronts. Those weren't forced by the process, but they were revealed and continue, and I would expect at this time around you would want to do the same thing. These are things that matter to the University itself whether the NCAA is there worrying about Title IX or not, we will be worrying ourselves. Whether they are worried about admission standards for student athletes, we are going to worry about those same issues."

Professor Cohn: "Would it be fair that if there are issues that come up that perhaps would hinge on matters that are of greater general interests that we would hear about it through the Senate?"

Vice Provost Siliciano: "Charlie is on the committee and I think Charlie would be a good monitor of that. Again, we are interested in being completely open. I would be glad to come back and I would rely on Charlie and have representatives from the Senate Committee as well."

Professor Richard Shuler, Economics and Civil and Environmental Engineering: "John, let's put Abby's question another way. Suppose we and our playmates, that is the other Ivy League schools, were just to decide hey, it isn't worth being a member of the NCAA, what would be the consequences to the University?"

Vice Provost Siliciano: "Well I think one is that we wouldn't get to play in the same sand boxes, maybe among ourselves with our playmates. But it is a sort of ticket in a variety of athletic conferences. Beyond that I haven't really speculated on that question, because the presumption is that we want certification and it should be as I said fairly straightforward to get it. I guess I am not sure what would be the outcome other than one should be certified. And in an academic unit one would have the same kinds of issues. I am not sure that answers your question."

Professor Richard Talman: "You mentioned that there were no athletic scholarships but there's a kind of hinting of athletic scholarships in the admissions process. Is that part of your charge? And also the early admissions issue is also related, I think, to athletic admissions. So for example, an interesting question would be is there a higher fraction of athletes in early admission than in the whole admission, which I think there is. Are these issues relevant?"

Vice Provost Siliciano: "They are explored in great detail. Rosemary can speak more to this. But the scholarship issue as pure scholarship is financial aid, but then there's also a great deal of attention devoted to this sort preferences and treatment and ways of admitting athletes; how those vary in terms of academic requirements in terms of early admissions, all that is studied in detail."

Associate Dean Anton: "This effectively is the same question. All of us who teach classes are interested in the academic side of things and are very worried about academics getting compromised for the sake of athletics. As a result of this recertification procedure many, many data will be collected and analyzed. A lot of those data will have to do with the academic standing of our athletes, both how they were admitted and how they perform while they are here and where they stand at graduation and so forth. Will those data be available publicly for us to see?"

Vice Provost Siliciano: "It's all public. This is a very, very public document. It's going to be very extensive and very public. All of that is studied from admissions standards, admissions processes, academic support for athletes throughout the time they are here, graduation rates and basically the entire set of questions that you as a faculty member would want to know about the impact of admissions on the academic program and the academic support of athletes as part of the finding."

Associate Dean Anton: "I think that's terrific, because based on what I see in my own department and in our college, I suspect we have many reasons to be very, very proud in this game with the way we handle it. So I bet we could get good publicity from this."

Vice Provost Siliciano: "Most of what we do and what we worry about is well beyond what the NCAA would ever think we worry about. Our deviation is off the norm for athletes and are microscopic compared to what many universities think is just fine. But we still pay attention to those kinds of things."

"Rosemary, am I missing anything? You are closer to this than I."

Professor Rosemary Avery, Policy Analysis & Management: "No, I think you basically covered everything. Right now the subcommittee on academic integrity is drowning in data, and we are trying to put it together in a way that would answer the questions that are being raised in the Senate. One thing I would say is that we are driven by a self-study instrument that the NCAA provides for us, and we are not going very far outside the questions that we are asked on that instrument. I am collecting more data than the instrument actually asks for. But the issue of early admissions doesn't come up in the instrument. That's a question whether we will actually present those data or not. If anyone is interested you can just e-mail me and I can answer specific questions."

"John, you probably want to mention that there is an open forum."

Vice Provost Siliciano: "I'm sorry. There's an open forum on November 29 from 4:00 to 5:00 p.m. in the Schoellkopf Robinson Hall of Fame room. There will be other open forums. The web site will be up very shortly. There's a web-site mailbox as well. And the committee membership, the dates and again we will be meeting with the advisory group on that athletics and physical education of the Senate and the University Assembly and so forth. And beyond that, any time that Charlie signals the need for us to come back we would be happy to."

Speaker Beer: "Seeing no further questions thank you very much Vice Provost Siliciano. At this time Dean Walcott has a series of motions to present that emanated from the University Faculty Committee of which he chairs as his position of the Dean of the Faculty."

5. MOTIONS TO REVISE ORGANIZATION AND PROCEDURES OF THE UNIVERSITY FACULTY (OPUF)

Dean Walcott: "Thank you very much. This is a process which is best described as cumbersome and laborious. Over the passage of time the "Organization and Procedures of the University Faculty" has in various respects gotten out of sync with reality. And so this is the beginning of an effort to try and bring them back and to try and bring them up to date. And, so what I would like to do today is to start with the easy issues and then work up to those that require, it seems to me, some discussion."

"The first motion I have for you then.... I'm sorry let me back up one moment and say the procedure that we are going to follow to modify OPUF, if you folks approve, it comes from the University Faculty Committee. They recommend to this body. This body then will recommend to a meeting of the entire University faculty, which will take place in

February. That will then be followed, if they are approved, by the entire University faculty by a mail ballot to all of the University faculty members. So this is the beginning of a long, laborious, and ghastly process, but one I think which was framed this way so that there would not be casual changes to this important document, which outlines the way the faculty shall be governed.

"So the first motion I have here ([Appendix 2](#), Motion 1) for your consideration is to correct OPUF to agree, for example, with the latest version of the University Bylaws. They changed a number of the bylaws so the original OPUF simply doesn't work. The second major change is to get rid of reference to the Sections of the Division of Biological Sciences, since that no longer exists. And third, on the advice of University Counsel, there are two words in the description of the action of the Dean of the University Faculty that says 'or agent,' and University Counsel wants to get rid of 'or agent.' I can't see that it changes anything to do that. So that is my first motion, Mr. Speaker."

Speaker Beer: "Is there any discussion on the motion? The motion involves three changes. The first one is shown on this slide. The other two are shown on this slide. Is there any discussion or questions for the Dean of the Faculty?"

Assistant Professor Joe Fetcho, Neurobiology and Behavior: "If it doesn't change anything, why does the lawyer want to get rid of it? Does it matter then?"

Dean Walcott: "Well, I don't suppose it does, but since we are busy working on this document, let's fix the changes that need to be changed, since I think these are totally non-controversial. I have some that are controversial that are coming up. But I thought we would start with easy ones first."

Speaker Beer: "Any other questions or comments?"

Professor Nick Calderone, Entomology: "It says that the Dean, however, is not a member or agent of the University's Administration. It implies that there is a difference."

Dean Walcott: "The University Counsel didn't like the word 'or agent.' I have no idea why. I think the issue fundamentally is that the Dean is not a member of the University Administration. I report to you folks. And I am your person, not belonging to the Administration."

Associate Professor Calderone: "But you could be an agent of the Administration."

Dean Walcott: "I think that's what they want to get rid of."

Speaker Beer: "Okay, any further questions or discussions on the first motion? Are you ready to vote on the first motion? Sensing that you are, we'll review the first motion. I believe you can all read as well as I or better, so I won't read it. All those in favor of the first motion signify by saying aye. Those opposed, say nay."

Motion 1 carries

Dean Walcott: "The second motion is a little more complicated ([Appendix 2](#), Motion 2). In 2004 the Senate passed a resolution to allow Nominations and Elections to appoint a few members. This goes against the regulations in OPUF. We have already discussed it and moved it, and it's been approved by this body, at least as it was in 2004. So the

motion is simply to fix OPUF to agree with what we decided in 2004."

Speaker Beer: "Is there any discussion or questions on the second motion."

Professor Abby Cohn: "Charlie could you just say a little bit more about the motivation for that change. It seems to stem primarily from being able to be sure there is adequate representation from different constituencies."

Dean Walcott: "That's exactly the point. What happens with Nominations and Elections, when it's elected at large by the faculty, you sometimes end up with a rather skewed committee; skewed in any one of a number of different ways. It could be skewed because it doesn't represent all the colleges, and it's important that Nominations and Elections have representation from all the colleges so we have information about who to select for all the various committees. Secondly it gets skewed because women and minorities tend, for reasons that I don't understand, to be selected less often by the elections at large. Perhaps they are not as well known. I don't know. But the whole point then is to leave the majority of the committee to be elected at large, but to have one member a year that can be appointed by the committee to try and redress these various balance issues. That's what it's all about."

Speaker Beer: "Are there further questions or comments? Are you ready to vote on the second motion? All those in favor of approving the second motion signify by saying aye. All those opposed say nay."

"Second motion is approved by acclamation."

Dean Walcott: "Good. Here is where we get in some more difficult territory ([Appendix 2](#), Motion 2). What we are suggesting is two changes to help ensure a quorum, which fortunately we have today, at the Senate meeting. But we have had a bit of difficulty with that in past Senate meetings. There are two changes. One is really not a change but simply a clarification of wording. A quorum is 50% of the members of the Faculty Senate. The critical point is that there are some departments who are entitled to two Senators but choose, for reasons of their own, to appoint only one. And there are some departments who have not appointed any Senators. To make it clear we are going to count a quorum as half, as 50%, of the members. That means we do not count empty seats. That is the sum and substance of that first point there. That empty seats do not count."

"Secondly, and I think more controversially is the second point here on the next page, which is that constituencies may elect alternate Senators to serve if the regularly elected Senator is unable to do so. The basis of this is that many of us are busy and for good and sufficient reasons can't make a Senate meeting. It seems unfortunate, both from the Senate's point of view not to have a quorum, but also from a department's point of view not to have representation, and so by having an alternate Senator elected by each department, then there would be somebody who was ready and willing to step in if the regular Senator is unable to do so. That is the argument in favor of it."

"Now is all fairness I must report that Professor Stein has on past occasions been very unhappy with this idea on the basis that any Senate worth its salt, like the US Senate or

the Senate of the State of New York, does not allow alternates. Being Senator is a full-time job. It is inappropriate to have alternates, and so on. I would suggest that my counter-argument is that we are not professional Senators. That is, many of us do other things. And therefore this comparison is, in my opinion, fallacious and what we are really looking for is representation from the University at large, from its departments, to come together here and help us solve issues of interest to the faculty. And that is very different than what the Congress of the United States does. That's my editorial message. But since Professor Stein is in Barcelona he could not be here today so I wanted to express his point of view."

Speaker Beer: "Any questions on Motion #3?"

Professor Arms: "Charlie, I have a question about the meaning of this. Could a department change its Senators every week depending upon the issues on the table? Or are you thinking of one back-up?"

Dean Walcott: "I had anticipated that when there is a hard-fought election within the departments that there might possibly be an alternate Senator at the same time. I suppose there is nothing in the rules that absolutely prohibits a department from changing Senators on a weekly basis but that was not my intent."

Associate Professor David Delchamps, Electrical and Computer Engineering: "I have a question about the departments that don't have Senators. Are they chronically that way or is it a sporadic thing? And how many seats out of the total membership possible, does that constitute?"

Dean Walcott: "It's somewhat sporadic. It is typical that in the Senate that the departments that are allowed to elect two, often, but not always select only one. We are talking about a maximum, I would think, half a dozen or so seats. So it's not a huge number."

Professor Paul Feeny, Ecology and Evolutionary Biology: "This presents something of a headache for keeping track of who is signing in. Anyone could come in and sign and say, "I'm an alternate for so and so." Would the sign-up sheets have the regular Senator's name and then in parenthesis the designated substitute?"

Dean Walcott: "That strikes me as a fine plan, subject to Diane's approval of course."

Professor Feeny: "If the department changes its mind then a week in advance then you would have to have a different set of sheets for that particular meeting in questions, right?"

Dean Walcott: "I think that is something that we could do, much as we would prefer to have it on a yearly basis. But computers being what they are it's not impossible to change these things."

Professor Cohn: "I wanted actually to follow up on the second point. In effect what Bill said. I think this is a good idea, but I think it probably should be clarified a little bit, more in terms of the wording because it really is ambiguous. My understanding of the intent is that there should be an alternate on a yearly basis who could serve on those occasions that

the regularly elected Senator is not available. It seems that we might want to refine the wording to make it a little bit clearer."

Dean Walcott: "Well, it may be a little bit clearer if you look on page eleven."

Professor Cohn: "Even on page eleven I don't think it eliminates that ambiguity."

Dean Walcott: "No, it really doesn't."

Professor Cohn: "It clarifies what the point is and how it came about, but I just think we might want a little more wording to make clear that this is a long-term appointment as an alternate, but that individual only serves on those occasions that the regular member is not available."

Dean Walcott: "I wonder if the body might allow us to modify with a few well chosen words."

Professor Cohn: "I would be comfortable with that. But I do think it should be addressed, because I think it is not sufficiently clear."

Dean Walcott: "Thank you."

Professor Lisa Earle, Plant Breeding and Genetics: "I support that concept because I think what may happen is if the Senator can't attend the meeting he/she will simply look for a colleague at that time as a informal election and perhaps that's not what you are aiming for."

Dean Walcott: "We will try and make that clear if that seems reasonable to everybody."

Speaker Beer: "Dean Walcott, are you suggesting that it would appropriate for the body to propose an amendment, a member of the body or the committee to reconsider this motion, or just what?"

Dean Walcott: "If it were all right I would like the body to approve this as it stands with the understanding that Abby and I will have a few well chosen words to add to this to clarify the point that this is a long-term appointment, not just a Wednesday afternoon at 2:00 substitution."

Professor Anton: "I sense that maybe some people don't know exactly how this Faculty Senator appointments are handled, and maybe I don't even understand exactly. But I think we have a list in the Dean's office. We know how many Faculty Senators are apportioned to each department, and Diane keeps an up to date list of who are the elected Senators for each of those vacancies and when a department does not report to us who their Senator is, and so we chase until they say, "We are not appointing someone to fill that vacancy. Then we know exactly where the vacancies are, and we know that those vacancies are there intentionally. So these are the departments that have said that, "We are not going to have a faculty Senator right now. We can't afford the manpower." Or the departments could have two and they say they only need one. Okay. We are keeping track of this list and our intention was to have then, us, also keep track of a list of alternates. So there is one person who is selected by the department. Their name is given to us, and we have them on our list as the viable alternate. We know who person A and person B is for every seat in the Senate. And that's how this would operate. It's not, " I

can't go to the meeting, can you go here for me instead and vote yes on this for me." It's not like that."

Professor Kathryn March, Anthropology: "At the risk of sounding sort of why am I here. One of our serious problems is getting a quorum. And so loosening these rules to allow that I think the people might want, to entertain seriously the principles of having these conditions set, is to have a voice from all the different units in the University. And, I'm not sure that having someone say on Wednesday at 2:00 PM and then calling up the office and saying this is going to be my replacement is necessarily all that bad a thing."

Associate Professor Mike Van Amburgh, Animal Science: "Can somebody tell me how a department gets two Senators?"

Dean Walcott: "They have more than 25 faculty members."

Professor Cohn: "Do you anticipate that a department that has more than one Senator, has two Senators, would have one or two alternates? Because if any department is going to have only one alternate, and we just changed the wording to say "may elect an alternate Senator," it becomes less ambiguous than it is right now. And it certainly takes away the reading that it might be Joe one week and it might be Sam another week, and if that would still meet the needs or the idea that a department that has two regular Senators would have an alternate who could serve for either one. I think that would actually address that matter."

Speaker Beer: "Are we ready to vote on this motion?"

Professor Kessler: "The voting is now on that change "an alternate Senator"?"

Speaker Beer: "I have not heard an amendment being offered so therefore the only action on the floor is the main motion. If you wish to offer a formal amendment, that's in order, but no one has done so to my knowledge. What the Dean has suggested is that the main motion be passed by the Senate and then it be refined in discussion with the several Senators who are concerned with the details of it as to how the alternate Senator might be chosen or how many alternate Senators might be chosen."

Dean Walcott: "Remember you have two more whacks at this, because there's a meeting of the entire University faculty plus a mail ballot, so nothing is going to get sent through."

Professor Shelley Feldman, Development Sociology: "I will just request a friendly amendment that says "an alternate" so we have it at least clear now before we go through all the trouble."

Speaker Beer: "What is the body's pleasure"?"

"Amendment made and seconded. So let's take a vote on the motion as it's presented with the understanding perhaps that the details will be refined at some later date."

"Who made the amendment?"

Professor Feldman: "I did."

Speaker Beer: "Could you please restate it since I didn't hear it clearly."

Professor Feldman: "To change point 2, constituencies may elect and insert the word "an" alternate Senator to serve if the regularly elected Senator is unable to do so."

Speaker Beer: "Okay, are we clear on the amendment as point number 2? The amendment states constituencies may elect "an" alternate Senator to serve if the regularly elected Senator is unable to do so."

"All those in favor of this amendment signify by saying aye. All those opposed, nay."

"The amendment passes."

Professor Arms: "I believe the rules of the Senate say that has to be unanimous consent because it was introduced at this time."

Speaker Beer: "I guess I need that Parliamentarian."

Dean Walcott: "My sense is that this was a clarifying motion of minor wording but nonetheless of importance and that can be offered on the floor without having to be on paper and twenty-four hours in advance. And furthermore it seemed to me that there was a general, a strong motion and vote for this."

Professor Anton: "I would like to have a recount."

Speaker Beer: "We'll have a voice vote initially and if a recount seems necessary we'll have that. All those in favor of the amendment say aye. All those opposed, say nay."

Amendment passes unanimously."

"So now we are ready to consider the main motion as amended. Any further questions or points to be made in favor or in opposition? It seems like we are ready to vote on the main motion. All those in favor of the main motion as amended. Here is the main motion on the top of it. And the bottom and will remind you that point number 2 has been amended to read and may elect an alternate senator to serve. All those in favor signify by saying aye. All those opposed say nay."

"Motion 3 as amended is passed by acclamation."

Dean Walcott: Okay, motion 4. ([Appendix 2](#), Motion 4). A Senator-at-Large, who for some reason ceases to serve, and in this case it was a very unfortunate tragic death. The OPUF decries that under such circumstances a whole new election be held. Holding elections is a major operation involving lots of pieces of paper, mail ballots to all of the University faculty, since the entire University faculty that votes on Senators at-large. We would like to change the rules and regulations to allow Nominations and Elections to appoint somebody to fill the unexpired term. Then at the next cycle there would of course be an election at large by everybody. That is the basic proposal here."

Speaker Beer: "Any comments or questions the fourth proposed motion?"

Professor Cohn: "Would it be just the portion or the reminder of the term up almost three years or would be the one year until the next election is held?"

Dean Walcott: "It would be until the next election for Senators-at-large."

Professor Cohn: "Okay. That's not what it says."

Professor Anton: "No. We mean for the remainder of the term. And the reason is we have three Senators-at-large tenured and three untenured, and they are in three year terms, so they are phased. If you change the phasing of the elections, then you have to elect people to shorter terms to get things back in phase."

Professor Cohn: "But you could have a system where you elected somebody during the next election to fill the remainder of the term, one or two years not necessarily three?"

Professor Anton: "You could."

Professor Cohn: "And appoint for the one year."

Professor Anton: "You could, or you could appoint for the remainder of the term."

Professor Cohn: "So if I were to raise the possibility that in order to maintain the intent that these people are elected by the faculty at large but alleviate the problem caused by the gap and avoid the need to have an extra election that in that fear of counting that person fulfill whatever remained of one year and having a partial term appointed in the election might be an alternative."

Professor Earle: "I was going to raise the same point. Is there anything wrong with the concept of appointing to the end of the year and then having shorter terms if appropriate?"

Speaker Beer: "I might ask did the UFC consider that as a possibility?"

Dean Walcott: "No, I don't think the UFC did consider that."

Professor Anton: "The Chairman of Nominations and Elections did. Every time you run one of these elections you have to find people who are willing to stand for election. Then, instead of, for example, the last time around we found two people to stand for elections of the faculty senator at large position and one of them got elected. If we had this situation, they stand for election, they would both get elected.

"We can do things that way, but there is the overhead that's associated with finding people, getting their biographies and their statements, and all this. If that's what you would prefer to do, we can do that. I don't see that a lot is gained doing it that way, and I don't see that a lot is lost doing it the other way. I think it's kind of a toss-up. I don't think the Senate is threatened. This happens very, very seldom, say every ten or fifteen years, and if we have to do this, it probably doesn't matter which way we do it.

Speaker Beer: "Are we ready for voting for motion number four? Okay. All those in favor of motion number four signify by saying aye. All those opposed, say nay.

Motion #4 approved by acclamation.

Dean Walcott: "Motion number five ([Appendix 2](#), Motion 5). It turns out that we have for some years invited a member of the Cornell Association of Professor Emeriti to be a member of the Senate with voting privileges. There is nothing in OPUF that actually permits that, so we are asking you to add such a thing to OPUF."

Speaker Beer: "There you see motion number five. Is there any discussion of it. Any questions concerning motion number five?"

Professor Delchamps: Is every emeritus faculty a member of the Cornell Association of Professor Emeriti?"

Dean Walcott: "No. I think not. Some professor emeriti have departed to places like California and said they do not wish ever hear from Cornell University again. And such folk are not members of Cornell Association of Professors Emeriti. However, there are a substantial number of faculty who are in the area and who are still active in one way or another with the University. I think they pay, Tori correct me if I am wrong, \$5.00-a-year dues to belong to this august organization, which represents their interests within the University."

Speaker Beer: "Any other questions or arguments in favor or in opposition to this motion? We are ready to vote on motion number five. All those in favor signify by saying aye. All those opposed, say nay."

Motion #5 approved by acclamation.

Dean Walcott: "This is quite extraordinary. All right, motion number six ([Appendix 2, Motion 6](#)). As I explained to you in the beginning the modification of OPUF seems to me to be extraordinarily complicated, and what I would like to do is to eliminate the step of having a meeting of the entire University faculty to consider changes to OPUF. It seems to me that if changes come from the University Faculty committee to this body, the agenda for this body is circulated to all the members of the faculty, so if we decide to do something drastic to OPUF, this will be known to all of the members of the faculty. If they wish to discuss it they can come here and do so at the Senate level. And so I am proposing that the basic strategy be changed, so that ideas for modifying OPUF come from the University Faculty Committee to the Senate here and then to a mail vote of the entire University faculty. And we simply eliminate the necessity of having a faculty meeting of everybody to change OPUF. It seems to me that makes it sufficiently difficult to do, that this will not be done casually. That way everybody will be aware of what changes are made, and I don't see that we lose very much by eliminating the meeting of the University faculty, desirable though that may be for all sorts of other reasons."

Speaker Beer: "Is the intent of motion number six clear? Are there any questions or arguments for or against it?"

Professor Phil Nicholson, Astronomy: "One clarification. I have been involved in a couple of outside professional organizations, which have made similar changes to their bylaws. In each of those cases it's been generally deemed that old sets of bylaws that referred to paper ballots are translatable to e-mail. In other words it's been considered that if the secretary of the organization wishes to conduct a vote by e-mail that essentially equivalent legally to doing a mail ballot with all the bylaws."

Dean Walcott: "And I think on page 18 under C referendum it shall then be submitted promptly to all voting members of the University faculty for a referendum by e-mail ballot. That is part of the amendment, to be able to use e-mail."

Professor Nicholson: "I'm just suggesting that you may not even need to make that change. If the current thing just says a mail ballot, that could be reinterpreted as e-mail in

the current day and age."

Dean Walcott: "But why not just be explicit."

Speaker Beer: "It seems the main sense of motion number six is to eliminate referring to a full University faculty meeting."

Professor Phoebe Sengers, Science and Technology Studies: "If we shift to an e-mail ballot, how will you ensure that balloting would still be anonymous?"

Dean Walcott: "That's a good question. Diane has ways of doing that but it's somewhat mysterious to me how that is achieved. But it is because the balloting, for example, for some other things we do by e-mail and it's essentially anonymous."

Provost Martin: "It's confidential, not anonymous."

Professor David Grubb, Material Science and Engineering: "I'm all in favor of the spirit of this, but I would like to point out that in section B on page 18 after you have deleted the part about the faculty meeting, the last sentence says "if it does receive such majority approval" when there is no longer such majority approval to be received."

Dean Walcott: "But that then refers back to the Senate, any such proposal to amend shall be reviewed by the Senate, which will make its recommendation thereon. If it does receive such majority approval in this body, then it would go on to a referendum of the faculty."

Professor Grubb: "I would offer the sentence in section b is duplicated by the first sentence in section C and could be deleted without any change in meaning whatsoever."

Speaker Beer: "Any other points, are we ready to consider motion six? All those in favor of motion six signify by saying aye. All those opposed, say nay."

Motion #6 carried by acclamation.

"Thank you very much Dean Walcott.

"At this point I call on Professor Robert Kay to present a report from the University Assembly's Codes and Judicial Committee for an update on the Campus Code of Conduct. Is Professor Kay present? He is not. That being the case the Senate will have to do without Professor Kay's report today. Perhaps maybe later we will."

Dean Walcott: "I would just like to report what's going on. The Codes and Judicial Committee has reported to the University Assembly, and they are meeting at this very moment. The University Assembly is considering the report from the Codes and Judicial Committee. I am sure that Professor Kay is there helping them with this deliberation, and that is why he is not here. Though, he was asked to be here and we were told that there would be a runner from the University Assembly, which is as I say meeting even as we speak, in the event that there is a vote on this matter. But I guess they are still discussing it."

Speaker Beer: "Well it seems that we have reached the end of the agenda and seeing that we have no Good and Welfare speakers, I will entertain a motion for adjournment."

Adjourned at 5:40 p.m.

Respectfully submitted,

A. Brad Anton

Associate Dean and Secretary of the University Faculty

Minutes from the May 14, 2008 Faculty Senate Meeting

Call to Order by Speaker Steven Beer. "I would like to remind members of the Body that there are no photos to be taken and no audio recorders are allowed during the meeting. I ask everyone either to turn off or silence your cell phones. And when you speak please stand and identify yourself as to name and department. We have used the ten minutes allocated to Good and Welfare for assembling this afternoon. There are no Good and Welfare speakers. I call on Dean Walcott for some remarks."

1. REMARKS BY THE DEAN OF FACULTY

Charles Walcott, Dean of the University Faculty: "Thank you. I will be very brief. First, the meeting dates for the fall... I realize it's hard to think about the fall at this point, but I do want to warn you all we have delayed the first meeting in the fall by one week. Normally it would happen on September 10. We are proposing it happen on September 17th. The reason is that David Skorton can then be with us. That seemed like a good thing for the first meeting in the fall. The second meeting we have also delayed by one week to the 15th of October to avoid Yom Kippur. That also seemed like a good thing to do. And if we were delaying the first one, it doesn't seem unreasonable to delay the second one. So those are two important announcements, which I'm sure you will remember come September.

"Secondly, I can report that the changes to the Organization and Procedures of the University Faculty were overwhelmingly approved in the most recent ballot. And what that means is that each department is not only now able to select a Senator but to select an alternate as well. And in the letters that have just gone out to everybody, that suggestion has been made.

"And finally I know that a number of you are ending your terms, I would like to say thank you very much for your service on the Senate. I would like to pay a special tribute to our retiring faculty-elected trustee, Kathy Rasmussen, and thank her for her efforts. And, this is of course my last formal meeting as Dean of the Faculty. So I thank you all for your patience."

Speaker Beer: "Thank you Dean Walcott. I call on Associate Dean Anton for a report of the committee, which he chairs, Nominations and Elections and for the results of an election that was recently held."

2. NOMINATIONS AND ELECTIONS COMMITTEE REPORT

Brad Anton, Associate Dean and Secretary of the University Faculty: "Okay. I have several items here. Item number one is a report from the Nominations and Elections Committee.

Report from Nominations & Elections Committee

Faculty Committee on Program Review

John Eckenrode, CHE

Janice Thies, CALS

Mildred Warner, AAP

University Benefits Committee

Jack Blakely, ENGR.

Childcare Committee

Marianella Casasola, CHE

Mark Lewis, ENGR.

Codes and Judicial Committee

Paul Chirik, A&S

University Hearing Board

Michael Sturman, Hotel

This report was given at the April 9th Faculty Senate meeting but could not be approved because we did not have a quorum. We have filled vacancies on the Faculty Committee for Program Review, the University Benefits Committee, which operates jointly between the Faculty Senate and the University Assembly and several subcommittees of the University Assembly including Child Care, Codes and Judicial and the University Hearing Board. I ask for approval of this report.”

Speaker Beer: “All those in favor of approving the report please signify by raising your right hand. Opposed. Abstentions. The report is approved unanimously.”

Associate Dean Anton: “Okay. Item number 2 is the report of the recent University Faculty election. First I thank all of our colleagues who participated in the election by running for positions. And I congratulate the winners, and here they are: Faculty Trustee, Rosemary Avery from Human Ecology; Faculty Senate At-large Tenured, Valerie Bunce; Faculty Senate At-large Non-tenured, Wojtek Pawlowski; Nominations and Elections Committee, N’Dri Assié-Lumumba, Steven Bloom and Nicolas van de Walle; the University Faculty Committee, Kathryn Gleason and Timothy Mount. I don’t think we need approval of this, because they have been elected.

Item number three. It’s my turn to say thank you. Another academic year comes to an end, and it’s time to say thanks to some of the people who made things happen for us all. I thank the members of the Nominations and Elections Committee, especially Tove Hammer and Nelly Farnum who are finishing their terms and Kerry Cook who is leaving Cornell in mid-term for a new opportunity at UT Austin. Of course I thank the staff in the Dean of the Faculty’s Office. That’s Sandie, Diane and Tori, and all of the Faculty Senators whose terms are ending, particularly the At-large Senators that were chosen by elections that the Nominations and Elections Committee supervised. Those are Anne Blackburn, who completed a three-year term, and Brian Kirby, who filled an unexpected vacancy for one year on short notice, and Rosemary Avery, who is leaving the Senate mid-term to be our new Faculty Trustee.

“As you know, Charlie Walcott is finishing his term as Dean of the University Faculty this summer, and he is retiring from the Department of Neurobiology and Behavior. This is why we had some special refreshments today. I want to thank Charlie for several things. First and foremost, his tireless service to the Faculty of Cornell University. Charlie came here in 1981 to be Director of the Lab of Ornithology, a position he held until 1995 while overseeing a dramatic growth in size and reputation. Along the way he served on numerous faculty committees, and then he became the Associate Dean and Secretary of the University Faculty in 2000. And that job I can assure was service in a punishing form. He has been Dean of the Faculty since 2003 - five years now. And this is a lot of time at Cornell, taking bumps and bruises mostly for the welfare of others. So I also thank him for his patience and wisdom, the patience and wisdom that he has been giving me while I have been learning how to be the Associate Dean. And I perceive it hasn’t always been easy. And finally I thank him very much for agreeing to serve as our Associate Dean in the fall so I can take the sabbatical leave. And I wish you good luck for a long time, Charlie.”

Speaker Beer: “Now I would like to call on Professor David Delchamps, the Chair of the Committee of Educational Policies for a resolution of the Committee.”

3. RESOLUTION FROM EDUCATIONAL POLICY COMMITTEE ON FINAL EXAMINATIONS AND OTHER END-OF-SEMESTER EXERCISES

Associate Professor David Delchamps, Electrical & Computer Engineering and Chair, Educational Policy Committee: “First of all I presented a motion briefly at the April meeting, but we didn’t have a quorum. We do have quorum today, correct? Before we look at the resolution I want to tell you why we are doing it, and for that reason I would like you to see the old text ([Appendix 1](#)). Here we go.

“Basically, the reason we are doing this is that the current legislature is not being followed. And it’s in a form that really can’t be followed, given modern practices. Modern practices, as you know, as far as end-of-semester exercises and final exams and things like that, vary widely across units. There are all kinds of

things going on all over the University, as we discovered when we did a survey a year ago. We already knew anecdotally, but now we have firm evidence thereof. This first piece of the old legislation that sits in the faculty handbook says that the University faculty long ago established and has never reversed the policy of each course to require a final exam, or some equivalent exercise. We thought that was a little bit restrictive, given our practices to begin with. And we thought that we needed to eliminate that or revise that. We received a strong signal from the faculty two years ago when Ann Lemley brought before us the resolution regarding final exams, and we thought that was an important thing to do. So keeping this in mind, I mean if you look at this, you can think of it either as this the defining essence of Cornell, or if you deconstruct it, this is something that you're going to reverse some day. Maybe now is the time to that. But in any event, that's the beginning. That's the preamble. And if you go ahead you will see that it tells essentially faculty that they have to do this, and then it goes to a list of numbered items that are restrictions on what the faculty can and cannot do during exam period, during study week, during the last week of classes. These are intended to just to protect the students from work overload. So essentially the old legislation was what to you have to do, and when can you do it, and when you cannot do it. So we figured what we would do is rewrite this in a form that we could actually obey as a faculty across the board. And so if you go back to the first page we have rewritten the whole preamble to recognize the variations across units.

Advances in pedagogy and..... I won't read it to you. I suppose you have all read it already in some way or another. But the point here is that the commonly used end-of-semester evaluative exercises are more numerous now than they used to be, I would guess. We have studio work in the Architecture, Art and Planning College. We have in my department of Electrical and Computer Engineering certain courses called "culminating design experience" courses that are project-focused, where the students make project presentations at the end. But those aren't necessarily in the form or the timing of traditional final exams or other term papers and things like that. There are all kinds of things that go on. There are some courses that don't have any final exams, reading seminars and things like that. Advances in pedagogy have broadened the range of such things.

"Basically we said that the rules and guidelines that follow are designed to protect the students from unreasonable demands on their time, etc. And these are sharpened-up versions of the numbered items in the old legislation, worded in a way that accommodates the variations in end-of-semester exercises that we all recognize are there. Here is a definition of terms. The academic calendar has classes then it has a study period, then it has exam periods. In regard to full disclosure, two of my colleagues from Operations Research who actually designed the scheduling algorithms that we use now for final examinations pointed out to me that it was a little bit deceptive to call it an eight-day period for final exams, because not only is it not eight contiguous days, it's actually 22 periods spread over nine days. But I figured rather than put that kind of detail in here, I would just leave it this way. I would accept as a friendly amendment if you just want to strike out eight days and just have it be followed by a period for final exams. That's fine with me. This just defines the term. The University Registrar's Office assigns to every course a designated final exam time for that course. And this is for every course, even a course that is not going to have a final. That's how they are assigned.

"This next slide is basically a repetition of what's in the current legislation, that is, if a student has three exams scheduled in a twenty-four period, he/she has a legitimate need and ought to go to his or her instructors and plead for one of them to give a make-up, so that that collision doesn't occur. And unfortunately, in my opinion, it doesn't obligate the faculty involved doing that, but it encourages the faculty strongly to follow through on that.

"Now this slide shows new numbered items. Some of them are chapter and verse from the old legislation. But some of them aren't. Item number one is chapter and verse from the old legislation. So I'll just let that go. Item number two is chapter and verse, and, surprisingly to me, this one generated the most discussion at the April meeting. People were unaware that this was there, and I think that it probably touched a nerve, because it says no permission will be given for any reason for this to happen. Faculty members don't like to

hear that. That's the way it is. Item three; this is also chapter and verse from the old legislation. If a faculty member wants to reschedule an exam and gets permission from the majority of the class to do so, the faculty member can do that provided that students are allowed to take it at the scheduled time if they insist on doing so. And the faculty member has to make the arrangements.

"This is new. This has to do with take-home examinations. The old legislation made no reference to take-home examinations. And as you all know, a lot of courses have take-home exams. Take-home exams are scheduled in many different ways. Sometimes the faculty member will say I'm going to give you a take-home exam. You can come and pick it up any time in this window and bring it back to me forty-eight hours later.

That's one way to do it. Or they could say we are having a take-home exam, you pick it up this day and return it that day. That's a rigid schedule for that one. Or, there's a take-home exam. Here are your problems. You have the next four weeks to ponder them. Just hand it in before the end of finals. So there are all kinds of take-home exam scheduling possibilities. And rather than go through all of those and dot all the i's and cross all the t's, essentially what we decided to do was that the final due-date for take-home final examinations, that sounds kind of awkward and if you want I'll explain it in more detail, can be no later than the date appearing on the official exam schedule for that course. In other words, if you are giving a final exam, then the earliest day it's due and can be allowed to hand it in, you can't make that any earlier than the final exam day for your class. And that's essentially so that if a student is taking say four mathematics courses at the 400 level, all of which have take home exams, all the professors are not allowed to have their take-home exams due the Monday of exam week. That would be kind of unfair. The reason we have this exam schedule is to spread out the student workload, and why not use these days, even though they are actually scheduled dates for official sit-down exams, as guidelines for take-homes as well? So that's new.

"The next item covers culminating end-of-semester exercises other than take-home exams. You can read it yourself. If there are any questions about it, you can ask me. This is essentially truth in advertising. We felt the old legislation was a little bit too restrictive, because it said you can't do stuff like this. It's not allowed. The new legislation is you can do this stuff but you have to tell them well in advance that you are going to do this, how it's going happen, and when it's going to come down."

Professor Abby Cohn, Linguistics: "Just a point of clarification. Why do you say 'must advertise it before the semester begins,' rather than for example 'at the beginning of the semester?'"

Professor Delchamps: "Part of that is so that students who are signing up for classes know that's going to happen."

Professor Cohn: "But where is it even going to be advertised, since they have to sign-up based on a non-description anyway. They have to sign up in the spring."

Professor Delchamps: "We checked with David Yeh, and we found out that we don't have to have stuff like this in the Course of Study, but there are essentially infinite spaces in the on-line system to put additional descriptors for courses now. I was surprised about that. And we were thinking that people would do that if they were going to have a course that had unusual circumstances."

Professor Cohn: "So what about those of us who might not have written our syllabus until the day before class, even though we are very responsible, engaged teachers?"

Professor Delchamps: "Well I guess my feeling is that writing a syllabus is a little different from something structural like this in terms of the evaluation."

Professor Cohn: "I don't know."

Speaker Beer: "If you can hold the questions until the presentation is complete, then we'll have the question and answer session."

Professor Delchamps: "This is another one that essentially covers a base that five doesn't cover exactly.

And this is if you are not going to have a final exam, if you are not going to have a culminating, or if you are not going to have a take-home, but you do have a culminating end of semester exercise, you can't have that be the very last day of the last week of classes. There has to be some way for students to be allowed to submit something up until the day associated with the final exam. That's essentially because some students need that time to the end of the semester. The semester does not end on the last day of classes. It ends at the end of exams. For a given course it ends on the day that course's exam is scheduled. Some people on our committee felt very strongly about this point. That's why we put it here. And that's it, I believe."

Speaker Beer: "Thank you very much. Are there questions on this proposed resolution by the Educational Policy Committee? Let's start over here."

Professor Jerrold Davis, Plant Biology: "I wonder if during the discussions concerning these policies if the matter of final lab exams in courses that have separate lab periods ever came up."

Professor Delchamps: "It came up in our survey as one of the variety of one of the many ways the students get evaluated at the end of the semester. And we were hoping that this legislation was broad enough to do that."

Professor Davis: "In what way, that is to say there will be no final lab exams during the final meeting of the lab section."

Professor Delchamps: "No."

Professor Davis: "I mean that's during the last week of classes."

Professor Delchamps: "Well, we felt that it didn't cover the entire course. It covered just the lab segments.

That was the way I interpreted it."

Professor Davis: "It's not being forbidden?"

Professor Delchamps: "Right. It's at least my understanding of the current legislation is that you just can't have the final exam during the last week of classes."

Professor Phil Nicholson, Astronomy: "I have a question about your Item 5 and a brief one on Item 6. The issue of announcing ahead of time when the class presentation or something is going to be due, I think it's fine. It seems quite reasonable to tell people up front in the description that the requirement for this course will be that you make a class presentation. I do this regularly in my graduate course, but I usually make a habit of leaving the scheduling until later in the semester. And I take a poll amongst the students and I try to find what time is the least obtrusive given their other exams. It seems to be that insisting that you specify the date up front maybe just makes the system too inflexible."

Professor Delchamps: "I don't read that necessarily as having the date be fixed. I think your arrangement, in my view, fits with this in the following sense. That as long as the pre course information states that you will be evaluated in the following way at a time that is mutually agreeable to all of us. I think that would be fine."

Professor Nicholson: "And on Item 6, not on what you put on the screen but in the text that you sent out, there was a little "for example" at the end of this. So I was a little puzzled, because we could do something here, which I thought was already illegal, and that was making a presentation that was set during study period, for example. And I've always taken, as that was a non-permissible thing. You either had presentations in the last week of classes or during exam week"

Professor Delchamps: "Yes. That was in the old legislation. However, we discovered when we polled the various people around campus that for example, in Architecture, Art and Planning where there are studio classes, these things have to be spread out over an incredibly broad range of times. And there's no way around that given the logistics, not only the student logistics but also faculty logistics. And so we figured we had to accommodate that somehow, but we wanted to make sure there was a little thread remaining for

students to hold on to until the very end.”

Unidentified: “So this is one these rules that is already being ignored in certain cases.”

Professor Delchamps: “Yes, it’s being ignored, and we wanted to write legislation that could be obeyed.”

Professor Locksley Edmondson, Africana Studies: “I’m a little embarrassed to say that I might have misunderstood the earlier rules all along. I have been breaking them consistently. May I ask a question? I was under the impression, perhaps wrongly, that final exams were scheduled (or scheduled as I was taught in the proper British language) once the professor says they want a sit-in final exam. Even if they are not having a sit-in exam, they actually do schedule a time for the exam?”

Professor Delchamps: “Yes, but not a room. The room is scheduled when the professor says I want to have an exam.”

Professor Edmondson: “So the time scheduled is whatever it is.”

Professor Delchamps: “Yes. The time is on the books.”

Professor Shawkat Toorawa, Near Eastern Studies: “Number 5. The way I read the language, I’m troubled by having to tell them this before the semester begins but even if I were to comply, which I suppose I probably would, I’m troubled about the nature of the associated due date. I don’t read that as anything other than calendar date. I don’t see how you can say well a date that is mutually agreeable to the people who end up signing up for the course. This is before the semester begins. It’s awfully vague. And that language doesn’t suggest vagueness. I would argue for ending the sentence earlier, the nature of the exercise so that people understand what is involved in the course. Associated due dates seems to me binds us to a date.”

Professor Delchamps: “Well I was thinking it covered his scenario but if the body feels that that’s not the case, I would feel personally, without consulting the committee, that if you did chop the sentence off there and it begins the nature of the exercise, period, then that would to me cover the range of when it’s going to happen.

You know what you have to do and that kind of thing.”

Professor Toorawa: “The reason I said it is I think even when it’s not registering you might have a class size that you think will be extremely large and end up as being very small. This happened in one course for me next semester. The reverse is happening in another course. I am actually going to change the nature of the exercises to match the size of the class. If I were to go from the traditional exam to the nontraditional in that class, I would be in violation, because before the semester has begun they would not have known that is the new exercise. On day one the class or syllabus given that day is what is expected. So it just seems to me safer to give us just a little bit more leeway than this document.”

Professor Delchamps: “As I hear you, you have two concerns with this. One of them is this clause associated with due dates and the other is before the semester begins phrase.”

Speaker Beer: “If you wish to make changes in the resolution the appropriate way to do that is to offer an amendment, and then the Body will consider the proposed amendment before considering the entire resolution.” Professor Delchamps: “We can’t make amendments at the meeting. It has to be done before the meeting.”

Professor Edmondson: “Can we introduce friendly amendments?”

Professor Delchamps: “Friendly, yes.”

Professor Edmondson: “Yes, very friendly.”

Professor Cohn: “I would like to suggest two friendly amendments. I would like to suggest that we go from saying, ‘must advertise before the semester’ to ‘at the beginning of the semester.’ And we eliminate ‘and the associated due dates’.”

Professor Delchamps: “I see a member of EPC here, would you care to speak to that?”

Professor David Henderson, Mathematics: “I think, ‘at the beginning of the semester’ can be viewed as a friendly amendment to substitute for ‘before the semester begins’.

Professor Peter Stein, Physics: “It seems like it’s quibbling. I think the point is that either you have to get it in months in advance to get it in the on-line version or you else you can say it at the first class. And I think that the sense of the friendly amendment is that you can say it at the first class. So I think that you don’t have to define it. I think the beginning of the semester is just fine. It gives the student an opportunity to drop the course immediately if they don’t want do it an end-of-semester exercise.”

Professor Tarleton Gillespie, Communication: “A small point which is if we took that friendly amendment we would be less concerned about the associated dates, because if you do it on the first day of the syllabus by then it might not be unreasonable for people to say what day the thing is due.”

Professor Delchamps: “Well I think one argument that someone had was that this phrase really read dates rather than range of dates or week of the semester of something like that.

Professor Gillespie: The other question is a little more sensitive. In the for example, listing papers and project reports to me are things that are turned in, and some of the other ones are ones where you need an audience.

Audience things require much more scheduling. I wonder if we should ask the students whether paper and project reports could live under the rule of the take-home exercises, like use the deadline that was set by the registrar, and that helps us sort these things out. Whereas the ones needing a schedule, you know, groups have people that have to be in the same space, have a very different spin on the problem, and I can see why there’s more.

Professor Delchamps: “One of the reasons we didn’t deal with the papers was that the current legislation explicitly says papers may be required of students during the study period if announced sufficiently far in advance, etc. We didn’t want to take away that kind of freedom that has existed. That’s a good point.”

Speaker Beer: “May I remind the body that we have three minutes left for consideration of the resolution.”

Professor Vicki Caron, History: “I just had a question about Number 6. If somebody’s teaching a seminar and they have a walk-up paper, which I think is actually the fact for most of my colleagues, then you are suggesting the paper would have to be turned in on the day that the exam was being scheduled. That would really pose a huge problem if these are long papers, like fifteen page papers and people end up on the last day and have only a day or two to read them. I think that’s sort of an unfair burden on the faculty.”

Professor Delchamps: “I think that this point came up. We decided to go with it as written for the following reasons. Reason number one is that some years you luck out and some years you don’t as far as when you do this, early or late. The second reason is that in the modern age, the information age, it’s not going to be a seventy-two hour turn around required for grades and there is going to be more flexibility. We have talked that over with the registrar and we are confident that this will be a livable way. It is different in fall from spring because senior grades have to be in earlier in the spring. But after lengthy discussion of this point, your

view was definitely heard.”

Speaker Beer: “The time has arrived for the Body to consider this resolution with its friendly accepted amendments that have been offered by the Educational Policy Committee. Are you ready to vote?”

Professor Caron: “Could we please clarify what we are voting on in terms of the language of point number 5?”

Professor Delchamps: “Okay. Here is what I have. It reads as written except where it said ‘advertise before the semester begins,’ it now says ‘advertise at the beginning of the semester.’ And strikes the last clause, ‘and the associated due dates.’”

Professor Bruce Turnbull, Information Operations and Information Engineering: “Can we have a friendly amendment to get rid of the four days and the eight days? It’s actually incorrect.”

Professor Delchamps: “Yes. I am going to leave the four days but I accept taking away the eight days.”

Professor Turnbull: “Does the four days include Sunday?”

Professor Delchamps: “Yes. The four days include Saturday at noon through Wednesday at noon.”

Speaker Beer: “Okay. It’s time to consider the resolution as amended by the chair of the Educational Policy

Committee. All those in favor, please raise your right hands. Those opposed. Those abstaining.

The resolution ([Appendix 2](#)) has been accepted by the University Faculty Senate.

“I now call on Dean Walcott to present another resolution.”

4. MOTION AND VOTE ON HONORARY DEGEES-DISCUSSION OF WEILL CORNELL MEDICAL COLLEE PROPOSAL ON HONORARY DEGREES

Dean Walcott: “Let me just say a word or two about the origin of this resolution ([Appendix 3](#)). About two years ago in the fall, I received a letter from our colleagues at the Weill Medical College requesting the University’s approval of the idea of giving an honorary degree. I forwarded this request to CAPP (Committee on Academic Programs and Policies). It was talked about at a number of meetings, and CAPP wrote back to Weill suggesting that there was a long precedent against honorary degrees at Cornell, and it would require a substantial and good reason to abandon this precedent. We asked if our colleagues at Weill had considered the possibility of some kind of a medal or award of a different sort. After that message was received we arranged a meeting with the chairman of the Board of Overseers at the Medical College, Sandy Weill, and some representatives from the Medical College with CAPP and the UFC. There was a long discussion, and as a result of that discussion a small committee was formed consisting of Rosemary Avery, Fred Gouldin, David Hajjar, Ralph Nachman, and Jack Barchas, all of whom are here this afternoon to consider how to prepare a proposal that they felt had the best chance of being favorably received by the faculty. This proposal has been back and forth from this committee to CAPP. CAPP felt strongly that if we were going to have honorary degrees, it should not be just one unit of the University that offered them but all of the units of the University.

“The University Faculty Committee had a number of specific concerns, which this committee has now addressed. Both committees felt without expressing any opinion on this proposal, either pro or con, that it should be brought to the faculty in general for their consideration. And so what we would like to do this afternoon is this. You have before you a motion. We have the committee here, and I will ask them to come

up front and sit at the table if you would. We need to discuss this proposal ([Appendix 4](#)) and see if you are willing to entertain the motion. And I think to begin the discussion I have asked Dr. Hajjar if he would be willing to say a few words by way of introduction.”

David Hajjar, Executive Vice Provost and Dean, WCMC: “Several years ago our faculty at WCMC in New York City began discussions about how we would like to really recognize excellence in superb achievements in our field of science and medicine. We primarily were focused on the medical school unit of Cornell. We were not thinking that this would be a University-wide proposal at all. We didn’t consult other deans in the University. We felt that this was something that we wanted to do at the medical school campus, and we started to look into this to see how it was done in the other Ivy League medical schools. As we looked into the other Ivy League medical schools to find out the process, how they went about selection, what was their reasoning for doing it, we were particularly interested in seeing if this was abused in any way. Was it something where really top people in the field of medicine and medical science were being honored? We looked a whole variety of ways in which this was being done. As Charlie nicely went over the history of this process, from our end we sent up a letter to the Ithaca campus to see how they would basically respond in the various committees at the University.

“As I said, the reason why we wanted to do this is that we wanted to recognize individuals that had prominence in their field and superior achievement as defined by what we would think a selection committee to figure out whether or not it would be appropriate. When we looked into this process, we found that in many of the Ivy League schools the Trustees are the selection processes. A sub-committee of the Trustees could do it. We felt that after the consideration of that, we wanted to have it be faculty centered. We wanted mainly faculty members participating in the process including the selection. In the letter that’s part of your package you can see what our proposal is about, who would basically decide. That would be part of the selection process to figure out who would decide who would be appropriate candidates. We wrote down some basic rules. You had to be alive. It would be a very small number that would be selected. They had to attend the convocation and graduation exercises. It would be honorary doctor of medical sciences, not an MD. It would be a doctor of medical sciences. We looked, as I said, at the other 12 Ivy League schools to see how they did it. And we followed pretty much their pattern and basically why they suggested those candidates.

“I have to also tell you and let be very frank with you, we are very sensitive to the issues that were brought up to us previously. We have no intention of putting together a committee of Wall Street barons that are going to sit and decide who of their friends are going to get an honorary degree from the medical school. We did figure this out and that’s why we aren’t suggesting a committee full of the Board of Overseers as members. We know what goes on in this particular regard, and we are quite sensitive to it, particularly those of us that were trained here on the Cornell University campus. And of course we understand the concept that is steeped in tradition but as my colleagues and I have debated back and forth, this is constantly evolving medical world, not the field, and that it would not be inappropriate to consider the possibility of recognizing the great talent that is out there.

And that is basically the intention of our committee.

“Again, you have the list of the people who we would like to be involved in the selection process. I thought it also would be appropriate to invite our University Professor Ralph Nachman to come with me and answer any questions or give any opening remarks if he wants to, as well as Professor Barchas who is also Chair of our Psychiatry Department and basically participated in this process in the past when he was at UCLA and

Stanford. I would be happy at this point in the process to answer any questions that you may have, or if my colleagues on the committee either from the Ithaca campus or from the Medical School campus would like to offer any comments and thoughts.”

Speaker Beer: “Are there questions from members of the Body?”

Professor Eric Cheyfitz, English: “Yes. I’m just curious why the Provost of the University wasn’t on the selection committee.”

Vice Provost and Dean Hajjar: “The Provost of the Ithaca Campus? Because we put our Provost of the Medical School on the committee. We could. There was no reason we didn’t put Bidy on. We can put the Provost of the University on. We can add her. We are not wedded to any specific formula. The only thing that we felt passionate about is that we didn’t want to have it as a committee of all the Board of Overseers.”

Professor Lisa Earle, Plant Breeding and Genetics: “I read over the three criteria that you list for selecting the honorees. I wonder whether someone who has shown exceptional generosity to the Medical School still would not fit these criteria unless he or she was an exceptional scientist or ethicist or something along those lines.”

Vice Provost and Dean Hajjar: “That is not the intention of our committee. We know how the chair of our Board of Overseers came up to Ithaca and gave his opinion. But we have in place a selection committee, and it is our intention that we would adhere to the criteria that we put forth, which again is a combination of many criteria that the other schools do use. Our intention is not to go down the Forbes 500 list and say here is an honorary degree because we expect a gift. If that was the case, I wouldn’t be here.”

Professor Phoebe Sengers, Science and Technology Studies: “I have to say that in my four years as a Senator this is a resolution about which I got the most e-mail from everyone in my department. I think it would be fair to say that the general tone was apoplectic. And the major reason for the concerns of my department appear to be that this singles out the biomedical sciences as being an area of study which particularly needs honorary degrees because it’s particularly valuable and important compared to all the other areas in which the University has made contributions, such as for example agriculture and the development of the green revolution. My fellow faculty members believe that there are no grounds by which the medical college should be treated differently from all the other disciplines that are seen at Cornell. If you have any arguments to make against it, that might be a good thing to know.”

Vice Provost and Dean Hajjar: “I can comment on that. I don’t work on this campus any more. When we first came up with this proposal we were advised to focus on the medical school campus because it was our idea to bring this up. It had been brought up here in the late sixties or early seventies. This proposal originated again on the medical school campus. I understand the sentiment of the faculty in your department how they may feel, but we were told to focus on the medical school, because we are from the medical school. There was no effort made by senior administration here or any leadership group to say, wait a minute, why just the medical school? We would like to consider this too. Let’s have a university-wide committee. That was not introduced to us as something that we were at least going to have it. Many of the major top universities in the country they do give a variety of honorary degrees. They do letters. They do a doctorate of arts. A whole variety of degrees are given. We focused on the medical school and not other academic units. We can work together as a team, or we can basically mind our own business and present to you what we think should be done in the medical school.”

Professor Francis Kallfelz, Department of Clinical Sciences: “I was looking at the benefits to be derived from this program (that is sort of on the first full paragraph on the second page). And I was wondering if such things would benefit other colleges in the university or bring attention to Cornell as recipients would establish a bond with the University and return and give lectures, so forth and so on. It seems to me we already have program in place that sort of does that, such as the A.D. White Professors-at-large, and things of that nature. I was wondering if you committee considered those mechanisms that could essentially result in the same outcome without changing long-standing traditions.”

Vice Provost and Dean Hajjar: “We did consider it. In the medical school at Cornell as well as the other peer schools we have in New York, and I’m sure you have on the Ithaca campus, the visiting professor comes up and also named professorships in the department of medicine, for example. There’s about fifteen of them where it’s quite an honor to be invited. In the department of public health there are visiting people that are

brought in, named professorships that come in. These are people that some have terminal degrees, doctorates; some that don't. They come in and they spend a week on campus. They give a variety of seminars and other things. We have something like that already, but what we were thinking about is an accolade that basically would honor real distinct individuals that have gone beyond the call of duty to support the biomedical sciences. This was basically in the back of our minds. We have all sorts of other academic-style vehicles on the medical school campus, but we felt that this would be something special. And that's why we wanted to consider something special."

Professor Stein: "Could we go back to the criteria again? This proposal has a long and twisted history. And one can't forget about it when looking at it for the first time. I came into the room not very favorable to it, but looking at this if only the first bullet were there, I would feel a lot different about it. I don't really understand what the second and third bullets are meant to cover. They may, for instance, have displayed eminence in public service or other appropriate endeavors, may well be funding. They may be political. Someone that brings us health care coverage or something like that. All of which I think are inappropriate. I think that if we said someone who has had extraordinary achievement and distinctions in biomedical sciences or maybe you might write in practice, a doctor who had practiced wherever or something like that. I would be much more favorable to it. But when I see the other two bullets - I say what they are trying to do is to slip in..."

Vice Provost and Dean Hajjar: "No one is trying to slip in anything. We added that because we were looking at what other schools were doing, and how some of the other people that they were honoring. Those individuals didn't have extraordinary achievement in the biomedical sciences, but they were great contributors to make sure others had great achievements in the biomedical sciences. For example, like what many schools did concerning Bill Gates and the efforts that he did to advance AIDS research. So when we put in the public service line that's the kind of individual that we were thinking about. And as I said in another part of the document it's not to be politically motivated at all. Now, if those two second bullets are still too wishy-washy for the Senate, and you want them amended or deleted, we will indeed seriously consider this."

Professor Cohn: "So I want to follow up on this line of discussion and actually go to the second paragraph of the text where there is additional language that seems to open up more possibilities in the direction that both Peter and Lisa had suggested. So it said this would primarily pertain to physicians and scientists. So primarily really opens things quite wide. And then it goes on to say 'who have made exceptional contributions in education, research or patient care reflecting the medical school's tripartite mission as well as on a selective basis to a broader constituency who has shown extraordinary support for the biomedical sciences.' That could be anything. I appreciate the characterization of the committee and how that puts some restraint in. But I personally could not possibly support a proposal that didn't tighten all of these aspects of the language. To have there be in writing a commitment to your understanding and not the Board of Overseers' understanding of what the endeavor is here. And that would be the bottom line. And I would like to add one other thing. The criteria are listed, and then it says that, so there's a list of candidates that are going to be nominated, and I would consider not only adding the Provost from the Ithaca campus but also maybe weighting in a little more. There are other constituencies that might be represented here, but then it goes on to say a simple majority vote is required to confirm or reject a nominee. I would like to see a much higher standard there. If you are serious that it's by virtue of who you are putting on this committee that you are going to control how there is not political or financial pressure imposed, then I think that needs to be a much higher requirement."

Vice Provost and Dean Hajjar: "Again we followed the format that other schools were doing because... So when we discussed the other criteria our group found on the medical school campus felt that this language would be more appropriate by the majority. Again, if your particular opinion carries the day we will certainly change it."

Professor Cohn: “But we are different. We have never given honorary degrees before at Cornell. So don’t follow them. Make your own justifications for why you want to do it.”

Professor Walter Lynn, former Dean of the Faculty and Professor Emeritus: “I rise to speak against this proposal in total. This interesting letter prepared by you and shared with the call to the meeting does two things. It refers to the exception. It is anti-tradition. Why don’t you guys give honorary degrees to everybody? It really is a plea to do that. The exception comes at the end. Say if you won’t do that, make an exception for us. That’s the major issue for this Body to consider at this point. Does it wish to violate its long-standing tradition of not granting honorary degrees? And therefore it makes the question of an exception really an interesting irrelevant question.

“I should point out as you do in your letter, we have good company who do not grant honorary degrees, namely MIT and Stanford. It’s a long-standing tradition for that. They don’t seem to be diminished in their ability either to attract faculty or to gain recognition for their schools’ fine scientists and physicians. Secondly, the final issue is on the exception. If we create an exception we are in fact opening up a slippery slope to have the entire University open itself for professional activities that go on on this campus for the Vet College, the Business School, a whole variety would also do that. I think the issue for this body is do you want to grant honorary degrees or not. The tradition has been no, repeatedly done by this faculty starting in the early part of the century. Repeatedly rejected by a variety of requests to do that by former presidents, by Trustees. It has been adamantly the same – no we won’t do that.”

Professor Ralph Nachman, WCMC: “We all respect your point of view. We don’t lightly suggest a tradition that is so sacred to this campus and to the University at large, be abrogated. This afternoon when we were preparing to come up, we had some time, and I walked into the bookstore. And I picked up Frank Rhodes 2002 book off the shelf, which is titled “The Creation of the Future,” and he comments in there, why Universities can no longer be ivory towers. I look at the proposal that we are presenting before as an attempt to move this University and certainly the medical school into the twenty-first century by recognizing unusual activities that bear significantly on the social matrix of the world that we live in. Your present University President, David Skorton, refers to this University as a global University. It is a global University. Certainly much of our medicine and health care is a global enterprise. And we think without the meeting many other intellectual achievements that have been referred to that have a major impact on society. Certainly biomedical science and medicine is at a point in time in the twenty-first century where we think an honorary degree would be an appropriate, and I think a significant step forward for a place like this, this University. Whether it should be the beginning of what you call a slippery slope, I think the faculty has to decide. We are in no position to advise you that the same thing should be done in law, business, architecture, etc. What we are saying is biomedical science and medicine has become such a major part of the modern world that it is appropriate and not demeaning to the historical traditions.”

Professor Terrence Fine, Electrical and Computer Engineering: “My presence here is evidence that I am probably one of the best consumers of medical services in this room. So I am well aware of the progress in the medical world and the lack of progress in the medical world. We have essentially a long tradition here of not having honorary degrees. We respect that tradition. I have never felt dishonored by it. I felt honored by it. I know other good schools do otherwise. I know other good schools do what we do. So why is now the time for exception? I don’t believe it is time for an exception. There is an exception here that I think you were addressing earlier about how you see the world. You just now reiterated it. You are different. We are in an ivory tower. Perhaps, we are not yet in the twenty-first century. That raises hackles but probably not worth responding to you now. You have proposed this. You have put this in the highest tone I think you are capable of getting it to. But unfortunately you have left traces that people have remarked on. You have in fact allowed many things to happen. You start with ‘excellence, extraordinary achievement, distinction,’ but we go to ‘or other appropriate endeavors.’ You can drive anybody through that who has enough money to pay for the truck. ‘Aligning with the missions of the medical college.’ Many people are aligned with the mission of what used to be the Cornell Medical College and is now the Weill Cornell Medical College. I

distrust your intentions, not because they aren't in total what they seem to be, but that we are going to be faced with this thing used for purposes that are more like the other than like the extraordinary achievement. And even if it were achievement, I don't grant that there is such a distinction here unto yourselves that you are worthy of doing this thing as necessary for you, and the rest of the departments here or fields are not worthy of that. I think we have maintained a fairly good tradition that has not let us astray. And I would not like to be led astray at this point by a proposal that could in fact end up in awarding degrees to just about anybody who had enough clout to make it worth somebody's while."

Professor Toorawa: I would acknowledge my degree university, a peer Ivy League university to remain unnamed, red and blue. I asked why we gave honorary degrees to the president once, and he was the new president. And he said, its not to confer distinction upon the individual, it's for distinction of ourselves, so that the university somehow acquires distinction by honoring somebody. This seemed to be a watertight answer itself. It was very diplomatic. I'm all for tradition, witness the beard, but I think the big eloquent of the room, which is no longer eloquent because we have named it is, should the university give honorary degrees? I think the way I would like to think about this, and I suggest you all think about this, not with an exception, in which I find exception deeply exceptionable, yet here we are making an exception for one of our units to give an honorary degree to me is deeply troubling in that I too have received many communications from people. This really is troubling to many people on this campus. Why are we making an exception? I have no problem with giving honorary degrees. I have a problem with exceptions. It seems to me what we need to discuss is whether we should start giving honorary degrees or not. Again, I'm all for tradition, but I think this idea of holding on to tradition because it is a tradition is subject to some analysis. It seems to me that we didn't, so for a long time and when I arrived I was told that we did not give honorary degrees because you earned a Cornell degree.

There are, by the way, two exceptions. Two honorary degrees were granted. The twenty-first century, I don't buy that particular way of arguing it, because you argued it for the medical center. If you are going to argue it generally, we need to think about ways of honoring people beyond, say the A.D. White Professorship, or the Bartels Lecture or whatever it is we do. It seems to be worthwhile for people to discuss properly, perhaps constitute a committee. Perhaps it involves a lot more people than just the Senators and come up with some kind of resolution and then decide whether the medical school ought to also give degrees. If it were up to me, which it isn't thankfully, what I would like to see is a vigorous discussion and then in deference to the medical school, which has the gumption, I guess, to bring it before the Body, is to allow them to do it first, because after all they are the ones who have the courage to bring it before the body. But it seems to me imperative that we discuss this as a University and that we not make an exception."

Professor Edmonson: "The last speaker preempted most of what I wanted to say. But let me just add a few items here. First of all I have no problem with honorary degrees at all. I have seen them in universities. I have taught in six or seven. I have no problem with them. Cornell has its tradition. That's the tradition. With regard to this I am worried about making ad hoc decisions for one department. If this happens today, then two weeks it's department B. Faculty B will not come in tomorrow and not work the day after tomorrow. It opens a hatch, so to speak. Is there a great urgency about this that the decision has to be made today? Is there accompanying urgency that if it is not done today as opposed to the day after tomorrow, will make a difference? Is it premature? I believe as the last speaker mentioned that you should give us an opportunity to revisit tradition. We should not be so steeped in tradition that we can never reconsider, even if we reaffirm it.

We should always consider it. I think we should seize this opportunity here that they have a case, a good argued case why we should do it. I am not currently in favor of signing on to it for reasons I have given. But I do hope we will use this opportunity to revisit Cornell's tradition of a thing which one hundred years ago – one hundred years later is a big difference. And whether we had not before considered the suitability of having honor degrees granted, if not, should there be situations where it's specific to departments.

Professor Ronald Ehrenberg, Economics ILR. “I am actually going to receive an honorary degree at another university Saturday. There are a number of principles I want to address. The first principle, which several people have articulated is that this, is one university, and we make decisions as a university, not individual colleges. The second principle is that you earn things at Cornell through work at Cornell, not for accomplishments elsewhere. And we won’t consider greed and the popular guise at Cornell as the easiest Ivy League college to get into but the hardest to get out of because our students work. And so I think there is a reason for the tradition of not giving honorary degrees, and that reason is that we do not give honorary degrees because the people are not working to get it here. So I would actually like to amend the motion and the amendment would simply be Cornell does not offer honorary degrees.”

Professor Richard Schuler, Economics and Civil and Environmental Engineering: “As an economist I always look at a tradition to see what value it adds. So that is my gauge of the work of a tradition. And several years ago, when this issue was raised initially, I observed that the reason why an honorary degree at Cornell is so highly valued is because there is so few of them. So the number one concern I have is debasing the currency. But I concur wholeheartedly with Professor Ehrenberg’s observation. I remember as an undergraduate at Yale getting my bachelor’s degree and wondering why all these people were on the stage getting an honorary degree. I was flattered to have some of these notables; that some other people had to do some scholarly work to discover who they were. I went to many other graduations and I must say the first Cornell graduation I came to when I was a faculty member here I found to be the most delightful one I had ever witnessed. One of the reasons is there’s only one speaker; that’s a tradition. It’s the President of the University; that’s a tradition. And there are not parades of honorary degrees. Now, do I think we should not honor the types of colleagues that are enumerated on this at a university? Of course we ought to. That is part of being connected with the real world. But I think we just simply ought to find other venues and other mechanisms to do so than to do it in conjunction with the graduation of the students that have fulfilled all the requirements and obligations. And have worked so very hard.”

Professor Howard Howland, Neurobiology and Behavior: “I just want to point out two sort of historical facts arising from the alumni, who as we know strenuously objected to President Adams rescinding the policy of not giving out honorary degrees and wrote a petition to the university, which was received by the Board of Trustees and then caused the reversion and went back to the traditional policy of no honorary degrees. From that petition, I want to point out two arguments that they made that seem particularly pertinent to the discussion that we have had so far. One of the arguments singling out only a few alumni for honorary degrees will invite jealousy and dissention in the alumni, bursting the bonds of loyalty among departments and colleges. We have already seen that in this discussion so far. I think it’s the basis of a ready-made brawl if the university adopts the motion as it is. For that reason I am also against it.

“The second argument, and the last one I am going cite today, is the alumni noted you need not be reminded how easily men of little culture and even of questionable characters rise to high positions in state and national government. It seems many colleges confer their honors upon such individuals. I will cite just one example. The University of Edinburgh, one of our international peer universities, in 2007 was faced by the revolt of the students who wished them to rescind the degree given to the President of Zimbabwe, Robert Mugabe. The university looked at their policies and said yes that was probably not a good idea. And they did change their policies and they did rescind their degree. They were not the only university who had awarded that degree. The University of Massachusetts in Boston also gave him a degree. So, I think if you look around even in the Ivy League today you can find examples of very unfortunate awarding of honorary degrees.

Speaker Beer: “I would remind the Body that we have ten minutes before our scheduled adjournment. Are there other questions or points to be offered?”

Professor Delchamps: “I think tradition is important and especially tradition based on the reason we have spoken about. I also think automatically to adhere to tradition is not a good idea, generally. I mean I am going

to consider this proposal. I am a little confused by two things. First of all the wording is very uneven in terms of what's required of people. Those three bullets, if you roll back, the sentence right before those says ... all three of the criteria below, meaning all three of them, so it's an 'and,' not an 'or' in that way. But earlier in the document it is very much an 'or.' And I am quite honestly disturbed by that. I'm really not sure exactly what it is. Is it all three or is at least one of the following. That's the first thing.

"The second thing is and I risk falling victim to your generic policy here. You have distanced yourself admirably from the chair of the Board of Overseers and his point of view on this. That's another reason why I am somewhat ambivalent on the proposal right now. I certainly didn't buy his rationale. On the other hand, he started this effort, and I am just wondering why is it that decisions were made at the faculty level or the educational administrative level to carry the ball across the goal line. I'm not saying that in this different way is the way."

Speaker Beer: "Would you care to respond please. Would you kindly stand?"

Jack Barchas, Chair of Psychiatry at Weill Cornell: "We all appreciate the having a chance to meet with you and to explain proposal. This proposal is not a new proposal. Many of us have felt this way for many years. Stanford was mentioned. I spent twenty-five years at Stanford. I held an endowed chair for seven. I loved the place. But I have also been associated with other universities that do have honorary degrees. And as was appropriately pointed out that the five-man error can be made. If you read through the attached material - I don't know what there was attached and what you received - but the list of honorary degrees that were given in 2007 by our peer institutions, they are a remarkable and wonderful group.

"What we are concerned with is intellectual achievement and creative accomplishments in the enormous number of fields that impact on biomedical science. And, yes some of that is direct biomedical science. Some of it is indirect. Some of us would say that a great economist who has had profound thinking about the medical field would be parse of that type of a program Others would say a great architect or a great pair of architects would be part of that type of program. Or a great lawyer who had profoundly influenced our views on the mentally ill would be part of that.

"I have seen it first hand, not because I received an honorary degree, but it happens that my wife Rosemary Stevens, a great social historian of medicine, was chair of the History and Sociology of Science at Penn for a number of years. And for five years was Dean of Arts and Sciences there. And she happens to be a member of the Institute of Medicine and the American Academy of Arts and Sciences and has received a number of honorary degrees. And I will tell you it is a wonderful process. It's a wonderful process for the recipient. It's great fun for the trailing spouse. We eat very well. We meet lots of students and lots of faculty. It's also a very exciting process. There's a very tight bond and a very immediate bond that gets formed in that process. And that's true for the recipient as I mentioned and it's true for the faculty. And the students and the parents love it. It's dramatic. Why do it at graduation - because for whatever reason graduation is always a wonderful exercise, and it fits in that context to honor individuals who are actually making a profound difference for the field.

"Now we recognize that each of the parts of this great University, and I have come to really appreciate and love Cornell as a University, have different approaches. But our particular unit involves twelve hundred faculty.

And so it's not a small group of people. It's a very large group of people. All of these, the leadership of ours, all of our chairs, feel that this would be helpful for us, helpful for the institution, helpful for our interaction with our community as well as with the biomedical staff, to be able to award honorary degrees.

"I thank you very much for hearing us and for your patience and for your stability in this process that we have been going through. I think it's been very helpful and we should be thinking about amendments that have been suggested. I thank you."

Vice Provost and Dean Hajjar: "I would just like to build on your question, sir, that you asked. When

Mr. Weill came up and discussed his ideas about this, he came back and reported to us about the kinds of responses he got. As Dr. Barchas mentioned, we have been talking about this for a number of years. And we decided as a group that if we were going to embrace this kind of notion, we would want to do it as a faculty group. And our senior administration down in New York was behind that. They basically said, "You guys do it. You do it well. And you do it in the best possible manner." I still appreciate very much what Professor Cohn brought out before about tightening up the language in this, so that nobody slips through the cracks. We certainly will do this. And one other issue that has come up this afternoon is this issue why the medical school unit and why in a way that we feel we were special in any manner. And why wasn't this discussed with different representatives from different academic units. Our initial letter came up to the university last summer and we weren't informed in any way that perhaps for political reasons or whatever academic reasons there are that it should be discussed in a university-wide manner and that we should hold off. If we were told to do that and follow that kind of process, we would have. We don't think we are better than the Ag school, than ILR or any other school. We got, based on what we were hearing in New York, from our colleagues in the Northeast in particular, about what was going on that it would be an avenue now to revisit our long tradition. So we started and initiated this at the medical level. If this Body believes that we don't want to do it this way, then perhaps we should open it up to the whole University to see if it develops any traction. If it doesn't, then we won't waste any more time on it."

Speaker Beer: "As the hour is late we will hear from Associate Dean Anton and then we will consider what to do with the motion."

Professor Anton: "When an organization makes a change in the way it does business it is usually done because there is a problem to solve. You look. There's something wrong. You need to fix it and figure out a way to fix it. So I ask myself what problem are we solving here? Do we feel that we suffer a lack of prestige relative to our peers who do grant honorary degrees? Or, as you said it makes the Commencement more dramatic and spectacular. Do we need to add spice to an otherwise boring Commencement? Or, is it to enhance our posture in the game of competitive fund-raising? Because that's how it was presented to us originally. That third one is the one I can look at and say yes, I can see that this might be the problem and we need to solve it. Otherwise, I can't identify the problem we're solving here."

Vice Provost and Dean Hajjar: "I can speak honestly about it. The faculty committee didn't look at this as a fund-raising vehicle. We set a target of 1.3 billion dollars, and we raised half as it was announced in six months. These are all of the facts. We weren't thinking how can we bring more people to our plate. We were looking about recognition of our institute, our medical school, in the spirit in which it had been done elsewhere and the reasons it had been done elsewhere. Many of our people felt that they were very noble reasons, to basically acknowledge excellence and achievement in our field. So that was our mindset when we started to drill through the different ways to do this. And that's basically the faculty's opinion, and we are the ones that are carrying the ball on this, not senior administration. It was mentioned earlier that more senior administrators should be involved. We certainly could do that. We tried to keep it more in the realm of the faculty."

Professor Frederick Gouldin, Mechanical and Aerospace Engineering: "I ask to say just one thing. I think there are two situations in which you make changes. One is when you see a problem. The other is when you see an opportunity."

Professor Ralph L. Nachman: "The recognition of this is an opportunity to move forward recognizing that field that we are in has a major impact on society in many, many ways."

Speaker Beer: "Are we ready to consider the motion? The motion is before you. All those in favor, signify by raising your right hand. All those opposed. Abstentions. We can have a count."

Motion Fails

No votes – 47

Yes votes – 4

Abstentions – 6

Meeting adjourned: 6:00 PM

Respectfully submitted,

A. Brad Anton

Associate Dean and Secretary of the University Faculty

Extracted from pages 81-82, 2002 Faculty Handbook

Final Examinations

The University Faculty long ago established, and has never reversed, the policy that each course should require a final examination or some equivalent exercise (for example, a term paper, project report, final critique, oral presentation, or conference) to be conducted or due during the period set aside for final examinations.

Although not specifically prohibited, it is university policy to discourage more than two examinations for a student in one twenty-four hour time period and especially on any one day. It is urged that members of the faculty consider student requests for a make-up examination, particularly if their course is the largest of the three involved and thus has the strongest likelihood of offering a makeup for other valid reasons, i.e. illness, death in the family, etc.

Legislation of the University Faculty governing study period and examinations is as follows:

1. No final examinations can be given at a time other than the time appearing on the official examination schedule promulgated by the Registrar's Office without prior written permission of the dean of the faculty.
2. No permission will be given, for any reason, to schedule final examinations during the last week of classes or the designated study period preceding final examinations.
3. Permission will be given by the dean of the faculty to reschedule examinations during the examination period itself if requested in writing by the faculty member, but only on condition that a comparable examination also be given for those students who wish to take it at the time that the examination was originally scheduled.

The faculty member requesting such a change will be responsible for making appropriate arrangements for rooms or other facilities in which to give the examination. This should be done through the Registrar's Office.

4. No tests are allowed during the last week of scheduled classes unless such tests are part of the regular week-by-week course program and are followed by an examination (or the equivalent) in the final examination period.
5. Papers may be required of students during the study period if announced sufficiently far in advance that the student did not have to spend a significant segment of the study period completing them.
6. Faculty can require students to submit papers during the week preceding the study period.
7. Take home examinations should be given to classes well before the end of the regular term and should not be required to be submitted during study period but rather well into the examination period.

Resolution on Final Examinations and Other End-of-Semester Exercises

WHEREAS, the existing legislation on final examinations does not match current practices across the university,

WHEREAS, the Educational Policy Committee after reviewing policy and practice recommends the following changes,

THEREFORE, BE IT RESOLVED THAT, the following text replace the section titled "Final Examinations" that runs from the middle of page 81 to the middle of page 82 in the Faculty Handbook, ending just before the paragraph titled "Return of Exams, Papers, etc."

Final Examinations and Other End-of-Semester Exercises

Advances in pedagogy and variations in practice across fields have broadened the range of commonly used end-of-semester evaluative exercises beyond traditional sit-down final examinations. The rules and guidelines that follow aim to protect students from unreasonable demands on their time while simultaneously providing instructors the flexibility necessary to design evaluative exercises appropriate to their courses.

The Academic Calendar sets aside after the last week of classes a four-day study period followed by a period for final examinations. The Registrar's Office assigns to every course a specific day and time during final-examination period at which time the course's final exam, if any, will take place. The designated final-exam days and times are scheduled carefully to minimize conflicts and spread students' workloads as evenly as possible over the exam period.

It is university policy to discourage more than two examinations for a student in one twenty-four hour time period. Members of the faculty are urged to grant student requests for a make-up examination, particularly if their course is the largest of the three involved and thus has the strongest likelihood of offering a makeup for other valid reasons, e.g. a student's illness or a death in a student's family.

Legislation of the University Faculty governing study period and final examinations and other end-of-semester exercises is as follows:

- 1. No final examinations may be given at a time other than the time appearing on the official examination schedule promulgated by the Registrar's Office without prior written permission of the dean of the faculty.**
- 2. No permission will be given, for any reason, to schedule final examinations during the last week of classes or the study period preceding final examinations.**

3. Permission will be given by the dean of the faculty to reschedule examinations during the examination period itself if requested in writing by the faculty member, but only on condition that a comparable examination also be given for students who wish to take it at the time the examination was originally scheduled. The faculty member requesting such a change will be responsible for making appropriate arrangements for rooms or other facilities in which to give the examination.

4. The final due date for a take-home final examination can be no earlier than the date appearing on the official examination schedule promulgated by the Registrar's Office without prior written permission of the dean of the faculty.

5. A course that requires a culminating end-of-semester exercise (for example, a paper, project report, final critique, oral presentation, or conference) in lieu of or in addition to a traditional final examination must advertise at the beginning of the semester the nature of the exercise.

6. A course that requires a culminating end-of-semester exercise and does not offer a final examination must allow students at least until the date appearing on the official examination schedule promulgated by the Registrar's Office to complete submission of materials associated with the culminating exercise. (For example, a student making a presentation during the last week of classes or during study period will have at least until the scheduled final-exam date to submit a final write-up or equivalent.)

EPC Approval
March 31, 2008
Senate Approval
May 14, 2008

Motion presented by the University Faculty Committee:

That Cornell University make an exception to its existing practice and establish an Honorary Doctorate of Medical Sciences degree on behalf of its Medical College unit, subject to the selection criteria and selection process outlined in the [May 1, 2008 proposal](#) to the University Faculty.

May 6, 2008



Weill Cornell Medical College and Graduate School of Medical Sciences

David P. Hajjar, Ph.D.
Dean, The Graduate School
Executive Vice Provost and
Senior Executive Vice Dean
The Medical College

Frank H.T. Rhodes Distinguished Professor
Of Cardiovascular Biology and Genetics

1300 York Avenue
New York, NY 10065

Telephone: 212-746-6900
Fax: 212-746-4527
E-mail: dphajjar@med.cornell.edu

May 1, 2008

Rosemary J. Avery
Weiss Presidential Fellow
Professor and Chairman
Department of Policy Analysis and Management
119B MVR Hall
Cornell University
Ithaca, NY 14853

Frederick C. Gouldin
Professor
Mechanical and Aerospace Engineering
186 Rhodes Hall
Cornell University
Ithaca, NY 14853

Subject: Weill Cornell Medical College Proposal on Honorary Degrees.

Dear Rosemary and Fred:

We are writing to express our strong support for the implementation of an honorary degree at Cornell University on behalf of its Medical College. Such a *honoris causa ad gradum* would enable us to recognize outstanding intellectual achievements, creative accomplishments, and leadership in education, public service, medical ethics, or other appropriate sectors of society, both nationally and internationally. We view this goal as consonant with the fundamental mission of the University.

An honorary degree would enable Cornell University to recognize excellence and achievement. Judiciously structured, it would provide an opportunity to convey our values to current and prospective students, the academic community, and the general public by honoring those whose exceptional work exemplifies our ideals. This would primarily pertain to physicians and scientists who have made exceptional contributions in education, research, or patient care, reflecting the Medical College's tripartite mission, as well as on a selective basis to a broader constituency who have shown extraordinary support for the biomedical sciences. Each nominee would be subject to the same rigorous selection criteria. The broadly structured

Selection Committee, which is described in detail below, will ensure that the honorary degree is awarded prudently and adheres to the highest standards.

In addition to the many activities that Cornell University undertakes to bring it closer to the local community, awarding honorary degrees would further demonstrate that we are not “perched” on an ivory tower. Bestowing this title on individuals who have made, for example, outstanding achievements in public health or medical ethics would show the public that our University recognizes valuable intellectual and creative achievements outside of academia. The University would derive benefits by association with the person who is awarded an honorary degree, thereby enhancing our ability to build strong ties with eminent scholars and leaders in the field. An honorary degree would also benefit the other colleges of the University by bringing attention to Cornell and its association with individuals who have made remarkable contributions to science. Recipients often establish a bond with the university, return to give lectures, counsel students on careers, and open doors for graduates. The recognition that an honorary degree gives to extraordinary achievements will be an inspiration to our students and faculty alike.

We are mindful of the long-standing tradition at Cornell University to not award any such degrees. The faculty of the Medical College respectfully requests that Cornell University make an exception to its existing policy and establish an honorary degree on behalf of its Medical College unit. Many of our peer institutions do award honorary degrees – the University of Cambridge has awarded honorary degrees for over 500 years – while some others do not: Harvard, Princeton, Yale, and Rockefeller University have elected to award honorary degrees; MIT and Stanford University have elected to not do so. This does not imply that this is a good or bad practice, but rather reflects a choice that each institution has to make. Although long-held practices can act as a reference point for such decisions, they should not lead to the automatic exclusion of options, which would be counter to the open-mindedness Cornell University promotes.

We believe an exception to Cornell’s existing policy is warranted for the following reason. The field of biomedical sciences has undergone rapid development and has come to occupy a distinct position in academia and society. Through visionary leadership and individual scientific achievement, this discipline has been propelled forward in recent decades, resulting in great advances in our fundamental understanding of biological function and in novel applications for clinical care. Therefore, biomedicine and its impact on modern society provides a particularly fertile field of significant and notable achievements, worthy of special recognition.

This honorary degree should be awarded on a selective basis. The nominee's specific achievement or contribution to society as it relates to medicine should be the fundamental consideration, and these should be evaluated on current merits or past achievements. The University should be careful that the awarding of a degree not be politically motivated or appear to be so. Specifically, eligibility for selection would depend on meeting all of the three criteria listed below; namely, the candidate should:

- have merited special recognition for extraordinary achievement and distinction in the biomedical sciences;
- have displayed eminence in the course of a career in a field of scholarship, public service, or other appropriate endeavors; and,
- have made extraordinary achievements that are aligned with the mission of the Medical College.

Additional selection criteria we propose are the following:

- Elected or appointed officials in the State of New York shall not be eligible during their terms of office.
- Faculty, staff, or administrators currently in service of Cornell University shall not be eligible.
- Former staff of Cornell University shall be subject to the same nomination procedures and selection criteria as other nominees.
- Honorary degrees shall not be awarded posthumously.
- Except under special circumstances, the number of awardees per year shall be limited to three (3).

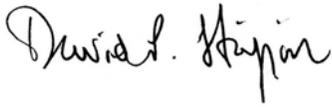
Strong assurances are needed to guarantee the integrity of the selection process. Therefore, we propose that the following procedures are followed:

- Candidates can be nominated to a Selection Committee, comprising the following members:
 - The President of Cornell University.
 - The Dean of Weill Cornell Medical College (chair).
 - The Executive Vice Provost of the Medical College.
 - Five (5) tenured full professors of the Medical College.
 - Two (2) tenured full professors on the Ithaca campus.
 - One (1) alumnus of the Medical College.
 - One (1) member of the Board of Overseers of the Medical College.
 - The medical student representative to the Board of Overseers of the Medical College.
- Cornell University's Nominations and Elections Committee will select the Ithaca faculty members to serve on the Selection Committee; the Medical College's Executive Faculty Council will select the Medical College faculty to serve on the Selection Committee; and, the NewYork Weill Cornell Medical Center Alumni Council will select the alumnus to serve on the Selection Committee.
- The faculty and members of the Boards of Trustees and Overseers are authorized to nominate candidates. Nominations will be made to the chair of the Selection Committee.
- A simple majority vote is required to confirm or reject a nominee.
- The honorary degree will be awarded during the Medical College's convocation and graduation ceremonies.
- There will be no fees or honoraria associated with the honorary degree.
- As a condition for receiving the honorary degree, awardees must be present at the award ceremonies.

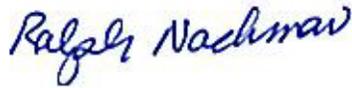
Like the two thousand year old Hippocratic Oath, Cornell University is steeped in tradition, which we fully understand; however, as the Hippocratic Oath has been modified to reflect new challenges in modern healthcare, we believe that the awarding of an honorary degree is a logical progression in the changing, dynamic world of the biomedical sciences.

In essence, to be able to present to our diverse constituencies venerable models worthy of recognition and emulation, the faculty of the Medical College recommends that Cornell University award an honorary doctorate of medical sciences. In light of the considerations presented here, we hope that you agree that an honorary degree would be beneficial to Cornell University and its Medical College, and that it merits the consideration of the Cornell Faculty Senate.

Sincerely,



David P. Hajjar, Ph.D.
Executive Vice Provost
and Dean



Ralph L. Nachman, M.D.
University Professor



Jack D. Barchas, M.D.
Chair, Dept. of Psychiatry

cc. Antonio M. Gotto, Jr., M.D.
Charles Walcott, Ph.D.