

MINUTES OF COMBINED FACULTY COUNCIL OF REPRESENTATIVES
AND UNIVERSITY FACULTY MEETING

September 14, 1988

The interim speaker, Professor Emeritus Russell D. Martin, Communication, called the meeting to order at 4:30 p.m. At this time the Chair called on Dean Lynn for remarks.

1. REMARKS BY THE DEAN

Dean of Faculty, Walter R. Lynn: "Good afternoon. Let me first of all ask if another member of this body should appear during these opening remarks, if you would sit near them and remind them if they're an FCR member to please come in and sign in, if somebody comes in to the back of the room. Since we do have two orders of business that require action of the FCR today, that would be helpful.

"Let me also welcome you to this first regularly scheduled meeting; it's a joint meeting of the FCR and the University Faculty. Each of you has received a copy of the agenda and a call to the meeting that was distributed. As Russ has already indicated, my name is Walter Lynn and you may recall that in an election held last spring, early in the year, I was honored by you and other members of the Faculty by being elected to the office of Dean of the Faculty. My predecessor, Joe Bugliari, who told me today that he was not coming to this meeting, has left some very large shoes for me to fill. That's not intended as a joke, but it's literally as well as figuratively. As his successor, all I can do at this moment is to pledge that I'll do my utmost to live up to your expectations, and having been a member of this Faculty for some time, I am certain that if I do not, some if not all of you will advise me of that promptly and unambiguously. Joe has returned to full-time teaching and research duties in the College of Agriculture and Life Sciences and the Johnson School of Management. Now, as an aside, one of the first things that former Dean Bugliari asked me to do was to have a picture taken so that my image would be added to the gallery which hangs in the Dean's office and it's a gallery of all the deans, and I now occupy the 18th slot in that display, which begins in 1872 with Professor George Caldwell. One thing that's very distinctive about that array is that my picture is the only one where the subject appears to be really smiling, and I've begun to wonder whether that happy-looking demeanor has something to do with having sat for the photograph on the first week of taking office rather than the last, but we shall see.

"In welcoming you to this first joint meeting of the Faculty Council of Representatives and the University Faculty for the 88-89 academic year, all of us are eagerly awaiting the opportunity to hear President Rhodes' State of the University address and thus I promise in terms of dealing with the FCR business to treat that business with dispatch.

"My first obligation is to report to you the results of the FCR election." The Dean read the results (Appendix A, attached).

He continued: "I have a few other brief remarks to make and it's in the spirit of--you know, at the inaugural address is a delight in that if people remember it's good, and if they don't remember it's chalked off to well, what can you expect, it's his first day, right? But it seems to me that there are some important issues that deserve the attention of this body, mainly the FCR, as well as the University Faculty, and these are issues which will require our involvement, our attention, and mean some commitment during the coming year and for some time beyond this year. Needless to say, none of these issues are new to us; however, what is new is that, and this is truly important, what is new is that it is essential that the Faculty play an active and central role in addressing and attempting to resolve them. And I'd like to identify what some of those are, and briefly give you the reason why we have to be involved.

"For example, the recruitment of minority Faculty members, which you will hear more about today, I'm sure, from the President, but recruiting of minority Faculty members has occurred in the debate that led to passage of the Minority Education Committee resolution clearly is in large part the Faculty's responsibility. The recruitment effort is ours, and unless the Faculty pay deliberate attention to that, whatever the administration says, the pronouncements that are made, they will be unsuccessful. This Faculty has that responsibility; that resolution has been passed and it is our obligation singly in departments and collectively to carry those out. That falls mostly to us. That doesn't mean that others do not have a part to play, but without that commitment, it is unlikely that we will be successful. Now I don't mean that we have not been successful, but that's essential.

"We have another problem called the spouse problem. That's a non-sexist statement referring to either men or women who are married to University Faculty members. Our ability to recruit Faculty members in the future will be increasingly tempered by the ability to find spaces, not spaces necessarily at the University, but to find opportunities for spouses. More and more Faculty members are married, are marrying professional spouses. Their spouses are professionals. That's a major problem, and in our ability to attract a premier Faculty, which is in all of our interests, that issue is also one of concern to us. The University cannot make dual positions available for every Faculty member who arrives with a professional spouse. That's a problem that has to be wrestled with.

"Another issue which has come before us largely is a question of academic misconduct and fraud, and in the call to the meeting you were sent intentionally a copy of the Integrity Policy Statement (Appendix B, attached) which was approved by this body earlier. Academic misconduct and fraud, particularly in the sciences and in the agencies which support research, has taken on a very serious aspect. The National Science Foundation has prepared a procedure for accusations of misconduct in activities in which the NSF is a supporter, and this procedure goes beyond the University's requirements. The University has its own and has had its own; that's an issue which will continue to deserve our attention, our policing, as a Faculty. That's a problem that exists within the Faculty community and is ours to pay attention to, to control, and to address in whatever way we can. NIH also prepared a set of regulations, and I say fortunately the Office of Management and Budget decided to send those back to NIH for review and improvement. One other thing I should tell you: the Research Policies Committee did an excellent job in advising NSF in terms of adapting these rules, and so one of the FCR committees has already played an important role in that regard.

"Another item is the retirement issue. As you know, there has been what has been called the 'uncapping' of retirement age. There is the Anti-Discrimination Age Act which was passed in 1986. There was an exemption granted to institutions of higher education which will expire on January 1, 1994, and after that point, unless there is some revision which is unlikely, some amendment of the act, mandatory retirement disappears from the scene. Currently mandatory retirement is at age 70. The issue of mandatory retirement is an issue for us, and it is a complicated issue. The issue is not whether there are not able people who can continue to teach beyond age 70, but it has to do with the institutional character of this Faculty as in fact this uncapping phenomenon occurs. It is our problem, and it has to be addressed as a Faculty concern. When I say Faculty, in all these, I'm not excluding the administration, but it clearly is not solely their responsibility. It is one that is ours as well.

"Racism and sexism is another issue in which we as a Faculty have concerns that need to be addressed. I don't want to cite that we have particular problems, but it is a general problem to which we need to be alert and have great responsibilities.

"A major problem that is clearly ours is the governance issue, and that problem has to be addressed, and I don't want to say any more about that, but that clearly is a problem of this house and it must be addressed if we are to in some way effectively carry out the business that has been delegated to us by the University Faculty.

"And finally, just a brief remark which has already caused some expression of concern and that is the danger of a balkanization of the University, and I do not mean to use that in a pejorative sense, but issues related to doing anything that enhances the tendency of this institution to become separate, separate in terms of the several colleges and schools, without recognizing a common core of concern for the institution as a whole in terms of its academic

structure. What I have reference to is the recent discussion about the Arts College limiting enrollment. Not a new problem; it's not like enrollments have never been limited before, but in fact, it has never been expressed in exactly those terms, and it's an issue about which we as a Faculty have genuine concern.

"I don't mean to suggest that this is an exhaustive list, and I'm certain that if I poll you, many of you would have additional matters to include, and I hope you will call those to my attention as well. I call these to your attention because in large part, these are issues which are the Faculty's concern; that is, we cannot separate ourselves from these issues, and these have to be resolved in concert with the administration and the Board, and none of the parties to these issues can hope to treat them by themselves. Our FCR committee structure is well constituted to begin the process. However, the nature of these issues demand that we improve the means available to us in order to engage the largest number of Faculty in discussing, debating, and addressing these matters.

"I appreciate your indulgence in allowing me that set of comments. Let me return to the call of the meeting. In the materials that were distributed in the call to FCR members was a little booklet called, 'Parliamentary Procedure--Teach Yourself,' prepared by Chester Freeman, Communications. It's a very excellent book, and as I point out to you, page 3, if you keep that before you, xerox it, it gives you much of the substance of the rules for parliamentary procedure and it's simply to aid you as FCR members in carrying out debate which is our responsibility, and it's intended to be of assistance. It's interesting reading; it's done by offering you a lot of examples.

"The second item is, in the call to the meeting this time, you noticed that there are yellow pages. This has nothing to do with freeing of prisoners, or any other symbolic meaning, except that at the recent meeting of the Executive Committee, Professor June Fessenden-Raden pointed out that it would be useful if we separated meeting materials from other notices since there's a lot of piggybacking on the Dean of the Faculty's mailings. To call attention to the FCR business we have followed this suggestion, and now we have yellow. Maybe orange next time, so watch for the color, the appropriate color.

"That concludes my remarks. We now have a small problem. I think we do not have a quorum, Mr. Speaker. If you would like to continue as Speaker Pro Tem, would you do that? Let me tell you what was planned for the day, and that was that we would first elect a speaker, as was called for in the agenda, and that that motion would be made by Professor Dick. For those of you who don't know Professor Richard Dick, Richard is the Chairman of the Executive Committee and let me introduce him, since making that resolution at this point is pointless. And the other item has to do with the question of the handling of the minutes, and I guess we can talk about it, but it's irrelevant. So let me return to our Speaker Pro Tem, who is Mr. Martin, who's been here before. Russ."

Speaker Martin: "Thank you, Mr. Dean. Before you leave, are there any questions for Dean Lynn? Good. You're getting off easy today. Wait until next time."

"As the Dean pointed out, we are unable to take up the three voting matters, which we will have to put off until our next FCR meeting, when hopefully we will get a quorum, and we would urge all of you, as members of the FCR, to do your best to get your other elected representatives to show up. At this time, the Chair declares the meeting of the FCR adjourned. We are now convened as the University Faculty. Our first item of business is an announcement of the death of Faculty members since our last meeting. Mr. Dean."

2. ANNOUNCEMENT OF DEATHS

Dean Lynn announced the death of the following Faculty members:

Leon J. Tyler, Professor Emeritus, Plant Pathology, May 27, 1988

Albert W. Laubengayer, Professor Emeritus, Chemistry, June 15, 1988

Paul J. VanDemark, Professor Emeritus, Microbiology, June 27, 1988

Charles C. Russell, Professor Emeritus, Communication Arts, July 8, 1988

Howard B. Adleman, Professor Emeritus, History & Embryology, July 25, 1988

Otis F. Curtis, Jr., Professor of Pomology Emeritus (Geneva),
July 18, 1988

Carrie Williams Taylor, Professor Emeritus, Cooperative Extension,
August 6, 1988

H. Darkes Albright, Professor Emeritus, Theatre Arts, August 12, 1988

Max Black, Susan Linn Sage Professor of Philosophy and Humane Letters
Emeritus, August 27, 1988

Frank S. Freeman, Professor Emeritus of Psychology, December 4, 1986

Esther H. Stocks, Professor Emeritus, Home Economics, September 3, 1988

Isaac Rabinowitz, Professor of Biblical and Hebrew Studies, Emeritus,
September 11, 1988

He asked the body to rise for a moment of silence.

The Chair next called on President Rhodes for an announcement of the recipients of the Distinguished Teaching Awards for 1987-88, which was followed by his State of the University address.

3. DISTINGUISHED TEACHING AWARD RECIPIENTS

President Rhodes: "Mr. Dean, Mr. Speaker, I'm happy to report that the Distinguished Teacher Awards do not require a quorum of the Faculty in order for them to be given, and I'm always happy to make these formal announcements. Not all the recipients are here, but present or absent, we congratulate them on these awards."

He read the names of the recipients (Appendix C, attached).

4. STATE OF THE UNIVERSITY ADDRESS

President Rhodes continued: "I'm happy to join you for this meeting and I want to add my thanks and congratulations not only to those who have been honored today by teaching awards, but to all of you for the contribution you make, year in and year out, to teaching here at Cornell. I've had the privilege now of being a member of six different universities at one time or another and I have been most impressed by the clear superiority of the commitment to teaching here--at the undergraduate level, at the graduate level, at the post-doctoral level--everywhere on the campus.

"Robert Frost once said that education is hanging around until you've caught on, but all of us know that's not the case. The role you play in providing an outstanding and challenging education for the men and women who are our students is something I deeply appreciate.

"The Speaker was kind enough to say that I am to talk about the state of the University, and I'm going to interpret that in rather broad terms today, and talk not solely about the state of the University at the opening of the fall semester in '88, but also about the next five or ten years and what they mean for higher education.

"Just before I left my office to come over here, I had a very extensive and thorough interview with a reporter from the Washington Post about the platforms of the two Presidential candidates in relation to higher education. And when I leave this gathering, I will be going to talk to the football team, who have their first encounter on Saturday. It occurred to me that between the two immovable events that we cannot control, politics in Washington and the affairs on Schoellkopf Field on Saturday afternoons, there is a huge area over which, by thoughtful planning, we can have a major influence on the future. I want to put before you half a dozen areas that I think are going to be matters of concern. I'm so glad that Walter talked about them in very much the same terms that I want to.

"We have to think together about the next five or ten years, not attempting to set a pattern that is fixed and unchangeable, but thinking in proactive terms about the kinds of challenges and opportunities we are going to face, and about the solutions that we will adopt, either consciously or by default.

"The first of these is the general challenge of educational responsibilities--both undergraduate and graduate. I want to think with you about the balance of teaching and scholarship, the characteristics of our undergraduate program, the size and character of the graduate student body. Those are big areas, and they could occupy a whole meeting without any addition.

"Second, there are some faculty questions that I want to think about with you: faculty recruitment, faculty retirement, and the whole question of how we work together to establish new fields and identify new directions.

"Third, I want to talk about how we can maximize the leadership and service of the faculty, by providing educational support services ranging from libraries to computer facilities to research facilities.

"Fourth, I want to say something about the buildings you constantly tell us are needed to undertake that work.

"Finally, I want to say a little about human relations on the campus, insofar as they affect all of us who are members of the faculty.

"Let me first talk about the undergraduate aspect of education at Cornell. This year we had a record number of applications--21,765--for admission to the freshman class. That was up marginally from last year, but it was up a remarkable 43% from ten years ago. During that 10-year period, we have purposely lowered our acceptance rate for undergraduates. We brought it down this year to 27.6%, down from 29.4% last year, and down from 37% ten years ago. That's a remarkable improvement in our selectivity, if I can put it that way, and it's an indication of the quality of teaching that you present.

"Another intention, in cutting down the acceptance rate, was to bring down the level of freshmen enrollment. We think we've done that. On Thursday, when I reported to the Trustees, I was told it was eight above the target we were aiming for. I was told this morning that it was twenty or thirty below the target.

"We've also, as a result of increased selectivity, obtained a much more impressive freshman class than we had ten years ago, both in terms of high school class standing and in terms of SAT scores. I won't give you every statistic, except to say that 80% of the freshman class are in the top 10% of their high school class. Ten years ago, that was 62%. That's a remarkable difference, an improvement of 18 percentage points over a ten-year period. And the same is true of SAT scores.

"We have 45% of our freshman students coming from the State of New York this year. Ten years ago, we had 52%. We consciously tried to reduce the percentage of students from the Northeast in general and New York in particular, because we knew we would have to become more of a national university in order to recruit the best freshman class. We've succeeded in doing that.

"Forty five percent of the freshman class are women. A decade ago it was 43%. We have, this year, a minority membership representation in the freshman class of just over 21%; a decade ago, that was 9.6% in total. I can't give you, because our statistics are differently kept now, the breakdown of minority registration from a decade ago. I can tell you that the under-represented minorities this year are just about the same as they were last year, with the black freshman student membership going up from 4.4 to 4.7%; American Indian about the same; Hispanic going down from 4.4 to 4.3%. We're grateful for the efforts that you continue to make in helping us increase minority enrollment.

"I said a moment ago that we're seeking to trim down the total undergraduate enrollment from around 12,900 or so, where it is now, to a more manageable number. The golden figure is 12,510, because that's the figure we had back in 83-84, when we felt we were handling the undergraduate population comfortably in terms of things like admission to courses; use of campus facilities, including student unions, labs and libraries and athletic and other space; and in terms of residence halls.

"We're determined, of course, with that reduced number to retain diversity--ethnically, racially, geographically, socially, and in other senses as well. That will mean continuing our aggressive recruiting efforts. We had two hundred minority alumni helping us with that this year. We've had extensive discussions with the Dean and some members of the Faculty on reducing that overall level of undergraduate enrollment, and we think it is a responsible way to go.

"You may also have read in the press lately about particularly encouraging efforts to recruit minority students into science and engineering. The College of Engineering, which has not traditionally been among the most conspicuously successful in recruiting and retaining minority students, has had two particularly attractive programs this summer. One of them, called 'Minority Youth and Students Exploring Avenues in Technology' (MYSEAT) brought to the campus this summer 22 high school sophomores for a two-week period of close interaction with faculty and students in Engineering. They will continue to come to the campus every Saturday, once a month, for the rest of their high school careers. They'll obtain recognition in the form of cash prizes for A's they score in their high school work, and for outstanding science fair projects they complete. That prize money will be put into a scholarship escrow account for them here at Cornell. We hope to develop a similar program for seventh and eighth graders. We think that's an important reaching out into the community. This year also another program in Engineering called 'Minority Introduction to Engineering' brought forty-seven minority high school juniors to campus for a week of classes and information about Cornell and about engineering. There are other initiatives I could talk about in other colleges, but I hope this pattern of partnership with the schools is going to become one that's characteristic campus-wide for us in the years ahead. The Governor, as you know, at the state level, has recently announced a program of so-called 'Liberty Scholarships' which aim to identify and support the brightest junior-high students who can make it in college, and so we continue to be hopeful.

"I have to point out as background, one-third of all the new entrants to the work force between now and the end of the century are going to be members of minority groups. Unless we encourage more of them to seek college degrees, by the year 2010 there may be a nationwide shortage of something like 700,000 scientists and engineers, and possibly shortages in other key fields as well. We must take our responsibilities in this area seriously.

"Bringing minority students to the campus remains a priority. The question behind that, however, is what are we going to do with them, and with all our students, once we have them on campus. In every department, of course, that question is debated and refined and solved on a year-by-year basis. There are, however, some questions that arise on a campus-wide level that we have to address together as colleagues, and when the Dean talks about the dangers of fragmentation and balkanization, perhaps nowhere is that more apparent than in the curriculum. The Provost has, as you know, a commission dealing with the undergraduate experience at Cornell. One of the things we've been trying to do is to see whether, among the colleges and the faculty campus-wide, we could establish four or five or six major characteristics that would identify a Cornell education, no matter from which particular college or department a student graduates.

"That's a topic for continuing debate on the Provost's Commission, but I would suspect that something like the following list would have a wide measure of agreement. First of all, we continue to look for intellectual rigor and for integrity in what our students do. Second, we're going to continue to look for a freshman and sophomore experience, an under-class experience, that serves not only to introduce the student to a major, but also stresses a common learning experience to the extent that we can provide it; a strong foundation in writing, in critical thinking, in communication, and perhaps in computing skills; a strong emphasis on linking the discipline or a major and the liberal arts; and the linkage of both of them to ethical and societal issues that our students are going to confront. It might include, as well, some kind of international experience, for our students are going to live in an increasingly interdependent world.

"I'm not sure even if we had a quorum that we'd get a vote on those, and I certainly don't want to test it, but it does seem to me that, as we think about our curriculum at the departmental level, where it properly belongs in so many respects, we have also to explore these wider questions of how we provide a framework for campus-wide goals.

"It isn't, of course, just the formal curriculum which is important to the undergraduate experience; it's also the total learning environment. So the second set of questions I'd want to put on the agenda relate to providing a supportive environment for our undergraduates. How do we encourage and reward the kind of close faculty-student interaction that so many of us remember from our own undergraduate years? How do we support and reward outstanding mentoring and counseling and faculty advising? What kind of physical setting is optimum for our undergraduate students? What do they really need in terms of library space, lab space, computer facilities, residential accommodations, athletic, social and other activities? These are some of the things we're looking at in trying to fashion the overall environment of undergraduate life.

"Now, we've laid the foundation for many of those things together in the last ten years or so. We have better academic facilities than we had a decade ago. We have better residential life facilities. We're getting better cultural and athletic facilities as time goes on. But clearly, there's still much to do. We've made some progress in programmatic areas, like Cornell Abroad, Cornell-in-Washington, the John S. Knight Freshman Writing Program, the Common Learning Program. All these and more have come about with your leadership over the last ten years, but how, as we look at the stormy seas ahead, do we fashion this together, into what is distinctively a Cornell undergraduate experience?

"Our success in these areas has been made possible, I should point out, not just through your leadership, but also with the very generous support of many, many alumni and friends. A question we all have to wrestle with, especially those of us in Day Hall, is how we focus that giving, great as it is and important as it is, more directly to the concerns that we have about student life, faculty development, and other important goals on the campus, rather than having it, as it is at the moment, very much restricted to specified purposes by the donors. Only 5% of the total giving we received last year was totally unrestricted. Over only 5% do we have real discretion in how we use it on campus, and that's a challenge for us.

"The second educational question I want put on the table concerns graduate and professional students. We shall need discussion with you on this, but I think the outlook is for about the same size graduate and professional student body, as we have now. We want not to be bigger, but to be better in what we do, and as we look at the years ahead, it seems to me coherence is going to attract a premium in both undergraduate and graduate education. Most of you know there is a certain amount of discontent among the graduate student community on campus at the moment for a variety of reasons. They include, although they're probably not confined to, things like housing, health insurance, support levels, federal taxation policy, and probably not last on the list by any means, the degree of recognition and support that they receive from all members of the Cornell community, including those of us who are faculty members.

"We have tried, as far as we can, to respond to those concerns, which I think are real ones. Sage Lounge, is now, as you may know, a graduate student center. We're looking at the whole question of stipend levels and living costs here in Ithaca in relation to other cities. We're in the middle of a full-scale analysis of our housing needs, and we're building at the moment a new set of housing accommodations in what was Cornell Quarters. Dean Casarett, with over 1500 graduate students, organized a petition to our representatives in Washington concerning the recent federal changes in tax laws.

"All that is going to be important, but behind some of the concerns that graduate students express, both here and in other places, are apprehensions about the continuity of support during their graduate student careers. They think, perhaps correctly, that we don't always pay enough attention to next year's support for them, as opposed to this year's support. We shall need your help in pursuing sources of funding, both on campus, where you are both creative and aggressive, and off campus, from sources such as the Mellon Foundation, the National Science Foundation, Hertz, Lehmann, and other fellowship programs that we haven't explored, perhaps, as fully as we should.

"We shall also have to redouble our efforts to recruit talented, under-represented minority students into the graduate student ranks. This year, as a result of several programs initiated on the campus, I'm happy to report that enrollment of new graduate students from targeted minority groups, went up by 50%. It went up, in fact, from 54 to 76 new graduate students from under-represented groups. That's a tribute to those of you working in the different fields, and it is something we shall continue to address.

"Let me move much more briefly to the third major topic that I wanted to put on the table--the faculty issues that are going to be with us for at least the next quinquennium.

"We had a banner year in recruiting faculty members to the campus. It was especially successful in recruiting minority faculty members and preliminary figures, which may well change a little, show that there are 27 new faculty members from minority groups on the tenure track this year. That compares with only twelve last year. It has been catalyzed, I think, in part by the debates on the Gates-Cohen Report, here in this room. It has been nurtured by the Provost's making funds available for bridging appointments. It has been egged along by deans and associate deans, especially in Arts and Sciences, who have done so much to encourage their colleagues to see opportunities here. But most of all, it's been the result of the work of you who are department chairs and faculty members. The results are really dramatic. Seventeen new faculty members are members of under-represented minority groups. Twelve of them are black, four are Hispanic, one is an American Indian. Three of those people will join us in calendar '89. In addition to that, there are two new black faculty members who are not on the tenure track, and there are three black visiting professors. Amongst our new faculty colleagues is Wole Soyinka, having been here before, a Nobel Laureate in Literature in 1986, who will be joining us in a joint appointment in Africana Studies and Theatre Arts. Those figures are good news, and I want to congratulate you and to thank you for them.

"A second faculty topic I want to take up is a sensitive one, and I put it on the table knowing that it's going to be controversial. I think that if we're really going to work on some of the problems I've sketched out at the undergraduate and graduate levels, we've got to somehow reinforce the leadership and the role of department chairs, and those who are directing the various graduate fields. That's not an easy thing to do. It's not even an easy thing to get agreement on. We've changed since a department head was somebody who had virtually a lifelong appointment, and most of that change has probably been for the better. But we face in several colleges the problem of the very short period of service of department chairs. Rapid turnover means that strategic thinking concerning curriculum needs, faculty development, mentoring, new recruitment, curriculum, student support and the role of advising now perhaps receive less attention than they did when faculty heads and department chairs had longer periods of service. If someone is in office for only two or three years, he or she is not likely to devote a great deal of time or attention to matters that are essentially long-term. How, then, do we support and encourage and provide incentives for our best faculty members to assume responsibility for leadership at the department and field levels? Is it realistic, for example, to go to the alumni and say that we want to endow

department chairs to make them more attractive positions, to provide support for those in them in ways that we're not able to do at the moment? If we do that, could we say that we're seeking a greater measure of continuity and leadership at that particular level? That's the second faculty issue that I want to spread out before you.

"The third faculty issue is the one that Walter referred to in his opening comments, and that's the question of the 'uncapping' of faculty retirement. It's said that old deans never die; they just lose their faculties. All of us have heard that particular one many times before, but it's not going to be true in five or six years. Deans will probably not lose their faculties at a rate which provides the degree of turnover to which we've become accustomed. That's a problem, as Walter properly pointed out, that has to be worked out between the two of us. What is the right age for retirement? Should we have, even if we don't have a mandatory age, a normal age of retirement, and how do we go about translating that into attractive retirement opportunities? Can we provide appointments on a part-time basis? Can we provide office space, support space of various kinds, for faculty colleagues who choose to take it? Those are among the big questions we shall have to tackle together.

"But even though we don't know in detail what year faculty members are going to be retiring, we do know that the rate of retirement is going to start to go up in 1992 and beyond, as many faculty members in age groups recruited immediately after World War II reach retirement age. That's going to be a challenge because in many departments we may have more turnover than we want. How do we smooth the curve? Can we think creatively about prefilling and mortgaging positions, in order to accommodate that change? We've grown in faculty numbers over the last few years. We're up by about 70 faculty positions on a base of about 1580, and many of those are mortgaged positions, where departments have been thinking ahead. But impending retirements are going to create new opportunities in many fields, and that's an opportunity for new thinking about reallocation and redistribution of faculty effort. We've seen the results of the success of that, incidentally, in the last two or three years on campus. Mathematical Sciences, as you know, has redirected a good deal of its Faculty attention and new Faculty appointments to what is now called 'Computational Science', and we've seen the success of that in the Mathematical Sciences Institute, and the support it's garnered. We saw the success of it even more recently in the award of a \$5.7 million grant to a group of plant scientists here at Cornell, brought together by doing just what I've been describing--capturing positions at retirement and then recombining them in areas that seemed fruitful for both teaching and research in the years ahead. In this case the funding is for a new center for the experimental analysis and transfer of plant genes, and that's going to become increasingly important to us, as we think about the opportunities ahead. So, the kind of leadership we get from chairs and from others is going to be increasingly important.

"The fourth general question I'm going to raise is: how do we support you in all these ventures? That includes everything from additional library space to additional computer facilities to additional office and lab buildings. Libraries are going to be especially tough for us in the immediate future. You will know that the state has recently adopted changes in the bonding cap, and

we hope that, with those changes, there will now be some relief for Mann, Catherwood, and the Vet Libraries in the statutory colleges. We don't know exactly how much, but we hope that help is in sight there.

"That is not true in the immediate term for our most critical library area, which is Olin. When Olin was built twenty-five years ago, it was designed to accommodate twenty years of books, and it underestimated the number of new books that would be purchased each year. We've now got a critical problem in Olin, and we have solved it by squeezing people, both librarians and users, into tighter and tighter spaces. We can hold out for another year or two only, by using movable shelving, compact shelving, but that doesn't solve the long-term problem. And so Mal Nesheim is now looking at no fewer than eight possible solutions to add to the present space in Olin. Those possible solutions range all the way from using Stimson, to building something underground, to building behind Sibley or behind Goldwin Smith, to demolishing Day Hall, which seems to have picked up a large number of votes across the campus. We're going to be talking with you across the campus, and especially in the College of Arts and Sciences, about the relative attractiveness of each of those schemes. We have to consider, of course, users, both faculty and students; we have to consider the design requirements of librarians; we have to consider the question of cost; and we have to consider the likelihood of raising support, as well as the feasibility of constructing each particular design. We hope to have a plan of action for library expansion by the end of the year, and we shall then be in a position, we hope, to begin to move forward on it.

"The same is true for some areas of our computing needs. Stuart Lynn came on board last year as our new Vice President for Computing and Information Systems. With your help, he will be examining especially two related but distinct questions: what are the networking requirements that you will have over the next five or ten years, and what kind of additional undergraduate instructional facilities do we require in the area of computation? We shall also be working with you in trying to improve our administrative functions by decreasing the use of paper in traditional offices.

"A brief word about the budget context in which we're operating this year. You will know, from what you've read in the Chronicle, that this is a very, very tough year in terms of the statutory budget. It's also going to be a very tough year, perhaps with one very instead of two, for the endowed budget. It's a tight year, and we've tried, in putting the budget together, to give a maximum salary increase and a minimum tuition increase.

"Certain things, of course, will remain priorities for us, this year and in the years ahead. Faculty salaries is one of those. We continue to have ground to make up in being as competitive as we mean to be, but we have to do this with an endowment per student which is just a fraction of that of our major competitors. That's going to call for very creative budgeting, and we value your help in that too.

"We also face a problem, as an essentially private University, in providing the research facilities you need to carry out your work. We're just about to begin construction, for example, of a new building for the Theory Center, but the

cost of putting a building like that together is very, very significant in terms of the overall budget to which we have access. How can we, working with you, predict what the research needs are going to be, not just this year and next year, but five years ahead, which is the time span we must use in planning for new buildings? You're aware that in Washington many universities are lobbying for pork barrel funding for facilities. How long can we hold out against that tide? There is a modest recognition of the need for federal support of university facilities in the recent trade bill, but we don't know to what extent that's likely to solve our problems.

"We have another research problem on the campus where we need continuing debate. How do we balance big science against individual investigator science? I don't want to call it 'little' because it's the basis of all other science. But how do we balance the need for huge new facilities and massive instrumentation against the support needed for other kinds of research and scholarship on the campus?

"One other category, category 5, that I want to say a word about, is campus planning and campus building. Some relief is going to be present this year. The Statler is well on the way to completion, on schedule, within budget. The Performing Arts Center is essentially complete, as is the Law School and Savage. Renovations and additions are going ahead on certain buildings, including Olin Labs, and we have much to look forward to in terms of new buildings.

"On the other hand, we're about to begin construction on the Theory Center, and that's going to be very disruptive to the area around Schoellkopf. I hope you will be as patient this year as you have been in the previous year or two. It's going to be especially disruptive for those of you who park in the area around Barton and Lynah Rink and Kite Hill and even the central parking facility. I want to assure you, first of all, that we are telescoping the pain by maximizing it in a limited period, and secondly at the end of it all, I'm assured that we shall have 250 additional parking places on the campus. I don't know exactly where they're all going to be, but the end is going to be better.

"One final thing I want to talk about--and it's a less tangible one than some of the things that I've talked to you about in the last few minutes--is the whole question of human relations on the campus. This is something that it's very difficult to specify and design programs for, but all of us need to play a role, a personal role, in improving human relations on campus. That includes the way we treat one another as colleagues, and especially how we treat new colleagues, who need a welcome into a new community. It includes the way we treat our students, both undergraduates and graduate students, and also, and especially perhaps, the way we treat staff. There's really so much at Cornell that's running in our favor: we have a rural environment and not an urban one; we have a campus that, though it has its construction and its parking irritations, really is a place of beauty and relaxation. We've somehow got to improve our human relations in ways that complement that sort of setting. I say that not because I've got a particular problem in mind, although there are plenty of problems that one could identify. I say it because we have had what we think is an encouraging beginning with a new program last year designed to

give an introduction to human relations training. It's the result of the leadership of Joycelyn Hart, who is our Associate Vice President for Human Relations, and it has involved 500 supervisors, each of them taking a six-hour workshop in human relations training, dealing not just with racism and sexism--important as those are--but also with broader aspects of improving human relations on campus. All of us in Day Hall have gone through that program. I'm not sure that we can claim a noticeable improvement, but that is for you to judge.

"The deans and representative faculty members in the colleges have also chosen to undertake that program. This year we're redesigning it with a component that is especially devoted to faculty-student and other kinds of faculty interactions. One of the most attractive features of the program is the use of members of Cornell Theatre to act out little scenes in which human relationships are analyzed, and the actors and actresses continue to play their roles during the discussion period. I think you will find that that's a tremendously worthwhile program, and I want to commend it to your attention as you think about the year ahead. Our goal at Cornell has to be to ensure that every person has the fullest opportunity to develop his or her own potential here on the campus. We have a kind of place that wishes both to acknowledge the worth and preserve the dignity of each single member of the community, and we have a way to go in working together in bringing that dream about.

"So those are the challenges I see not just in the year ahead, but in the year or two beyond that. They are ones that are going to result in operational decisions. They are ones that are going to result in slight and almost imperceptible changes in emphasis. They are also ones, I hope, that are already going to make a strong and a buoyant sense of community on the campus even stronger and more buoyant. The key ingredient in all that is you, who are members of the faculty. For all you've done to make possible what's already been achieved, I want to thank you. For the partnership we're going to share together as we embark on the rest of the agenda, I want to thank you in advance. Thank you."

Speaker Martin: "Thank you very much, Mr. President. Are there questions for either the Provost or the President?"

Professor Emeritus Urie Bronfenbrenner, Human Development and Family Studies: "Thank you. I was particularly heartened by the fact that you began with, in your several main points, an emphasis upon undergraduate education. I also know of your personal commitment and concern with respect to the first two years with what happens in the succeeding years into the graduate years, and one mark of our neglect of that is that there is very little data on a phenomenon that I venture to identify for you as the progressive de-intellectualization of students as they proceed through the University, particularly as they enter into the doctoral programs. I would appreciate your comments about that problem, because I regard it as a major one."

President Rhodes: "Thank you, Urie, and I'm not sure that I'm the best person to comment on it, probably because I don't see it first-hand. I've heard it anecdotally, not just at Cornell but elsewhere as a concern. But you're finding it in your own students as they approach graduation, as you recruit them to graduate school."

Professor Bronfenbrenner: "Yes, that's what I'm talking about. Of course, you mentioned Common Learning."

President Rhodes: "That's right; that's an attempt to bring them together. The goal of that program, and the concern I have, is the increasing fragmentation of the disciplines and the major so that you put the blinkers on, and you just run the race along the pre-med curriculum or whatever it is in the area of your particular choice. Now, my hope is that as the Provost's Commission looks at undergraduate life, they can think about ways of bringing students together. I sometimes think it would be wonderful, if we had a small enough community, to participate together, faculty and students, in something we might call a 'senior seminar,' which would be the capstone experience for undergraduates. Such courses used to be taught by the college president in the good old days when they were capable of providing such capstone experiences, and they tried to bring together what had been a divergence into a convergence about ways of living together in society. The President's Fund for Educational Initiatives is designed to elicit proposals for just that kind of concern. Today is the closing date, incidentally, for the next round of proposals. It may be a little late to get it in this time, but if there are ways of experimenting with that or similar kinds of approaches, I'd be delighted to try to look at them together."

Associate Professor Lee C. Lee, Human Development and Family Studies: "I'm also very sensitive to this problem and I'm impressed with what you have to say. I have two questions. One has to do with the members of the undergraduate commission, the Commission on Undergraduate Education. I remember when I read the list I was not impressed--I was impressed that there was no minority representation on the commission. I was just wondering whether there are any non-western scholars represented on that commission, because if we take a look around at our undergraduate education content, in particular with regard to curriculum, I think that's a very important area. We keep talking about recruiting new members, but we never seem to talk about how do we retain them, and I'm wondering whether the administration has set in place some kind of mechanism where we try to speak to the issue of how do we retain these individuals once we have them on campus."

President Rhodes: "Yes. We will look at that. If that's the case, that's a serious concern and as you know, we used some of the new Fund for Educational Initiatives to fund the new cultural programs. I'm very anxious to see those succeed. The second question, Lee, is a difficult, long-term challenge for us. Some of the very people that we're recruiting this year have been recruited from other campuses in not just minority faculty ranks, but other faculty ranks. That is another of the shared problems that Walter referred to when he referred to the spouse problem, which is one of our most difficult, where we have to try and work together. We cannot solve it in Day Hall alone; you cannot solve it, I think, in the departments alone. I hope together we can

work on it. It's partly a matter of salary; it's partly a matter of working conditions; it's partly a matter of course load and research facilities, and so on, but in part it's a question of the working environment and the human relationships that are going to be part of that. We would want to work with you in doing that, but I cannot pretend I have a simple and campus-wide solution to it. We do talk gladly, and I hope helpfully, with deans when they bring outside offers of this kind to us, and we've had some notable successes just this last year in retaining people--including minority faculty--who are being wooed away by other institutions."

There being no further questions for the President and no further business, the meeting adjourned at 5:55 p.m.

Mary Morrison, Secretary

REPORT ON FCR ELECTIONS

Spring 1988

EXECUTIVE COMMITTEE OF THE FCR - 4 seats, 48 ballots cast

Locksley G.E. Edmondson
June M. Fessenden-Raden
Gordon P. Fisher
T. Richard Houpt

EXECUTIVE COMMITTEE OF THE FCR - 1 non-tenured seat, 44 ballots cast

Robert J. Buchanan

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - 1 seat, 44 ballots cast

Elizabeth A. Oltenacu

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - 1 non-tenured seat, 46 ballots cast

David H. Holmberg

ADMISSIONS AND FINANCIAL AID COMMITTEE - 1 seat, 46 ballots cast

Ellis R. Loew

MINORITY EDUCATION COMMITTEE - 1 seat, 44 ballots cast

Stephen F. Hamilton

FACULTY ADVISORY COMMITTEE ON ATHLETICS AND PHYSICAL EDUCATION -
1 seat, 42 ballots cast

John M. Abowd

INTEGRITY POLICY STATEMENT

Preamble

The search for truth underlies all our academic values as an educational institution. Members of the Cornell community, whether faculty, students, or staff, are expected to perform their scholarly and scientific activities with scrupulous honesty and the highest ethical standards. In all of their academic work they should show respect for the facts, for the appropriate standards of evidence, and for the contributions and scholarship of others.

While taking all reasonable steps to protect the rights and interests of individuals whose work or performance is questioned, the University will vigorously investigate allegations of academic fraud or dishonesty.

Academic Fraud or Dishonesty

Academic dishonesty or fraud includes any act that violates the standards of integrity in the conduct of scholarly research and communication. This could include, but is not limited to, plagiarizing the work of others, i.e., intentionally or knowingly representing their words or ideas as one's own; deliberate falsification or fabrication of data, citations, or information; forgery of academic documents; the abuse of the confidentiality of information obtained from colleagues or other persons; intentionally or knowingly helping another to commit an act of academic dishonesty or fraud, or otherwise facilitating such acts.

Procedures

All members of the University community have an obligation to report acts of academic fraud or dishonesty. The initial report of such a violation, whether on the part of a faculty member, a member of the staff of instruction and research, a graduate student, or any other person with a University appointment, should be made to the Dean of the Faculty.* Upon receiving such a report, the Dean of the Faculty shall make a preliminary review. During this preliminary review all reasonable precautions should be taken to protect the interests and reputation of the individual against whom the charge was made, in case the charge should turn out to be unfounded, as well as to withhold the identity of the person who made the disclosure. If the Dean finds, upon preliminary review, that the allegations are insufficient to warrant further investigation, he or she will terminate the inquiry. But if the allegations appear to warrant further investigation, i.e., "probable cause" has been established, then the Dean of the Faculty shall refer the matter to the dean(s) of the appropriate college(s), or the head(s) of the appropriate administrative unit(s) to conduct a review of the case, implementing procedures the college or administrative unit has established for dealing with such cases. The review may involve the consultation of disinterested experts from both within and outside the University. During this review the accused shall have a right to

*Note: This legislation does not cover undergraduate, graduate or extramural students insofar as their actions are already covered by the Code of Academic Integrity as amended on May 15, 1985.

(over)

be represented by legal counsel of his or her own choice and at his or her own expense, subject to any rights under the University's Indemnification Policy. If the review establishes to the satisfaction of the appropriate dean or unit head that academic fraud or dishonesty has occurred, he or she will recommend an appropriate penalty; possible penalties range from a reprimand to dismissal, depending on the seriousness of the offense. Applicable general University disciplinary procedures appropriate to the class of researchers to which the accused belongs will be invoked in implementing this recommendation. The individual may appeal the administrator's decision, using the appropriate grievance procedures. Throughout the investigation of suspected wrong-doing, those conducting the review should do their utmost to maintain confidentiality and to protect the rights and legitimate interests of both the accused and the accuser.

Adopted by the Faculty Council of Representatives April 9, 1986.

DISTINGUISHED TEACHER AWARDS GIVEN BY CORNELL

<u>COLLEGE</u>	<u>RECIPIENT</u>	<u>AWARD</u>
Agriculture and Life Sciences	Professor of Animal Science Richard G. Warner	Edgerton Career Teaching Award - by the State College of Agriculture and Life Sciences
	Assistant Professor of Agricultural Economics Edward W. McLaughlin	Professor of Merit Award - by the State College of Agriculture and Life Sciences, Cornell, given by Ho-Nun-De Kah (Agricultural Honor Society)
Architecture, Art and Planning	Associate Professor of City and Regional Planning *Richard S. Booth	Burnham Kelley Award for Distinguished Teaching
Arts and Sciences	Assistant Professor of Architecture Vincent J. Mulcahy	Martin Dominguez Award for Distinguished Teaching
	Associate Professor of History Isabel V. Hull	The Clark Award
	Associate Professor of Psychology **Ronald D. Mack	The Clark Award
	Sr. Lecturer, Department of Modern Languages and Linguistics **S. Alexandra Littauer	The Clark Award
	Sr. Lecturer, Theatre Arts **Marilyn Rivchin	The Clark Award
	Sr. Lecturer, Department of Modern Languages and Linguistics Maria G. S. Swenson	The Clark Award

*Award actually received in 1986-87, but not known prior to last year's recognition ceremony.

**Will not be able to attend September 14, 1988 Faculty/FCR meeting.

<u>COLLEGE</u>	<u>RECIPIENT</u>	<u>AWARD</u>
Engineering	Associate Professor of Electrical Engineering Clifford R. Pollock	Excellence in Teaching Award - by Cornell Society of Engineers and Engineering Tau Beta Pi
	Assistant Professor of Operations Research and Industrial Engineering Joseph S. B. Mitchell	Dean's Prize for Excellence in Teaching
	Assistant Professor of Structural Engineering Mary Sansalone	Dean's Prize for Excellence in Teaching
	Associate Professor of Structural Engineering Kenneth C. Hover	Dean's Prize for Excellence in Teaching
Human Ecology	Professor of Consumer Economics and Housing **W. Keith Bryant	Distinguished Teaching Award- by the College's Alumni Association and Omicron Nu Honor Society
Veterinary Medicine	Associate Professor of Clinical Sciences **H. Jay Harvey	Norden Distinguished Teacher Award

FACULTY COUNCIL OF REPRESENTATIVES

December 14, 1988

The Interim Speaker, Professor Emeritus Russell Martin, called the meeting to order. He indicated that for the first time this year a quorum, of 61 members, was present. He called on Dean Lynn for remarks.

1. REMARKS BY THE DEAN

Dean Walter R. Lynn: "Welcome. I'd like to say to those of you who received a letter from me, Dick Schuler tells me that he's come the longest to attend this meeting. He just arrived from the Philippines this morning, with a call asking whether he had to attend. I said, 'Of course,' and he said 'With a letter like that, I don't want to get another one of those.' Actually, if any of you have any comments about that letter, I would welcome hearing about them, not today or at this meeting, but I would welcome hearing about them because they do express a sentiment that I hold and if you think those sentiments are incorrect, I would appreciate your telling me.

"Again, those of you who came in late, if you have not signed the roll sheet, we'd appreciate your doing that if you're a member of the FCR. Just to remind you, the remaining formal meeting dates of the FCR are February 8, March 8, April 12, and May 10. They are the second Wednesday of the month, and if there is no important business to come before this faculty, then in fact the meeting will be cancelled. That has been the practice.

"I'd like to call upon Professor Richard Dick, who is the chairman of the FCR Executive Committee, who will introduce members of the committee and offer a nomination for your consideration."

2. ELECTION OF SPEAKER

Professor Dick: "I'd like to assure you that the Executive Committee has been working very hard all during the semester. I'm afraid, as I scan the room, that it's not going to be reflected today in the attendance. May I ask the Executive Committee members to stand, please? Kathy Beck, in the back; Dick Schuler, in the front; and Dick Houpt, midway. Most of the other members are absent with good excuses. Let me tell you who they are: Robert Buchanan, who is out of town; Locksley Edmondson; June Fessenden MacDonald; Gordon Fisher; and Wes Gunkel.

The Executive Committee admires the work of Speaker and Professor Russell Martin; we value his input as an ex officio member of our committee, and we nominate him as the speaker."

There being no further nominations, on a vote call, Professor Martin was re-elected speaker for the 1988-89 academic year.

Speaker Martin: "Thank you for again having the opportunity to serve as your chairman, speaker. It's always good to see the competition for this job. The chair next calls again on Dean Lynn for a resolution concerning the distribution of FCR and University Faculty minutes."

3. RESOLUTIONS RE DISTRIBUTION AND APPROVAL OF FCR AND
UNIVERSITY FACULTY MINTUES

Dean Lynn: "The business of our minutes has been a complex affair, and in the information pertaining to the issue about the FCR minutes supplied with the call to meeting for the second time, is an explanation of why these resolutions are required. We have a collection of minutes of the FCR which have not been approved by this faculty. They sit waiting for your approval and action, and so I'd like to present for your consideration the two resolutions. In order, the first one would be the resolution accepting minutes of the FCR and University Faculty meetings between May 1, 1985 and May 18, 1988. As I said, the explanation, the rationale, for this is provided in the call to meeting. I did announce in that description that anyone who wanted to review the minutes, all they had to do was ask for them, and a faculty member said to me, 'Good; send me a copy.' That collection of minutes amounts to a sizeable stack of paper but the intent was that anyone was free to read the minutes in the Office of the Dean of the Faculty. They are there for your perusal at any time, and become part of the archives of the faculty. So Mr. Speaker, I'd like to introduce a resolution which has been approved by the FCR Executive Committee accepting the minutes of FCR and University Faculty meetings.

Dean Lynn read the resolution:

WHEREAS, the FCR and the University Faculty have not formally acted to approve their official transcript of minutes since May 1, 1985, and

THEREFORE, BE IT RESOLVED, that the FCR accept the FCR and University Faculty transcript of minutes covering the period of May 1, 1985 to May 18, 1988.

There being no discussion, on a vote call, the resolution carried.

Dean Lynn: "You came all this way for this, right? But it's important for our business. Let me now deal with the second one, and I'll just read that resolution."

WHEREAS, minutes of FCR and University Faculty meetings used to be mailed to each faculty member, and

WHEREAS, on October 10, 1979, legislation was adopted which prescribed that henceforth the minutes would be published in the Chronicle, thus fulfilling the requirement of distribution to the faculty, and

WHEREAS, the Chronicle has since changed its format and carries a brief story only of the events of each FCR and University Faculty meeting and to revert to distribution of the complete transcript to the entire faculty would be very costly,

THEREFORE, BE IT RESOLVED that beginning with the fall 1988 term, summary minutes of each FCR and University Faculty meeting will be distributed to the faculty with the next call to meeting, summary minutes will also be submitted to the Chronicle, and a complete transcript of the meeting will be available for perusal by the Cornell community, with copies available upon request from the Office of the Dean of Faculty, and

BE IT FURTHER RESOLVED, that the summary minutes will be submitted for approval at the next scheduled meeting, and any interested party may submit "corrections" to the Office of the Dean of Faculty within six weeks following said meeting. The Executive Committee (for FCR transcript of the minutes) and the Review and Procedures Committee (for University Faculty transcript of minutes) will review all submissions, are authorized to amend the transcript of minutes as appropriate, and are required to inform the FCR and University Faculty of such changes.

Speaker Martin indicated the resolution was now on the floor for discussion.

Mary Beth Norton, Mary Donlon Alger Professor of American History:
"Of what will the summary minutes consist, and have rules been drafted for the secretary for preparing the summary?"

Dean Lynn: "There is a sample of the summary minutes prepared for the September 14 meeting, which although not an official meeting, was a meeting of the FCR. Let me say two things. Professor Norton asks whether there are specific rules. The answer to that is no, in the sense that there is no description of what the Summary Minutes will contain. The objective in those Summary Minutes is twofold: number one, to insure that all of the faculty are aware of the business that was transacted and not simply left with no notice of the meeting having taken place. The intent of the Summary Minutes is to produce a set of action minutes rather than the elaborate transcript which is part of our normal set of minutes. The normal set of minutes are being recorded at this moment; they are prepared as a transcript and reviewed that way. This is intended to provide simply a summary of those actionable items which ought to be called to the attention of the FCR members and the University Faculty."

Speaker Martin: "Is there further discussion? Professor Norton?"

Professor Norton: "Thank you. I have no particular objection to going to a Summary Minutes system. I mean, I understand the rationale for it and the cost of it, of continuing the practice of distributing everything to the faculty and dealing with the Chronicle and its new format and all of that. I am just concerned about what will happen, or what would happen, in the event that the FCR gets engaged in one of its debates that we occasionally become engaged in, where in fact more than a summary of action is important, that is, where the debate is especially heated, where there is serious disagreement or there can be different interpretations placed on the material, and I guess the reason that I am raising this now is simply to have on the record my statement that I think that in situations like that, perhaps it might be wise for the Summary Minutes to be more full, at the discretion of the faculty and the secretary, that in fact despite the fact of going to this system, there might be certain circumstances under which a transcript might still be prepared and distributed to the members."

Dean Lynn: "The transcript is prepared. There is no question about that. The question is distribution, and it seems to me that it would be totally and completely in order for any member of this body to request that those--first of all, if there were a general sentiment expressed from a number of people, that those ought to be distributed, I'm sure our office would do that. Our intent is not to reduce the amount of information that comes out. The concern is that in fact, and the reason I take it the Chronicle no longer does that, is the assumption nobody reads it. It did carry the complete minutes for I don't know how long,

but for an extended period of time. In fact, that's part of, I think, the faculty governance problem, is that nobody reads them, but I want to assure you and also as part of the minutes, that if such issues arise and merit, in terms of individual faculty members, complete distribution to the faculty, I'm sure we would honor that request."

Speaker Martin: "Further questions? Professor deBoer?"

Professor P. C. T. deBoer, Mechanical and Aerospace Engineering: "Has it been considered to send the minutes only to the members of the FCR? It seems to me that's quite a reasonable thing to do. The members of the FCR should really review the minutes."

Dean Lynn: "I think that you're right. I think the members of the FCR ought to review the minutes, and the opportunity exists for you to amend the resolution to request that it be distributed to members of the FCR, the current minutes. We thought that the membership who attended the meeting with the Summary Minutes would provide sufficient information. Professor Norton's concern is that both for historical purposes and for examining the record in terms of a particularly contentious or important debate that that information would be available for people to inspect. I've agreed that that would be responded to as a matter of record. I guess the consensus was that there was really no need to do that at this stage, but if that's your pleasure you can amend this resolution to do just that."

Professor deBoer: "I cannot. I'm not a member of the FCR, but from a practical point of view, it's very difficult for people to come to the Dean's Office and review the minutes every time after a meeting."

Dean Lynn: "I'm sorry, but the resolution does say that we will respond to those requests. I mean, if somebody is struck by an issue of importance or attended the meeting and wanted to find out what they said, we have agreed in this resolution to provide a copy to those who would request it."

Speaker Martin: "For the benefit of those who do not know it, Professor deBoer is my faithful parliamentarian. Is there anyone who wishes to offer an amendment in keeping with Professor deBoer's comment? Ok. Is there any further discussion? All in favor of the resolution, please say aye. [ayes] Opposed, no? [silence] Carried."

4. APPROVAL OF SUMMARY MINUTES OF SEPTEMBER 14, 1988

The Chair asked if there were any corrections to the minutes of the September 14 meeting. There being none, they stood approved as distributed. He next called upon Professor Ann Lemley, chairperson of the Committee on Academic Programs and Policies, for presentation of a resolution on a health administration degree.

5. RESOLUTION RE MASTER OF HEALTH ADMINISTRATION DEGREE

Associate Professor Ann T. Lemley, Textiles and Apparel: "I have a resolution from the Committee on Academic Programs and Policies that will ask you to approve the establishment of a Master of Health Administration degree, and it's consistent with something called 'A Letter of Intent,' and you have a copy of part of that, (Appendix A, attached) and for those of you who haven't thought this through, let me give you a very little background, and that is that the Sloan Program, which was part of what was then Business and Public Administration and is now the Johnson Graduate School of Management, was moved to the College of Human Ecology in the Department of Human Service Studies, and it was always the intent that there be some graduate degree that would be particular to that program, and up until this time the students in that program have been getting a Master of Professional Studies, which is a College of Human Ecology professional degree consistent with Graduate School rules on a professional master's. This request for FCR approval will take the first step, or, well, it may not be considered the first step, one step in the request to Albany for a new degree, and after it comes out of the faculty it goes to the Board of Trustees and eventually this Letter of Intent goes to the SUNY Office for Research Graduate Studies and Professional Programs, and then if they approve it, there is a proposal, and eventually, over another couple of years, probably, the degree might be approved. So, what I'm going to do is read to you our resolution from the committee; we discussed this and it has been discussed, as you will also see, in the Graduate School and in the College of Human Ecology--in the Graduate Committee, rather--and we unanimously approved this. There are several members of the department and the program here who are willing to answer questions, and I will do as best as I can also."

Professor Lemley read the resolution:

WHEREAS the Master of Health Administration (M.H.A.) degree is widely recognized and accepted professional degree designation within the health care field; and

WHEREAS, students majoring in the field of health administration are presently required to enroll as candidates for the Master of Professional Studies (M.P.S.) degree because the preferred M.H.A. degree designation is not available; and

WHEREAS, the M.H.A. degree differentiates the professional training offered by the Sloan Program from other M.P.S. programs supported by the College of Human Ecology; and

WHEREAS, the addition of this degree designation would serve as a useful marker for students, academics and professionals in the health field that would alert them to changes in location and approach of the Sloan Program, as well as its affiliation with the missions and aspirations of the Department of Human Service Studies of the New York State College of Human Ecology; and

WHEREAS, no additional funds will be required by offering the M.H.A. degree instead of the current M.P.S. degree in Human Ecology; and

WHEREAS, the degree of Master of Health Administration (M.H.A.) has been unanimously recommended and approved by the faculty in the College of Human Ecology and the General Committee in the Graduate School; and

WHEREAS, the FCR Committee on Academic Programs and Policies has reviewed the proposal for the degree designation and recommends that it be approved;

THEREFORE, BE IT RESOLVED, that the FCR approves establishing the Master of Health Administration degree (consistent with the 'Letter of Intent').

Speaker Martin: "Thank you, Ann. The resolution is now on the floor for discussion. All in favor of the resolution as presented, say aye. [ayes] Opposed no. It's carried. How about that?"

"Before proceeding to the next item on the agenda, which deals with transportation, I've been asked to read a couple of statements. Number one, this evening--pardon? [comment from floor: All your cars have been towed.] Yes--all your cars have been towed! [laughter] This evening there will be a public meeting at 6:30, followed by a public hearing at 7:30 at NYSEG auditorium regarding the Octopus planning. Secondly, the Dean's Office receives numerous requests concerning the transportation issue, so perhaps this next statement would be helpful. The University Assembly Committee on Transportation Services is charged with determining policies for the Department of Transportation, parking on all streets, roadways and parking lots within the grounds of the University of Tompkins County, regulation of traffic, and the University-operated bus services. The Committee has authority to recommend fees and user charges for parking and bus systems. The faculty members on this committee are Roger Dennis, Mathematics; Michael Thompson, Materials Science and Engineering; and David Wyatt, History.

"We're pleased now to present Vice President for Campus Planning, William Gurowitz, and in a few moments, Director of Transportation Services, William Wendt, to speak to us on transportation planning."

6. ISSUES IN TRANSPORTATION PLANNING

Mr. Gurowitz: "Thank you, Professor Martin. With the introduction given by Ann Lemley and others, I'm a little hesitant to talk about this, but what I want to talk about is not the fact that your cars have just been towed, but about the issues facing transportation and our planning for what I call the next iteration of the transportation master plan. We've gone through two over the last ten years. We take a five-year look at transportation planning, and this is our turn to do that. What I'm hoping to do is present some of the issues here [which he did in slide form; Appendix B, attached] and then in the spring I hope we'll have an opportunity to come back and talk with you about some of the solutions that we're looking at. You've been hearing a lot about planning and you'll hear a lot more. This is part of an overall campus plan that's been done by a number of consultants.

"Let me just start on this. In terms of the transportation program, the mission of the programs is, as it says, to deliver comprehensive and effective transportation services and facilitate access by the community, both the campus community and others who want to come to campus for work, study, entertainment, whatever. Our philosophy is to try to deliver these services while we continue to maintain and improve the quality of the campus environment, and of campus life.

"Let me start with where we are now. Our parking inventory meets current needs, but as I indicate on this slide, with difficulty, and indeed, if you're in some parts of the campus, you could make an effective argument that it isn't meeting our needs. The planned facility, the construction that is going on or will soon be going on, will actually reduce car inventory and using industry standards, looking out over the next five years, we estimate that we will need 1300 additional parking spaces. That's net; so whenever, if, as so often happens, a new building goes on a parking lot, what we're talking about is replacing that parking of the parking lot, and in addition, coming up with approximately 1300 more spaces. If we don't, the congestion that we have now will worsen, and we have to provide some kind of parking and circulation improvements.

"Our current revenues do not provide sufficient funds to be able to do that improved circulation and parking, including things like maintenance. We have what we believe, and a number of faculty and staff have written to me as a result of a recent letter I sent out to all of you, that we have an inequitable fee structure, where years back we had peripheral lots where people could park, some of those are no longer so peripheral; they're more in the center of campus than on the outside. We will want to look at that as well, in terms of some of the issues that are being faced in our transportation planning.

"Our objectives in this plan are to provide adequate parking, circulation and transit services, to meet not only our current demands, but what we believe will be increased demand generated by the facilities which will be coming onstream or which have just come onstream, even though you often hear that they will not involve increased staff or anything. My own view is that anytime a new building goes up, there will be increased staff and increased demands on the circulation and parking system. All of this has to be an integral part of the campus master plan. You probably, or you may be aware, that the Sasaki Associates, an outside consultant, working with Mal Nesheim and the President and Provost and Senior Vice President and many others, is developing an overall campus master plan. This transportation master plan is a chunk of this larger master plan, so they, along with another consultant, are working with us, and we're working with them, in developing this next iteration of the transportation master plan.

"We must continue to be, and increasingly be, concerned about safety on campus and what we call the 'green space issues,' not just putting parking lots everywhere that we find some lawn, but preserving the green space. What I put in quotes are 'walking campuses.' We're large enough

that while a lot of people walk when they're forced to walk, there's enough traffic around that it's not true that you walk on campus. We have to be sensitive to community-wide concerns, meaning not just the campus community but our neighborhoods and municipalities all around the campus, in terms of parking and circulation needs, and we will have to restructure the fee arrangements to make them equitable and to meet the needs of this improved program.

"We just provide funding for the major projects and improvements, roadways, parking lots, new ones and repair, and other improvements. We probably will have to expand the bus fleet. We'll have to have borrowing capabilities. Before I go into what we're thinking about in terms of solutions, let me just say as background a little information. The University now provides a direct subsidy to the transportation system, to parking and traffic and circulation, of over half a million dollars. Indirect subsidy, through things like plowing of lots and other things, probably come to some number like that. We have now been successful in instituting and implementing a fee for replacement parking--when a new building goes up, new construction goes up, as I mentioned before, they have to replace any parking that they soak up. If they go on a parking lot, that has to be replaced, and provide also parking service for that facility. In addition, we've been successful now in implementing a 2% charge against new construction and large construction projects, recognizing that that facility, whatever it might be, will put a demand on the system overall, not just right there where they are, but in terms of people getting to and from it, and the bus service, maintenance, and other kinds of things.

"We also have some support from the state in terms of our transportation system. Some of the solutions and options that we're looking at, obviously, more convenient parking. Believe it or not, we do try to, as much as we can, and it's very difficult, especially if you get in the center core of campus, to provide convenient parking for everyone. We are looking at a park-and-ride system. Actually, we have a park-and-ride system now. We have the A lot and B lot at the extreme, or what used to be the peripheral campus, with buses coming in from them, but there are other parking lots around campus with bus service going around, so you can park in a lot somewhere and take a bus.

"Ride-sharing, when gas was quite expensive probably ten years ago, was something, car-pooling, whatever term you use, which was very popular and a number of people participated in that. Some still do, but the incentives in terms of gas pricing no longer are pushing people to do that, so it's something we want to look at and try to emphasize.

"Improved transit, both on campus and county-wide. You probably know that CU Transit Inc., the buses that run around campus, also operate with the Tomtran system and Tompkins County, and we provide therefore, I think, the large mass transit system for the county.

"We want to increase enforcement of regulations, so that we have a more orderly system. You probably are aware that enforcement has increased over the past couple of months, much more than it has been. We'd like to keep that up and improve on that. We want to look at access restrictions, so that those coming on the campus are those who are, by permit or whatever, by our rules and regulations, those who should be on campus, and those who should not be on campus will have to use outlying lots, and either walk or bus in, or make other arrangements.

"Again, in terms of the neighboring communities, the areas around the edge of campus, we want to ensure that neighborhoods, as much as we can, whatever influence we have on that, are not overrun with cars that park there all day and sometimes all night. That's a very difficult issue.

"Circulation improvements we're looking at but the Sasaki Campus Master Plan is looking at that, and you'll hear, or you may have already heard of things like peripheral roads going all around campus so cars can sort of circulate that way around campus rather than trying to penetrate the campus every time you want to get from one side to another, and you'll be hearing much more about that as you hear from the overall Campus Master Plan, as well as the next, which is opening up, looking at areas on campus where increased development of the campus for facilities, because wherever you place facilities you have to worry about parking, about circulation, about transportation, and we're looking to improve, again, our short-term parking options. We have substantial improvement on the recent past, and we're looking to improve that even more.

"In terms of what we have right now, we have a little over 9,000 spaces on campus, and I mentioned before that we estimate on a net basis that we'll need about 1300 more over the next five years, so we'll end up with somewhere close to ten and a half thousand spaces. In terms of the projects we know that we have to be doing over the next five years, we know we'll need additional parking to get to that 1300 number. That \$2 million we mentioned there is looking at some kind of surface parking arrangements. We don't know where or anything like that. We have some ideas, but again, it's part of the overall campus master plan. The parking garage: we're estimating over the next five years we'll have to build another parking garage. Our first one came on just a few years

ago, and we estimate we'll need one more over the next few years. Sasaki is looking out over ten to thirty years and are estimating we'll need four more parking garages.

"Tower Road has to be taken care of. Cars now are parking on it; it's very near trees, and we're committed to improving Tower Road, with parking along it. As I mentioned we'll need new roads and circulation, at this point pretty much unspecified, the possibility of more buses, and if you put in a contingency and add it up to nice round numbers, we're talking I believe at the minimum \$15 million. If Sasaki comes out with a circulation plan that's approved and accepted, more complicated than what Bill Wendt and I know about now, and others, that number could actually go up.

"Well, this is very brief. I mentioned in the beginning that parking fees will have to be increased to cover the improvements that we have, even though we're looking for other sources of funds, fees are an important source, a large source, of funds in terms of the whole transportation system, but they'll still be within the range of fees for local and similar institutions. We must worry about safety and environmental issues, and lastly, if we did nothing, we'd have absolute chaos and disaster on our hands.

"So that's where we are in terms of issues, what we're looking at in terms of planning. If the Dean of the Faculty will turn on the lights for me I'd be happy to entertain your comments and questions that you may have. One of the things that I do value is, I've gotten a number of responses from people to the letter I sent out, oh, probably a month or so ago, and they've been helpful, and we've been looking at those in terms of our planning. I will be responding to each of them. As I say, they've been helpful, but if you have any thoughts or ideas now or later, give me a call, or Bill Wendt, or drop me a line. We would appreciate that."

Speaker Martin: "Do you want to take questions now?"

Mr. Gurowitz: "Whatever you'd like to do."

Speaker Martin: "I would remind you again, please identify yourself for the record. Secondly, the Executive Committee has reserved the last fifteen minutes of this meeting, which gives us a half hour if you wish, but from 5:45 to 6:00 for the last item on our agenda, so if you'd keep that in mind, it would be helpful. Yes."

Karl Shell, Robert Julius Thorne Professor of Economics: "I'm relatively new to the campus, so I have a question directed both to the Transportation Department and to the faculty. I need education on, whether I don't understand the Transportation Department or I don't understand the operations of my own department, or whether I'm out of some step with the security of the University. My particular question has to do with the fact that our department had a distinguished visitor from overseas, and we had fair warning of his coming; yet, despite my best efforts, and they might have been inadequate, he was forced to stand in line during student peak and so forth, to achieve his parking arrangements. This is something that he wasn't used to, something that I wasn't expecting, and as I said before, I was wondering if there were other procedures that we could have followed. Did my department miss the boat, or am I sort out of step with the way things are done at Cornell?"

Speaker Martin: "Excuse me, Bill. Why don't you come down here? This is William Wendt, Director of Transportation. They can throw things down easier than up."

Mr. Wendt: "I'm not sure of the particular circumstances of why that happened. One of the roughest times is when students return and new faculty come at the same time. Sometimes we're able to be much more gracious when people arrive over the summer months. I'd be delighted to talk to you about the particulars."

Professor Shell: "If someone knows in advance that a visitor is coming, what should they do so that arrangements can be made?"

Mr. Wendt: "Call in to the Traffic Bureau and tell them as best you can, what you think the individual will need, whether they're coming with an automobile or not, and tell them exactly where they'll be staying, what they'll be doing, and we have fairly elaborate guidelines to deal with those things."

Professor Shell: "So he would not have had to arrive at your office, if we had done this right?"

Mr. Wendt: "Most offices, when they have a distinguished guest, may send someone out to go for a parking permit, to make sure it's arranged in advance."

Speaker Martin: "Now this was our next speaker, but Dick, does your comment refer specifically to this?"

Professor Richard E. Schuler, Civil and Environmental Engineering and Economics: "Isn't there a requirement, though, Bill, that the person must go up to sign?"

Mr. Wendt: "No. There's a requirement, but the person has to fill out a contract that they're purchasing a permit, but I don't think I need to see them personally. Departments do arrange and do get forms for people in advance and have them fill them out and get them returned to our office. We don't need to see the individual. We do need a signed contract if they're authorizing payroll deductions or something, but departments do arrange that for distinguished guests, get the form, get it signed, and get it back to us and you can pick up the permit."

Associate Professor Ken Birman, Computer Science: "We've been watching the Theory Center go up ... "

Speaker Martin: "Can you all hear the question?"

Professor Birman: "As you undoubtedly know, the parking garage is now at full capacity, and obviously that is a location that is going to bring additional people in to campus, and I was wondering if you could just summarize the plans for dealing with parking in the Engineering Quad, near Upson Hall?"

Mr. Wendt: "Ken, one of the reasons the parking garage was built with 700 spaces was anticipating that there would be some project that was known about that. We still have in the parking garage several hundred student spaces. In the processing system we allow faculty and staff to obtain permits and keep them on an ongoing basis and students are only on an annual basis, and students leave the institution, so more of those students will be leaving the parking garage and you'll see less students getting permits for the parking garage as more and more staff put a demand on that facility."

Professor Birman: "Is the parking garage actually oversubscribed at this point, because I've had the experience of there not being enough parking spaces, despite the weather."

Mr. Wendt: "I think there have been periods like that this fall, Ken, and if you look at the days when that happened, that would coincide very clearly with construction activity and the closing of the lots between Lynah and Teagle, which were also H permit lots. I spoke with some of the engineering department chairs about that and we have

observed that that's exactly what happened. When construction closes roadways down and closes parking lots down, the people are bumped into another facility. I think there's a reasonable amount of oversell of permits to spaces, and we try to maintain that kind of reasonable amount of oversell so that you should be able to find a space on a daily basis. Construction really does throw that off."

Speaker Martin: "Are there other questions? Yes."

Professor Charles S. Levy, English: "Dean Lynn urged me to participate in this debate because I've been in touch with him twice about a problem which has to do with one of the items that you projected on the screen. Those of us who work on the Arts Quad and were required to use the Y parking area if we pay for permits, have found enforcement not improving, but rather deteriorating very, very badly. This is exacerbated by the fact that the enforcement of the gate regulations have thrown most people who were turned back at the gate into the parking spaces of the Y area, none of which is protected by the gate, to the point that just this afternoon, at 3 o'clock, a sample of twenty-five parking spaces along North Central Avenue showed thirteen unpermitted, illegally parked, cars. I hoped that Bill Wendt would tell us what he planned to do, and precisely when, so that we could come to work, those of us who can park only in the yellow, area, otherwise simply cannot park, and I would request the privilege of the floor once Bill has outlined the plans to let us back on campus."

Mr. Wendt: "I met with a number of department heads and the dean, the associate dean, and the administrative manager of the Arts College just a week ago about this problem. We have put increased enforcement down there, but you're right. The people then go down through and ticket their cars, and we come back a while later, and they just fill up again, because it is outside the enforcement groups. One of the things in the discussion we had with the folks there that we are actively looking at, and we told them there as well, is the possibility of putting gates up for North Central Avenue and for the Sibley-Lincoln area, so that people would have, similar to the gates that are or will be in the parking garage, so that your regular ID card could be encoded with what you're allowed to enter, and so only those could get in there that had legitimate permission to park in those areas, so I'm hoping--it's a hope--that by summer, if it's financially feasible, that by summer we will have gates there, and probably in a couple of other places around campus where they're outside the booth active entry points. You're absolutely right. People come, and if you say, no, you can't go through the booth, it's very easy, if it's the booth by Triphammer Bridge, then

you just go over either to the Sibley lot or North Central and that's been the difficulty there. We've written a ton of tickets there over the last little while, but as I say, if you wait a little while, you get a whole new crop of illegally parked cars, and that's led to some difficult situations. That's what our plans are, and we're going to continue with the enforcement, but unfortunately, you know, a ticket for some people is not a deterrent from parking. Bill, do you have anything you want to add?"

Mr. Gurowitz: "Well, I was hoping to hear something about spring semester, when you do wish to carry forward with that?"

Mr. Wendt: "In terms of getting the parking gates up, that would just not be possible. It would be summer, I think, at best."

Professor Levy: "Well, what are your interim plans?"

Mr. Wendt: "The interim plans. We have, at least a few times, actually put someone at the entry to North Central Avenue, a Public Safety officer, to keep people out. We just can't do that on a regular, routine basis, although we'll try to do that more."

Professor Levy: "You can't do it because of costs? Can I call your attention to the anomaly of charging a fee to provide a service, and then saying, sorry, the money's run out; we cannot provide that service. You're quite right, Bill. The tickets do not deter students. They would more likely deter faculty members rather than students, and I want to turn to the issue of increased parking fees, and deterrents in a moment. Unless you were to increase ticket fees for these specially vulnerable areas, to perform a dual function, that of effectively deterring illegal parking and at the same time covering costs of really effective ticketing. Furthermore, some towing takes place in that area, but apparently out of the library lot, not out of the faculty parking slots, and not even out of what might be considered a fire zone on North Central Avenue, that is, the curb on the brow of Libe Slope. Just this afternoon, a fire truck had to come through North Central Avenue for an emergency at the Undergraduate Library; at Morrill Hall or even at McGraw, there was a UPS truck parked, making deliveries, and a dozen cars illegally parked along the yellow line curb. You would have had a real problem. Towing cars illegally parked along a forbidden curb is by no means an unusual procedure. The individual automobile owner will find his door stove in because someone trying to park in a slot for which he or she has paid \$200 a year, or trying to pull out, when the turning area, the width of the road, is smaller than the length of the

car. That, it would seem to me, and I would like this to be expressly on the record, that seems to me to constitute contributory negligence on the part of the University, in not keeping that lane clear. A simple protection for those of us who might find ourselves faced with hundreds of dollars of body shop charges as the result of our not really having parking spaces into which we can, out of which we can pull safely, and others who are parking right next door to us. This is something that simply must be done within the next month, before the student rush to the Y area recommences. Let me say something more now about this matter of fees, when you've dealt with this immediate problem."

Mr. Gurowitz: "Bill and I were just talking in terms of the fact that, at least for some, the fine for illegal parking doesn't seem to be a deterrent, and Bill expressed his point of view that this is an issue that should be raised for the Committee on Transportation Services to see if we shouldn't increase that. We also have a policy, two policies, in terms of towing. One is that we don't tow in terms of the non-Life Safety fire zone areas until people have received and paid for ten tickets, correct, Bill? In Life Safety zones where we see it, we do tow. Towing is not something that we like to do, or necessarily want to do, but Life Safety zones, scofflaws, persistent violators, are people that we do tow."

Mr. Wendt: "Charles, the Life Safety zones are immediate towers. The area you describe is a fire lane, but when people are not parked along that west curb they are not blocking that fire lane. It was designed with a wide enough fire lane that people may be parking there illegally, but they're not blocking the fire lane."

Professor Levy: "But as I say, is it necessary deliveries have to be made?"

Mr. Wendt: "Deliveries do have to be made."

Professor Levy: "Then must we simply direct our insurers to try to recover our deductible from the University, on grounds of contributory negligence in this? Really? To take fees to provide service and then to claim that you don't have the resources out of those fees to do so, when the means for providing the services would constitute a first charge upon that service, borders on the fraudulent. It's like taking money from prospective condominium owners to build a condominium and then say, well, we've taken all your money but we don't have enough to proceed to build the condominium. But I would like to address the-- "

Speaker Martin: "Excuse me, Professor Levy. Your other question dealt with another matter, correct?"

Professor Levy: "It deals with the proposed higher new fee structure."

Speaker Martin: "Well, we have some other people who wish the floor; would you be willing to let them?"

Professor Levy: "I'm perfectly willing, so long as in some appropriate venue the problem of returning to the original deterrent function of parking fees receives a sufficient hearing."

Mr. Wendt: "It's going to be with the Committee on Transportation Services, for their discussion in the near future. Does that take care of it?"

Professor Levy: "No, it doesn't take care of it; it simply postpones a serious discussion of it, but I realize we may not have time here."

Speaker Martin: "Professor Lemley, and then the Professor of History."

Professor Lemley: "I'm going to keep this short. I was pleased to receive your letter requesting input and it's on my desk, and you know, it's in that end of December, beginning of January list of things to be done, but it seems to me in a research university like this, I've been here twenty years or so, there is adequate expertise in gathering data, and it strikes me that the data that has never been gathered is the human need data. I think that it would be money well spent rather than just sending out a letter where you will get very specific problems, which is good, because you can deal with them, but some real good data base with the needs of people working at the University. If nothing else, we will vent our spleens and say what we really want. You're not going to be able to solve all our problems, but you've got master planners, you've got consultants. What is their data? What is their input? How do they know what kind of lives we lead? Maybe I am unusual, wanting to park near my building and get access to my car during the day, and doing my exercise inside in the winter instead of outside. But why can't you get us some decent data other than just one-shot deals, and make that part of this plan, and understand what some peoples' needs are as well as green walking space?"

Mr. Gurowitz: "Bill, do you want to give them what data we've got?"

Mr. Wendt: "Yes, it's quite important to have good data at a time when you start to spend millions of dollars on parking garages, you want to be sure that you're spending it wisely, in sizing the structure correctly, and five different studies were done on campus and we're looking now at our data base that we have at hand."

Professor Lemley: "But do you have what people want? You've got where cars go, you've got this and that, but I come from a college where we're also concerned with people's behavior and what their needs are. Have you ever surveyed the faculty and staff on this campus?"

Mr. Wendt: "Well, we do get a good idea of what people want by their requests for parking permits, and we're able to pinpoint those areas where we can't meet those needs. For instance, in the Arts Quad area, we know that we have many more requests for parking around the Arts Quad, and many more faculty and staff in that area than we're able to accommodate. We do have something like that, and I think by people making their requests to us, we don't just send them off and not keep track of that."

Professor Lemley: "I suggest you talk to a good social scientist to give you a good perspective."

Associate Professor Isabel V. Hull, History: "To be very brief, I just came to give my support in the strongest possible terms to the speaker that just preceded me and to say that this is a really serious problem that has a major negative impact upon teaching at this University, that it is something that has long passed the critical point. We'd better move it up to priority number one and there had better be some kind of interim solution in the spring, or you're going to have a lot of really furious people on your hands especially those in the Arts School which, the parking there is just impossible, and one small thing, it would be made even worse if you can't clear snow out of these spaces in the coming spring, because that removes another six to seven spaces in every single lot."

Professor James Gillett, Natural Resources: "I have a forty-five minute walk to my laboratory from my office. I cross campus because I have to cross 366. Are you going to do something about the choice I have of looking for a parking space for twenty to twenty-five minutes or walking to my lab and my office. It's a really serious problem."

Mr. Wendt: "You mean the signalling or lack of it?"

Professor Gillett: "The lack of ability to walk up from 366 up through Judd Falls Road to a facility, both the University facilities. It's off campus."

Mr. Gurowitz: "Are you talking in terms of walking or in terms of getting across 366?"

Professor Gillett: "I would just as soon walk if it were possible to do so in a reasonable time period. It takes five to ten minutes to cross."

Mr. Wendt: "It's very difficult with the campus sitting both in the town, city and village, and the town does not have sidewalk ordinances, and there are not sidewalks as you get across 366 or out on East Hill Plaza. We've been successful over the past few years in making some gains there for pedestrians. There is a recent new sidewalk along Pleasant Grove Road, for example, where we've had lots of students and faculty en route to the Corners and we've been working with the village and the town to ensure that sidewalks were put into place. I think we've had the same phenomenon and needs for work on the other side of route 366. That's a state highway; there's a county road and a town road coming into that Judd Falls and 366 intersection, so there's many municipalities here in planning those kinds of improvements."

Professor Herbert H. Johnson, Materials Science and Engineering: "I'd like to return to the engineering situation for a moment. The lots behind Bard, Thurston, Kimball and Hollister are impossible during the day; unless you arrive by 8:15 in the morning you can forget about it. But for those of us who work evenings and weekends, we also find that these lots are taken, although they never used to be, and it's my impression that they're being used as parking lots for Collegetown. The folks who are using the Collegetown facilities in the evening and weekends are using those lots instead of going over into Collegetown. There is a sign up on the entrance to these lots saying that a fairly substantial array of permits are entitled to use these lots in the evening, but it's my impression that that's rarely enforced, and it's not enforced at all on weekends. This is a serious problem for those of us who work during those hours. What do you recommend?"

Mr. Wendt: "Well, you're observant, you have seen the new sign, and that regulation actually only went into effect when that sign's only been there for two weeks."

Professor Johnson: "Well, it's a very little sign."

Mr. Wendt: "There is also a DDD mailing that went out from Sam Rowe at the Traffic Bureau. I think most of you would have received that last week, which noted that that lot behind Snee Hall and Hollister had been restricted for faculty use at night. The permits that are listed there are all central campus faculty and senior level permit types. So those regulations there will actually be enforced come spring semester and go into effect, that's the gist of the DDD mailing that went out, but our attempt there is to reserve a small lot, the one behind Snee and Hollister, for that kind of evening use. Dick White came to us several years ago and talked about it. The Performing Arts faculty with a new facility there and the Law School faculty, all have a need for that kind of mobility and that's why that regulation just went into effect. But we do have to enforce it, and make sure that it's enforced, or it won't work."

Question: "Will that apply on weekends?"

Mr. Wendt: "It does not apply on weekends."

Professor deBoer: "There are several of us on the campus who bicycle, and I think that bicycling can be at least some small contribution to the solution of all this. I didn't see any plans on your slides for providing bicycle paths or providing roofs, or at least sheltered areas to park bicycles outside. It seems to me that all of those things might help."

Mr. Gurowitz: "The Sasaki Plan, and Bill may be able to comment more on it, and looking at the overall campus master plan, is at least looking at bikeways, and actually, as we're doing new construction of roadways and sidewalks at some facilities, we're putting in bicycle paths. Bill, you may want to amplify on that."

Mr. Wendt: "You see some improvements going on from Statler Hall and those improvements are going to carry all the way up Schoellkopf Drive to the B lot and there's also improvements that have begun at the other end by Morrison Hall. Professor Adelman from Landscape Architecture is very instrumental in developing that concept, and what we've developed along there is a Class A bike plan, a Class 1 bikeway system, similar to

the University of Illinois' and the University of Michigan's, and that will provide a four-foot bike lane on each side of the road, one-directional traffic, at the time that that road and extension is completed. That would be our first really Class 1 bikeway on the campus, with the new Schoellkopf drive extension. We need to do further studies and find someone that can help us develop a plan to get through some other very difficult areas where we don't have the luxury of building new roads and new sidewalks and probably we'll develop more of a Class 3 or a Class 2 system. So I think you'll see, over the next few years, efforts to do that, and we have made that part of the charge to the campus plan and the Sasaki people, to look at a bikeway system for the whole campus."

Associate Professor Richard S. Booth, City & Regional Planning: "Two comments. Bill knows this. As someone who also sits on the City Council, the faculty should know that it is in the city's long-term interest and probably as quickly as we can do it, to move as much all-day parking off city streets onto the campus, and I think the city has been aggressively seeking ways to do that, and that will aggravate the situations on the campus. Secondly, you began with a comment about the Route 96 hearings tonight. Those hearings contain a projected traffic increase of 42% over twenty years, coming into Ithaca, and the people that are looking at that believe that that is easily conservative, and if 42% is going to increase on Route 96, I'd say that we're going to get at least that amount on the Cornell campus, and I would plead, as a member of the faculty, that we look at radical solutions that will be in the park-and-ride bus transit area, because I think we're going to lose the central part of this campus. We can consume everything in terms of roadways and parking spaces, and I don't think any of us want that, and I think those are the directions and the impacts that increased traffic will bring us unless we do something now to get ready for it."

Professor Robert Playter, Clinical Sciences: "I was concerned about your 2% levy, tax levy on new projects, because we're planning a rather large project up there. We're talking about nearly 6500 square feet of space. Is this going to be implemented soon, or what are your plans?"

Mr. Gurowitz: "One of the difficulties that Cornell in its great diversity with statutory and endowed, is that the 2% that we've got control over are with what we call endowed projects. We have very little control or probably hope, knowing what the state budget seems to be like that we could do that with a statutory project, and we've been working with the state before all this state budget crisis came up, to

see if they couldn't do a 2%, which they don't, because the state runs their parking systems very differently on the SUNY campuses, where there are enterprise units, and the state doesn't provide funds for parking lots. We are looking at ways that the state could provide in kind things for us, you know, improvements in lieu of this 2% charge, so my understanding at this point is that statutory kinds of projects will not be able to contribute toward this 2% charge."

Professor Norton: "My comment pertains to the plans to eventually put gates on the North Central Avenue and Sibley lots, at which it is sometimes difficult to park. What will be the effect of that in the evening? I mean, I think it's a major problem for any of us on the central campus who want to come back in the evening. In fact, when I'm teaching I just don't go home. I mean, I eat in Collegetown or I eat someplace else. I know that I cannot count on finding a parking space if I bring my car back on campus because of the hordes of students who pour in there after five o'clock when all of us leave."

Mr. Wendt: "One of the advantages of a parking gate is that it's controlled. In fact, one of the things that we discussed when we met with the Arts College, some of the Arts College department heads and deans, was that maybe, their suggestion was maybe at North Central Avenue the gate could be a twenty-four hour gate, and that would be restricted to permit-holders, and that's one of the advantages you could do with a parking gate. So we're at least looking at that as well."

Professor Donald J. Barr, Human Service Studies: "I'll make this quick. Two things I'd like to pick up on. I'd like to give some support to Ann's suggestion earlier and a couple of examples. I think that, for example, that we can predict that there are more dual-career couples on campus than there are single parents and that their needs are related to access around children quickly. My guess would be that it's a hell of a lot different now from what it was ten years ago, and not paying attention to that, it seems to me, is irresponsible on our part in relationship to their needs. Second, I want to respond to the first speaker from the Economics Department concerning visitors. I would really like it, or appreciate it, if you would put out a policy to all department chairs, related to or explicitly stating for visitors, visiting faculty members, how they can facilitate parking space for them as quickly as possible. I think the way we respond to visiting faculty members in our housing and parking is very important in how they feel about the University when they first arrive. I think we ought to think about that very seriously in terms of it being a first-class welcome for them when they get here."

Mr. Wendt: "I agree fully with both your comments. Doug Fitchen isn't here, but Physics and Chemistry have been two departments that have been doing a very first-class job in letting us know what new faculty, what new visitors are coming, because they are the first ones to know about that at the department level, and I agree, we need to get something out to people to remind them that you can help us a lot and be good hosts by letting us know who's coming and who's leaving, and so we know what's available and we can respond appropriately when people come, and we will attempt to do a good job this spring of reminding departments about that, so we understand who's coming and going, and can do a much better job of that."

Speaker Martin: "If you have further comments or questions, don't hesitate to refer them to either Bill. Thank you very much. The Chair next calls on Provost Barker for an update on the computer virus, and any further items he may wish to speak about."

7. UPDATE ON COMPUTER VIRUS

Provost Robert Barker: "Thank you, Mr. Speaker. We've been in the news recently, not of our own choice, on the matter that's been referred to as the 'computer virus', because it's been reported in the press that one of our first-year computer science graduate students, Robert Morris, is alleged to be responsible for developing and releasing a virus. I'm one of the world's non-experts on computers. I'm told that it is better described as a worm. This was released into the national network, causing a considerable inconvenience, to say the least, brought considerable media attention, and there's been quite a bit of debate about the merits, and lack thereof, of this type of activity, and also the possible underlying motivations of individuals who participate in it. There was no damage done, in the sense that files or data were destroyed in the process, and that's as much as we know at the present time. There was, however, considerable nuisance value and it must have taken a considerable number of hours to eliminate the virus from the various computers into which it entered and reproduced. As far as I understand it, the intent behind whoever released the virus was that it would enter computers, there would be one copy, it would be silent, that neither the computer nor the operator would know it was there, and presumably at some later time it could be declared to be there, demonstrating something about the vulnerability of the system. But there is a point where very large dollar numbers have been talked about or mentioned in the press, and our best estimates are that they are considerable overstatements of what the cost of this was. I'm saying that not to make it less of a concern, but only that it was probably

much less than the \$96 million that was being talked about. We've made it quite clear that we deplore such acts that interfere with other people's computers, and with computer networks, and I know that the Computer Science Department makes that clear to students as they come on board. The issues are complex and there are widely different views. We felt it necessary to make it quite plain that it is wrong to show disregard for the time of others, and to break what I consider to have been a trust in the use of the network which is involved, which is understood by all to be a vulnerable network. What I've done since I first heard about this and as background for any possible disciplinary action on the University's part, I've asked Vice President Stuart Lynn, who doesn't need an extra job but has taken it on, to conduct a preliminary investigation to determine whether Morris was indeed the perpetrator, to confirm that no other member of the Cornell community was involved, and to consider computer security policies in light of this particular event. He has appointed a group to assist him in this, which has several faculty members from Computer Sciences and elsewhere. I asked him just this afternoon when we might receive a report. There has been a draft written; it's probably going to take two or three weeks for the group who are writing it to put it through a couple of iterations and I expect to get a report towards the end of January at the very latest. That report will determine what, if any, judicial action we will take, and it is not, this discovery, if you will, that is going on, is not intended to replace any of our regular campus procedures. When we know what we know, we'll undertake to determine which of those procedures we would pursue. We've been cooperating with the federal authorities in their investigation into whether federal laws have been violated, and at the present time, Mr. Morris has taken a leave of absence from the University, since it's obviously not feasible for him to continue his academic studies, and that's where matters stand at the present time. I'd be pleased to try to respond to questions if there are any."

Associate Professor Klaus W. Beyenbach, Physiology: "What effect would your fact-finding mission have for the student in legal terms? Outside the University?"

Provost Barker: "I'm not sure I can answer that. I think that there would probably be a possible damage to the student if we were to initiate an actual action before the external matters have been determined, and that's one of the things that I'll have to look at when I do get a report. I don't know what the report is going to say yet, obviously, and it's possible that at that time I'll have to face the dilemma whether an action that I might take would have some prejudicial

effect on other things which are under way. In his current state of being essentially on a leave of absence, I'm not sure as I stand here whether he falls within our jurisdiction, and whether he would have to choose to re-enter before we could do something. But we have to--it's one of these not infrequent dilemmas for the University that you have to be on both sides of the issue, and we have a responsibility to the community, we have a responsibility to take action against people who do break trusts or commit fraud or whatever. On the other side of it, we have to try to be protective of those people, to make sure that we're not doing them some damage more than might otherwise happen to them.

"I have a couple of other things I'd like to mention, if I may. It was mentioned that there are hearings tonight and tomorrow night on the Octopus, and I would like to tell you that the University administration, in a rather unusual position for it, will appear, in the form of Jay Morley, Senior Vice President, to indicate that the University wishes to, or the administration of the University, at least, not representing the faculty, not representing you as individuals, take a position in support of what's called Alternative C. I recognize that there are people who will oppose that, but it seemed to us that in view of the fact that we have concern about the community of Cornell, access to the hospital is increasingly an important thing to try to ensure, and that you have daily interruptions of the possibility of getting there, ranging from ten to twenty minutes and so forth, that we should step up to this one and take a public position. I thought you should know that, in case you wish to go and be in opposition to the University and the position it's going to take.

"The other thing that I would like to mention is the budgetary situation at the University. Those of you who are on the statutory side of the house and those of you who read the newspaper, must be well aware that the state is looking at a budget deficit in the current year which is around \$2 billion, and the effect that this has had on the University is that essentially the statutory units have taken three budget cuts in a year. I have to tell you from first-hand experience those are the most difficult kind to deal with, in which you may have made good plans for a year with a tight budget, and then you find out half-way through that you have to reduce your expenditures. The most recent of those, which sounds not too bad for a group of colleges who receive about a \$100 million from the state, they have to take a cut of \$383,000, but it's in the last three months, and if you translate that out, it's about \$1 million a year, and that on top of previous cuts which have been of that same order of magnitude. The first thing that the colleges have done is to say 'stop' to almost everything that was going on, because there's

nothing much else that you can do, but it's fairly clear that the state is going to look at the same kind of shortfall, in fact, somewhat larger now projected--\$2.3 billion, next year--and that means that some of these cuts, at least, will probably become institutionalized, and that there will therefore be some permanence to the reduction. There are effects of that on the endowed side, and then there are some endowed effects of their own. For example, it has been proposed by the Governor that Bundy Aid, which is a fee that we get paid per graduate of our institution from the endowed side of the institution by the state, that it would be fair to cut Bundy Aid, even though it's a kind of contractual agreement, because after all, the statutory units of SUNY are taking cuts; why should not the privates help deal with some part of the state's shortfall? In addition, there has been a significant turndown in the last four or five months in research income to the University. That is reflected in a turndown in indirect cost recoveries, which at the present rate would put us about 10% below what we budgeted. Now, I'm trying to make a clear point. This year we budgeted that indirect cost recoveries would go up about 5%. They actually look like, at the present time, they're going to go down 5%, so in terms of our planned budget 10% of \$26 million is easily converted into \$2.6 million. The Bundy Aid decrease may be as much as half a million dollars, so it's quite likely that we will have to do some savings on the endowed side also.

"And finally, as we look at the year up and coming, the only revenue stream which will be increasing significantly on the endowed side is tuition revenues, and we will probably be looking at some institutionalization of the reduced revenues unless we see turnarounds in some of these other revenue areas which are not apparent at the present time. So I'm saying this because the statutory does affect the endowed. At the very least because the statutory pays its share of the operation of the campus and so forth, we're going to have to be helpful to them to reduce the extent to which they have to pay into the endowed, but in addition the endowed will have some tightness in its own budget. I'd be glad to respond to questions about that issue."

Speaker Martin: "Do you have questions? Thank you very much, Mr. Provost."

Provost Barker: "Can I close by saying, have a [laughter], have a happy holiday!"

There being no further business to come before the body, the meeting was adjourned.

Mary Morrison, Secretary

November 4, 1988

LETTER OF INTENT AND PROPOSAL

to

OFFER THE M.H.A. (Master of Health Administration Degree)

Sloan Program in Health Services Administration
Department of Human Service Studies
New York State College of Human Ecology
Cornell University

MEMORANDUM

To: Vice Chancellor for Academic Programs, Policy and Planning
State University of New York

From: Frank H. T. Rhodes, President
Cornell University

Re: Letter of Intent to Offer the M.H.A. (Master
of Health Administration) Degree

Date:

The following letter of intent adheres to the outline and order detailed in the Memorandum to Presidents, Vol. 85, No. 5, of March 5, 1985.

A. Program Identity

1. History of the Sloan Program

Cornell University and its Sloan Program in Health Services Administration seek New York State authorization to offer the M.H.A. (Master of Health Administration) degree, beginning September, 1990. If approved, the M.H.A. degree would be under the administrative supervision of the New York State College of Human Ecology.

From 1955 through the spring semester of 1984, the Sloan Program was part of Cornell's Graduate School of Business and Public Administration (which became the Samuel Curtis Johnson Graduate School of Management in 1984). During that time period, nearly 700 individuals completed graduate training in the field of health services administration, and were granted either an M.B.A., M.P.A. or M.P.S. degree. The Sloan Program achieved an international reputation for excellence.

As a result of extensive advisory council deliberations, the Graduate School of Management decided in 1983 to concentrate the School's resources and talent on private sector management problems. Early in 1984, the Department of Human Service Studies in the New York State College of Human Ecology sought to have the Sloan Program transferred to the New York State College of Human Ecology, where an affinity and complementarity of interests and capabilities were mutually recognized. This transfer was successfully completed in the summer of 1984 and a class was enrolled that fall. Total student enrollment in the two-year Sloan Program in 1984-85 was 17 and grew to 28 in 1985-86. Enrollment has been maintained at approximately 30 since then with 15 students admitted each year.

At its regular meeting in October, 1987, the faculty of the New York State College of Human Ecology voted 43 to 0 (1 abstention) to approve the Sloan Program as a permanent part of the curriculum in the Department of Human Service Studies in the College of Human Ecology. This vote was the culmination of a three-year review and approval process within the College.

The Sloan Program, with its well-developed policy and management curriculum, is strategically positioned in its new location to become an innovator in forging important linkages with social services which are emerging as the key to addressing major policy problems associated with the cost effectiveness of health services delivery and the needs of an aging population.

2. Need For a New Degree Option

When the faculty of the College of Human Ecology and the College Educational Policies Committee approved the transfer of the Sloan Program in Spring 1984, they endorsed the plan to request a Master of Health Administration Degree. It is generally acknowledged that the single most important problem encountered to date, however, centers on the degree available to health administration students. Currently, the only degree Sloan Program participants have available to them the Master of Professional Studies (M.P.S.) degree in Human Ecology. This same professional degree is awarded to students who complete requirements for majors in nutrition, consumer economics, human development and family studies, design and environmental analysis, textiles and apparel. The M.P.S. in Human Ecology requires a minimum of thirty (30) course hours in appropriate course work and a bound report on a "problem-solving project". In contrast, the Sloan Program in Health Services Administration is structured as a two-year professional degree program and requires sixty (60) hours of appropriate course work, with 1) a health services core; 2) a management core; 3) human services core; 4) electives; 5) a summer practicum; and 6) a problem-solving project. It is unfair to the health administration students that the M.P.S. degree does not reflect the specialized nature of their heavier course load.

The Accrediting Commission on Education for Health Services Administration made the following recommendation to the Sloan Program in its Reaccreditation Site Visit Report in April of 1979:

"10. Serious consideration should be given to replacing the M.P.S. degree with the more recognized and acceptable Master of Health Administration degree. Such a change would better distinguish the Program as a health administration program and increase the marketability of students in the health administration market place."

In its February 20, 1986 report following a November 1985 reaccreditation site visit, the Commission reaffirmed its recommendation that the Program seek to offer a Master of Health Administration degree.

1. "11. Unlike the MBA, MPH, and MHA degrees, the MPS is not well recognized in academia. Therefore, the Master of Professional Service degree does not serve the career and professional needs of the Program's students."
2. "8. The site visit team strongly endorses the change from a Master of Professional Studies to a Master of Health Administration degree."

The reasons for which Cornell seeks authorization to offer the M.H.A. degree can be summarized as follows:

1. The M.H.A. is widely recognized and accepted in the health care field, and thus facilitates the recognition, acceptance, and placement of program graduates;
2. The M.H.A. is a targeted degree reflecting both the focus and orientation of a professional degree program;
3. The M.H.A. appropriately differentiates the professional training offered by the Sloan Program from the other master's programs in Human Ecology with the M.P.S. in Human Ecology degree;
4. The addition of the M.H.A. degree would serve as a useful marker to the academic and professional worlds of the changes in location and approach of the Sloan Program as it affirms its ties with the missions and aspirations of the New York State College of Human Ecology and the Department of Human Service Studies; and
5. The M.H.A. degree reflects the synthesis of health and administration studies and the search for balance between the values of managerial efficiency and equity; these values are paramount to the intelligent organization and delivery of health care services, and form a key element in the Sloan Program's philosophy.
6. The M.H.A. degree is the appropriate degree for the health administration curriculum offered by Cornell which encompasses management subjects as well as the integration of health and human services. Increasingly, programs in health administration in the U.S. are expanding their curricula to address the interdependency of health and social services in addressing human problems with innovative solutions that cut across institutional boundaries. In short, solutions to cost effective health care lie more and more outside the traditional health sector.
7. Dissatisfaction with the M.P.S. degree has kept many admitted students from matriculating. The M.H.A. will increase the quantity and quality of the applicant pool as well as the yield.

B. Planning Factors

1. Relationships Within Cornell University

The Sloan Program is a state and national educational resource operating within a tradition of excellence, grounded in over thirty years of experience in the preparation of health care administrators. It provides a disciplined integration of the quantitative techniques for managerial decision-making with the analytical perspectives of health policy and planning, toward the goal of producing cost-effective and socially-responsive management generalists. With its new location within the Department of Human Service Studies in the New York State College of Human Ecology, the Sloan Program has found the

logistical and curricular support to continue its development of a comprehensive, integrated approach to the delivery of health and the related social services. Parallel participation in private-sector-oriented business courses and public-sector-oriented health and human services policy and planning courses enhances student capabilities to deal with the complex organizational arrangements underlying health care and the provision of social services in this country.

The Sloan Program occupies a unique position as Cornell's only graduate education program dedicated to training health and human service managers. Providing the M.H.A. degree instead of the M.P.S. in Human Ecology would underscore this uniqueness. The availability of the M.H.A. degree, with the resulting increase in the visible clarity of Program objectives to outsiders, would serve to facilitate student choice among health administration programs generally by distinguishing the Sloan Program from those concentrating exclusively either on a business school approach or on a school of public health approach to health administration. The Sloan Program strives to balance these divergent approaches to maximize student potential to cope creatively with a changing health care environment. The availability of the M.H.A. instead of the M.P.S. in Human Ecology would also make clearer to students in health and human service-related programs of study at Cornell what educational resources are available to them through the Sloan Program.

In addition, the Sloan Program continues to work with other units at Cornell (e.g. the Graduate School of Management, the Hotel School, Department of City and Regional Planning) as well as within Human Ecology, to develop special programs and concentrations which enable students on an individual basis to combine study in health administration with work toward graduate degrees in other fields. Explorations are currently underway with the Department of Design and Environmental Analysis to offer a joint program in health facility planning and management. The Sloan Program has existed in cooperative relationship with other Cornell programs throughout its history, and the change to the M.H.A. degree will in no way impair these relationships. The flexible nature of the graduate program at Cornell will facilitate continuing collaboration within the University.

2. Cooperation With Other Institutions

The Sloan Program is the only accredited graduate program in health administration in the SUNY system. The program was recently reviewed and reaccredited on May 1, 1986. There are three other graduate health administration programs in New York State that are accredited by the Accrediting Commission on Education for Health Services Administration (ACEHSA). They are:

City University of New York, Graduate Program in Health Care Administration, Baruch College/Mt. Sinai School of Medicine; offering the M.B.A. degree;

New York University, Program in Health Policy and Management, Graduate School of Public Administration, offering the M.P.A. degree; and

Union College, Program in Health Services Administration, Health Studies Center, offering the M.B.A. degree.

In addition, there are two non-accredited health administration programs in New York State:

Columbia University, Division of Health Administration, School of Public Health;

The New School for Social Research, Graduate School of Management and Urban Professions;

and there are several more universities in New York offering course work in health care.

To the extent feasible, these graduate programs all cooperate with one another with respect to activities sponsored by the Association of University Programs in Health Administration (AUPHA), in sharing of information on student recruitment and job placement, and in promoting post-graduate management development programs. A further bond among the programs exists, in that two of the three directors of the other accredited health administration programs are alumni of the Cornell Sloan Program. This connection facilitates communication and stronger ties among the units.

In addition, the Sloan Program in its new location has the added advantage of the New York State College of Human Ecology's long record of development of articulation agreements with the other units of SUNY. The Sloan Program hopes to build on this record and develop effective bridges into graduate health administration education for interested graduates of other SUNY fields (e.g., nurses, physicians) who desire further education in health administration.

Recently, the Sloan Program was approached by the School of Management at SUNY Binghamton to see whether their students might be allowed to enroll in health administration courses at Cornell. Arrangements have been made which enable students from both the SUNY Binghamton School of Management and the Cornell Sloan Program to take course work on either campus. The capabilities in health care management on the two campuses complement each other and do not overlap.

Further interest in developing joint programs has been expressed by Dr. John Henry, President of the Upstate Medical Center at Syracuse and by Dr. Edward Wolfson, Dean of the Clinical Campus, Upstate Medical Center/College of Medicine at Binghamton. Dr. Henry and Dr. Wolfson would like to develop educational opportunities in health services management for physicians practicing in the area which would involve the Upstate Medical Center, the Clinical Campus at Binghamton, the School of Management at Binghamton and the Sloan Program. These four units have unique strengths in medicine and health care management which, when combined, could become the basis for some productive joint ventures.

The Sloan Program has extensive arrangements for clinical instruction,

including the summer practicum, structured field trips, intersession seminars, symposia by experienced practitioners, and involvement of practicing health care executives in presentations to classes. The Program's external clinical instruction, agency placement, practice teaching internships, etc., will not be changed by the ability to offer the M.H.A. degree, and thus there will be no impact on other institutions. For a more detailed description of Sloan Program activities in the above areas, please see the Program brochure included in the Appendix to this letter of intent.

C. The Need for Trained Health Care Administrators

Recent discussion about the oversupply of health professionals in the United States does not apply to health care administrators. Indeed, the data show that there is a serious shortage of trained administrators in the field and that the shortage is most serious in high priority areas of health care, such as home health agencies, nursing homes, HMOs, quality assurance, emergency services, and mental health.

A recent study conducted by Korn/Ferry International and the Association of University Programs in Health Administration (Health Administration Employment, 1987, A Survey of Early Career Opportunities) reports that for the period 1979-1985, "graduates of health administration programs are continuing to find employment opportunities within the health care industry, and very quickly. . .and usually with the employer of first choice. . .diversification, consolidation and rise of new types of health care providers have opened a tremendous new array of new long-term job opportunities for managers. Corporate staff positions in marketing, strategic planning and business development, care and clinic management positions, and a whole host of positions in managed care organizations are examples of these opportunities. At no time in the history of the hospital industry has there been a greater need for hospital executives to provide aggressive and decisive leadership."

The study shows a serious shortage of health care administrators and that the demand from certain areas far exceeds the supply, and that those areas coincide with the nation's and New York State's highest priorities for improved health services. Only a third of the current health management workforce has received appropriate training. The federal government, through the Health Resources and Services Administration, has recognized this need by providing grants and student traineeships to programs in health administration.

The summer 1985 issue of the Professional Journal of College Guidance Research, published by the National Research Center for College and University Admissions, predicts a substantial increase in health administration employment opportunities. The total estimated employment in all kinds of health services administration positions in 1982 was 303,000, according to the Bureau of Labor Statistics Industry-Occupation Matrix. The projected percentage change in employment from 1982 to 1985 is 58%, with a projected numerical increase of 175,000 positions.

The journal states that "employment is expected to grow much faster than average as the health industry expands and management becomes more complex."

Health administration had the highest projected percentage change of any administrative or managerial occupation.

Based on population projections for the United States and the growing number of health care organizations, some estimates of need have been more bullish. One study conducted by R. Hopkins Holmberg of Boston University estimated the need for new entrants each year in the field very conservatively at 3,700. This is three times the total output of all of the accredited programs in health administration. (Health Administration Education: What Next? The Journal of Health Administration Education, Vol. 1, No. 3, Summer 1983). This study cited the proliferation of new health care delivery systems across the country and illustrated the point by noting the addition of 50 new ambulatory surgery centers opening each month during the 1982-83 period. This growth is being repeated currently with other lines of health care delivery such as health promotion and wellness programs, preferred provider organizations (PPO's), HMOs, managed care plans, and home-health programs.

Health Administration: The Critical Factor in Cost Containment

National health expenditures exceed \$500 billion a year, representing over 11% of GNP and \$1,800 for every individual in the United States. Despite aggressive cost containment measures by government and the private sector, health care costs continue to rise more than twice the rate of the CPI. By some estimates, health care expenditures could grow to account for as much as 12% or more of the GNP by 1990.

Depending on how you measure it, health care is one of the nation's largest industries, if not the largest, with nearly eight million people employed. The number of employees doubled between the years 1970 and 1984 and shows no sign of slowing.

The continuing threat of health care spending that outpaces economic growth has prompted government policymakers to seek better ways to better contain growth in this area. However, the success of new measures, such as the prospective payment system under Medicare, hinges upon there being a steady supply of adequately trained health services managers. These are the individuals who are ultimately responsible for administering cost containment measures, as well as grappling with problems of nursing shortages, physician availability, and practitioners' competence. Health administrators are essential if we are to improve health services productivity and quality, achieve more effective competition, and expand low-cost alternative delivery systems.

Meeting the Needs of New York State

The need for trained health care managers in New York State is just as great as elsewhere. Although the state has led the way in planning and regulating health care services, the special problems associated with rendering care to all of the state's population and the complexity of its health institutions require a high level of competence of its health care administrators. Moreover, the recent development of HMOs and other managed

care programs places additional strains on the pool of trained health care managers.

The problem of providing adequate health care to all citizens located in the rural areas of New York State has received special attention in recent years and has led to a new initiative by the New York State Legislative Commission on Rural Resources to provide grants to programs in health administration for the purpose of supporting student research and practica in rural health care. The Sloan Program has been notified just recently that its proposal has been accepted and funding will be provided for five research assistantships and four student practica during the spring and summer of 1989. This endeavor is expected to stimulate interest in rural health care problems and provide useful studies relating to the provision of care. In addition, students participating in the rural health care practica will gain first-hand experience in rural health care delivery which should encourage some of them to seek positions in this field after they graduate.

Over its thirty-year history, the Sloan Program has served the needs of New York State by recruiting students from New York and placing many of its graduates in the state. Approximately 30% of the 700 alumni of the Sloan Program are now practicing in the state.

The Program has been successfully transferred from the Graduate School of Management to the College of Human Ecology. Growth in the Sloan Program staff has been supported by reallocation within the Department of Human Service Studies. Currently the Program enjoys sufficient faculty to meet its education, research and service missions. The linkage of health and human services at Cornell provides an exciting opportunity to have an impact on some of the state's problems associated with human welfare.

Demand for the Sloan Program

Since the transfer of the Program in 1984, the number of student inquiries, applications, and enrollments has grown.

From relatively few inquiries (64) and applications (10) in 1984, the program's first year in its new location, the program is now receiving over 300 inquiries and approximately 50 applications each year. Approximately 50% of the inquiries and applications are coming from residents of New York State, and over 50% of students enrolled in the Sloan Program are New York State residents.

It is expected that qualified students from New York State and elsewhere will continue to select Cornell for their graduate education in this field. Joining recent undergraduates in increasing numbers are other health care professionals (e.g.--hospital administrators, physicians, nurses, nurse midwives, physician assistants, pharmacists) who feel the need for further management training.

In a similar vein, the demand for Cornell health care graduates has remained strong. Graduates find employment readily and most have multiple job opportunities from which to select. Approximately half of recent graduates

have accepted positions in hospitals and hospital systems. The rest have taken jobs with HMOs, management consulting firms, insurance firms and government.

An increasing number of health care organizations, especially large hospitals and health care systems, are offering organized management development programs (called fellowships) to new health administration graduates. These opportunities, lasting from one to three years, are designed to give the recent graduate greater responsibilities over time and are viewed as an excellent source of new management talent by the sponsoring organizations. These health care organizations work closely with the graduate programs in selecting graduates for these opportunities.

Future Opportunities

The need for the Sloan Program as a whole, then, has been well documented by its long and successful history, and the large number of Program graduates who occupy positions of importance as managers, planners, and consultants in the health and human service fields. While ambiguities over the fate of the Program led to some transitional uncertainties for a short period of time, with the Sloan Program's firm placement in the New York State College of Human Ecology has come great interest as expressed by the very favorable applicant pool.

The placement of the Sloan Program in the New York State College of Human Ecology offers many advantages for the Program, students, and the State. It facilitates the development of an integrated approach to health and human services management by combining the Sloan Program's experience and expertise in health care and management with the New York State College of Human Ecology's experience and expertise in human service studies and programs. The new location enhances the potential of the Sloan Program to increase its efforts in the areas of continuing education, Cooperative Extension, and policy research in ways not otherwise possible in the Program's prior location. For example, the New York State Department of Health, the College of Human Ecology, and Cooperative Extension have recently initiated a joint state educational initiative on AIDS.

In addition, as roles for women in health administration are undergoing expansion, the Sloan Program can build on the New York State College of Human Ecology's long history of leadership and support in the training of women for successful careers to enable women students to assume their proper roles in the field of health administration. Currently, sixty-five percent of the students enrolled in the Sloan Program are women.

The Sloan Program will continue to offer the highly successful Health Executives Development Program, now in its thirty-second year (for further details, please see Appendix).

One financial advantage of the Program's relocation is that it increases the availability of graduate education in health administration to New York State students from moderate and low-income families. Graduate program tuition for Cornell's statutory colleges is less than half the tuition rate of

the Johnson Graduate School of Management. This factor of reduced tuition may become of even greater significance to prospective students if current proposals are implemented to reduce eligibility for student loans, which have traditionally been an important source of financing assistance for many students in professional degree programs. From the State's perspective, this relocation has added to the SUNY system a nationally and internationally recognized program in health services administration at minimum cost, since New York has thus acquired a fully-developed and operational graduate program without having to pay any of the program's development costs.

D. Fiscal Factors

Enrollment

	<u>Year 1</u> <u>90-91</u>	<u>Year 2</u> <u>91-92</u>	<u>Year 3</u> <u>92-93</u>	<u>Year 4</u> <u>93-94</u>	<u>Year 5</u> <u>94-95</u>
Full-time	30	30	30	30	30
Part-time	0	0	0	0	0

Funding Requirements

	<u>Year 1</u> <u>1990-91</u>	<u>Year 2</u> <u>1991-92</u>	<u>Year 3</u> <u>1992-93</u>	<u>Year 4</u> <u>1993-94</u>	<u>Year 5</u> <u>1994-95</u>
Operating	\$515,717	\$547,291	\$580,566	\$615,484	\$649,553
Capital	----	----	----	----	----

Sources of Funding

	<u>Year 1</u> <u>1990-91</u>	<u>Year 2</u> <u>1991-92</u>	<u>Year 3</u> <u>1992-93</u>	<u>Year 4</u> <u>1993-94</u>	<u>Year 5</u> <u>1994-95</u>
Internal reallocation	\$410,717	\$442,291	\$475,566	\$510,484	\$544,553
Incremental funding	\$ 57,000(1) \$ 48,000(2)	57,000 48,000	57,000 48,000	57,000 48,000	57,000 48,000

(1) federal program grant

(2) New York State rural health grant

(Both of these grants are subject to annual review and funding thus not assured)

The availability of the M.H.A. degree cannot be expected to affect adversely the number of students enrolling in the Sloan Program. On the contrary, the M.H.A. degree would clarify the Program's emphasis, reduce

student and employer confusion, and enable students to choose more easily among health administration programs with different approaches, thus assuring proper placement. Therefore, the addition of the M.H.A. degree should have no expected impact on campus total enrollments or on relative percentage distribution by broad discipline categories.

To assure an orderly transition in the new setting, Sloan Program enrollment is being limited to fifteen students per year. In addition, a limited number of graduate students from other colleges and departments on the Cornell campus are allowed to undertake study in health services administration.

There are no additional funding requirements entailed in offering the M.H.A. degree instead of the current M.P.S. in Human Ecology degree.

E. In conclusion, Cornell University seeks permission to offer the M.H.A. degree in order better to reflect what the Sloan Program is offering, to enable more knowledgeable student choice of which health administration program to attend, and to enhance employer recognition of what Sloan Program graduates have been trained to do. There are no direct costs associated with offering the M.H.A. degree in contrast to the M.P.S. in Human Ecology degree, and no adverse effects can reasonably be expected to accrue to other units of Cornell or SUNY, or to any other educational program. Given the long and successful history of the Sloan Program, the prospect of positive benefit from the availability of the M.H.A. degree, Cornell University hopes that this letter of intent will receive approval.

Thank you for your consideration of this letter of intent.

CC: Vice Chancellor for Research, Graduate Studies
and Professional Programs

Presidents of SUNY Graduate Degree Granting Campuses

Appendix: Sloan Program Announcement
Health Executives Development Program Announcement

November/December, 1988

TRANSPORTATION PROGRAM

MISSION:

- Delivery of comprehensive and effective transportation services.
- Facilitation of access by the community to work or study on the Ithaca campus.

PHILOSOPHY:

Deliver priority services while continuing to maintain and improve the quality of the campus environment and of campus life.

WHERE ARE WE NOW?

- Parking inventory meets current needs, with difficulty.
 - Planned facilities will reduce current inventory
 - 5 year projection: need 1,300 additional spaces
- Serious traffic congestion exists and will worsen without parking and circulation improvements.
- Current revenues do not provide for adequate circulation and parking lot maintenance, nor funding for needed improvements.
- Inequitable fee structure.

THE TRANSPORTATION MASTER PLAN:

OBJECTIVES:

- Adequate parking, circulation, and transit services to meet new demand created by continued campus growth.
- Integral part of the campus master plan.
- Sensitivity to safety and green space issues - "walking campus".
- A coordinated response to community-wide concerns about traffic, parking, and circulation needs; within Cornell and in Tompkins County.
- Fee restructuring to meet needs.

The TRANSPORTATION MASTER PLAN must provide funding for:

- Necessary major projects and improvements.
- Necessary roadway & parking lot repair/rebuild.
- Other program and capital improvements.
- Fleet and transit expansion.
- Borrowing capability.
- A solution...

Concepts and options being explored:

- More convenient parking
- Park & ride
- Ride sharing
- Improved transit
- Increased enforcement of regulations
- Access restrictions
- Relief for neighboring communities
- Improvements to circulation
- Opening up new areas for campus growth and development
- Short term parking options

PARKING INVENTORY

CURRENT CAMPUS SPACES	9,100
ADDITIONAL SPACES NEEDED	<u>1,300</u>
TOTAL	10,400

FIVE YEAR MAJOR CAPITAL PROJECT PLAN

<u>PROJECT</u>	<u>APPROX. COST</u>	<u>FY DONE</u>
Schoellkopf I & II	\$2,000,000	1989-90
Additional Parking	2,000,000	1989-90
Parking Garage	7,000,000	1990-92
Tower Road	1,000,000	1992-93
New Roads & Circulation	1,275,000	1992-93
Fleet Expansion	360,000	1993-94
Contingency (10%)	<u>1,365,000</u>	
	\$15,000,000	
	=====	

SUMMARY:

- Parking fees must be increased, but still be within the range of fees charged at similar institutions, and lower than market

- Safety and environment issues can be adequately addressed

- To do nothing would exacerbate the current parking, circulation, maintenance and congestion problems

MINUTES OF COMBINED FCR AND UNIVERSITY FACULTY MEETING

February 8, 1989

The Speaker, Professor Emeritus Russell D. Martin, called the joint meeting of the FCR and University Faculty to order. He reminded everyone, especially those present from the press, that picture taking and tape recording is not permitted during the course of the meeting.

He announced that consistent with the concern raised at the last meeting by Professor deBoer and the Review and Procedures Committee, Dean Lynn will routinely send copies of the complete transcript of the minutes to the Executive Committee and to the Review and Procedures Committee.

The Speaker then called on the Dean of Faculty, Walter R. Lynn, for remarks.

1. REMARKS BY THE DEAN

Dean Lynn: "I just have a few very brief announcements. As some of you undoubtedly are aware, a revised calendar is now in place, and each member of the faculty has received a copy and I want to assure you that in my remaining term that calendar will not be touched again by me. I do appreciate the fact that changing the calendar at any time is complicated, mainly because the calendar involves a set of stake-holders and changing the calendar in any form undoubtedly makes some people better off and some worse off. I think we do now have a better calendar. I would like to point out one thing, that the issue of the calendar continues to be a matter of some concern, and in this case I've asked the FCR Committee on Academic Programs and Policies to examine the calendar issue not in terms of its chronology at the outset, but to look at the calendar from both an academic perspective and from a financial perspective. Clearly, what we call a calendar has great implications both on the academic side of the house and the financial side of the house. That committee will, I hope, over the next few months, and I've not asked it to rush into that matter to produce a report promptly, examine the calendar issue again for us and report back to the FCR and the University Faculty about their findings.

"I'd like to remind you again that there is a canvass currently in process for elections to Faculty committees as well as to the FCR itself, and I'd encourage you and your colleagues to allow yourselves to be placed in nomination. I believe that beginning this year and in the future the importance and the challenges faced by members of this body will be increasingly important and will demand more of our attention as members of this community.

"Finally, I'm pleased that the Provost has accepted the invitation of this body to talk about the budget issues from a university-wide perspective and that matter comes before you on the agenda shortly. Thank you, Mr. Speaker."

2. APPROVAL OF SUMMARY MINUTES OF DECEMBER 14, 1988

Speaker Martin: "Do you have any questions for the Dean? We do have a quorum. Are there any corrections to the minutes of our meeting of December 14 that you received on the blue sheet? There being none, they stand approved as distributed. The Chair next calls on Provost Robert Barker for a presentation on the budget."

3. BUDGET ISSUES FOR 1989-90 AND BEYOND

Provost Barker: "Before I start, I'll also plight my troth, if that's the right word for it, to not fiddle with the calendar during the remainder of my term of office [laughter]. But new deans and faculty have to learn something, and that's quite possibly one of the lessons. You've seen a flurry of activity here. I have some overheads (Appendix A, attached) which I wanted to show you, and Mal came into my office about twenty-five after four and said 'Let's go,' and I was actually writing some numbers on the ones that aren't here. All I did was put my coat on and I thought I put them all in my bag, but I didn't. I have, however, the first one that I want to share with you, and it probably needs to focus a little. It would help if we could turn off the lights.

"What I have here are pie charts (figure 1, attached) which have a limited use but they show some important points. These pie charts refer to the present year's budget which is about \$216 million and the budget that we're struggling with for next year which is \$230 million. What they illustrate that I think is important are the sources of revenues that we have and the way in which we expend those things. Now, looking at the revenue side, it's quite clear that tuition and fees are a substantial portion of our income. Accessory instruction is a term which is used to describe a payment that is made by the state for the net of the credit hours which are taught by endowed faculty to statutory students. I have to stress 'net', because there is a computation that goes on which includes the students who move out of endowed into statutory for courses as well as ones coming in the other direction. In addition, there is an amount here called 'Bundy Aid' which is a sort of 'head gift' (it's the opposite of a tax), that the state gives us for the students who have graduated and that goes to all private institutions in the state. Finally, there's this piece called 'tuition retainage,' which is an amount paid by statutory students for those services which they receive such as health, public safety, roads, buses, administration (more than they want, more than you want). For all of those things, this amount of money here, which is about \$20 million, is paid by statutory students and is the

principal portion of their tuition and fees. The rest of their tuition and fees is an amount which stays with the dean of the individual college into which a student goes, and helps to pay for instruction.

"So, if you look at those pieces, they add up to a considerable portion of this pie. Now the other things which I want to comment on are indirect cost recovery: that is, the recovery of expenditures made in support of research. It is very tightly accounted. The whole of the institution really is required to follow federal guidelines in its accounting systems so that the sponsored programs will not pay any more than they should for indirect costs. We're also required to keep the same kind of books on all of our activities, so one way of looking at this budget, and I can talk a bit about that if needed, is in terms of direct and indirect costs. This is the proportion of indirect costs that are recovered from research and they are driven by two things: the volume of that research, how many dollars come in, and the rate at which indirect costs are charged against those dollars. So those are the principal things, except for investments, which refer to the revenues that we obtain from the endowment.

"Now, if I look at the bottom of Figure 1 and look at the expenditures, you can see that the expenditures are principally for salaries and benefits, and that should be no surprise to anybody because we're in a people business, but there are major expenditures for such things as utilities, computer services, undergraduate financial aid, and so forth. Now, the reason that we have a budgetary problem is that when you look at which of these revenues is increasing or increasable (figure 2, attached), if that's a word, you find that we have not had increases in investments. We have had only modest ones in Bundy Aid. We have had significant ones in indirect cost recoveries until the last year or so. Accessory instruction went up very vigorously until the last year or so, and this little piece, 'Gifts,' has been stable, as I'll show you, for several years. When you look down here (figure 3, attached), there is good reason why every one of these items is going to increase at a rate that should be probably above national inflation. When you look at salaries, maintenance costs, we have unfortunately a rather ancient physical plant in some places and it requires quite a lot of maintenance, things like utilities and so forth, have enjoyed significant growth at times. I'm not very pleased with the weather; I love snow but it should snow and only get down to 30 degrees.

"Let me show you, then, the patterns of some of these and come back to the point that up here we really have only tuition-related things which are increasable. The others, it turns out, are not increasing, and therefore, any increase that occurs down here has to be matched by an increase in only about 65-70% of the revenues up here.

"Here's (figure 2, attached) what happens to the growth of income, and these are on a percentage scale, but if you look at the purple numbers at the end, they tell you in millions of dollars, how many millions of dollars are in each of these income categories at the present time, and again, you see that tuition and fees are a principal piece. Actually, in a total fluke, this year, or for the year that we're planning on, tuition and fees and salaries and wages are both \$125.7 million. It's an interesting coincidence of numbers. Investments, you can see, have leveled off, and the reason for that is the following. In this period here, Cornell was expending from its endowment at a rate of about 7%. That is incontinent, and the reason is the following: the endowment has, over the last decade or more, the last I think nearly two decades, actually earned about 12% per year, not always steadily, because there's a fluctuation in the stock market. If you take 12% and you spend 7, you can only put 5 back into the principal, and if you run out a computer model, which you can now do, you'll find that the endowment will go like this. It will go through a maximum and come down to nothing, if inflation is above the 5 or so percent that you can put back in, and even if this inflation is at that rate, really all that you can ever get out is a revenue which at the very best would increase with something approaching inflation. We often make comparisons of our endowment to others, and I think everybody here probably understands that Cornell's endowment per student, and I'm talking only about the endowed side on this, is about one-seventh or one-eighth that of Princeton, it's about one-fourth that of Harvard, and so forth. If you look at how Harvard manages its endowment, its payout rate is 3.8%, in other words, half of what we were doing here. The Board of Trustees realized that in this time frame that they really had to change the payout rate, and so they decided that instead of cutting it back they would hold it steady and trust that the endowment would grow and therefore by growing the endowment the actual rate of payout would gradually come down. In 1987 it looked as though we had made it down to something around 5%, but even 5% is not a very good number to have endowment income grow each year so that if you start a program on endowment, you can really keep it up and keep it up at a level which will match inflation and perhaps exceed it. So, over this period we have been taking a payout which is the same number of dollars per share, even though the share value has gone up. The Board has recommended now that we actually cut back to 4.4%, which modeling would show, if the next twenty years are like the previous twenty years, would actually allow payouts from the endowment after stepping down to grow with inflation at the very least and perhaps a little ahead of it. That is a better circumstance for those programs which we start or run from endowment.

"Indirect Cost Recovery: You can see that it has leveled off. Part of that is a leveling off in direct costs; part of that is the fact that everybody who manages a grant tries to manage to minimize their indirect cost recovery and they get better at it. We are trying to build a better model for what was happening here. We have a problem this year, because indirect cost

recoveries are falling below what we projected they would be, and we had projected a 5% increase. All through here, indirect cost recoveries had been increasing by nearly 10% per year, and this year we projected a 5% increase. At the moment it is running about 5% below what we projected; in other words, it's about the same as the previous year.

"We are trying to understand better what the number of grants mean. Obviously, what means the most is the number of grants that are approved and funded. Bundy Aid is this payment from the state I mentioned to you. You can see in actual dollars it hasn't changed. These are all current dollar projections. Accessory instruction has grown fairly steadily. You will recall this is what the students in the statutory side pay for services on the endowed.

"Unrestricted gifts: now, there's an interesting piece. Those of you who read the letter I wrote a couple of weeks ago, unrestricted giving, well, giving of all kinds to the university, has increased enormously over this period of time. Built into each year's budget is a category called 'Unrestricted Gifts', which is the annual giving of what we generally would call small givers, although some of the gifts are very generous, and you can see that that has not increased. During this time, unrestricted giving to the colleges and other units of what we allow to be designated has increased, and restricted and semi-restricted giving all over the campus has increased enormously--280%--a very different picture here than there. One of the things which we're focusing on at the moment is that the next development effort is focused on providing some of this unrestricted giving for general purposes, either here or in the colleges, so that we can deal with some of the fundamental issues.

"Next is tuition retainage, which has grown, and of course, others. It's not that much money here.

"Here's what's happened to expenses (figure 3) and I'm not going to talk about this much. You can see that expenses have grown or perhaps we have allowed them to grow in a fashion such that none of them particularly shows the kind of pattern that I have shown you on the previous figure. So this is really a graphical representation of the point I made, that we have one principal source of revenues that can increase and we have several categories of expenditure that we expect to increase. Some of them you can't do much about. Utilities: we can do something about that by not building any new buildings, perhaps, but once they're there you have to heat them and the ones that really eat up the utilities are the old ones, not that the new ones are cheap. Maintenance is a category that is not keeping up with the rate of decay. Library acquisitions, which look a bit humpy, have to do more with when they pay the bills than where the money was. We've been increasing at inflation plus 5% since about 1981. This is just what was spent on books

and we were trying to get ahead of things. The devaluation of the dollar killed us. I mean, that was a really awful event for the libraries.

Graduate fellowships, you can see, have increased significantly and actually at a rate which is ahead of salaries and other benefits. TA stipend is somewhat the same. Undergraduate financial aid is a strong growth category. This growth represents something around 11% per year, if you take it over the whole thing, and this glitch here was because we spent some restricted money that was a one-time event to pay the financial aid bill. Information technologies, computer services, have been growing at the rate of inflation only since about 1985. Prior to that there was an investment to get Cornell into the modern era on computers and that's what happened in this phase here.

"So those are the pictures on our major expenditures. Now, if I take those same data and put them in a tabular form (figure 5, attached), you can if you like, read the small print, but the important thing to see is the 88-89 current year projection. We must, I must, produce a balanced budget, and if I produce an unbalanced one I suppose then I can return to my more natural state. The problem that you would have is that the next person would have to produce a balanced budget. This is what we project will happen here. In here we have had the following events occur which give us an immediate problem. I mentioned under-recovery of the projection for indirect costs, but in addition, although the unrestricted giving is small, remember it was \$4 million, which is not a huge amount against \$216. At the present time, in the middle of the year, we're running behind the projected rate by something that may be as much as half a million dollars. That's a significant other negative in the current year. The other, Mal, what's the third?"

Malden C. Nesheim, Vice President for Planning and Budget: "Our enrollment--we've got our enrollment constant."

Provost Barker: "Yes. This year we have held enrollment constant. I think all of your are aware of the problem we're having accommodating students and part of what we have to do to control that, is to hold enrollment constant. In previous years part of our way of closing the gap was to have a few more students than we had intended to have and that of course gives you somewhat more revenue.

"As we look at the projected budget for next year (figure 5), here are what we have as proposed rates of increase at the present time, and this is not closed up. I'm not presenting you with a final version; it's a model which is still being worked on. Here are the proposed rates of increase on the revenue side and here are the proposed rates of increase on the expenditure side. When we do the arithmetic, we come out with a gap of about \$4 million, and it's that gap that we are trying to close. Now, as we look beyond this

to the next four or five years, it's my view that if we can close this gap by making structural adjustments that stick and have a longer-term effect, that they're not just savings for one year. In fact, then, we can see four or five years in which, with reasonable rates of tuition increase which would be a little lower than this, that we will be able to reach an equilibrium. In addition, if we could modify a few of the things which are going on, we would be safer with that equilibrium. I think you can understand that we live on a cash flow, that the cash flow isn't as reliable as a paycheck, and that the cash flow in a year can have an effect on us.

"Now what I've described so far is the endowed budget, and those of you on the statutory side recognize that we have a somewhat similar problem on that side of the house. In short form, the state has underestimated, or overestimated, rather, what its revenues would be by something that is now being talked about as \$2.6 billion. The effect of that on the statutory side has been a series of budget cuts that sum up already in this year to the permanent loss of something equivalent to about 45 positions. Now those are not all faculty positions or what have you, and they're probably not all positions, but it's a cutback which you can think of in those equivalent terms. That part has already been made part of the reality for the statutory side, that they have lost that. Coming into next year, there is the prospect which is not yet clear exactly, that they will lose at least that many more, and perhaps even more than that. This is a very, very serious step back in the basic support for the statutory colleges, and one which puts them in a tighter situation than on the endowed side. The institution across the board is in a fairly similar position with regard to its budget for the coming year. Hoped for on the statutory side is that they don't have to make the kind of adjustments that the budget calls for, but again that will not be ongoing, that the cuts will be there permanently but beyond that point the state will have its fiscal house back in operating order, and that there will be some growth against that base in the future.

"I'll stop at that point and would be pleased to try to respond to questions or to hear comments."

Speaker Martin: "The chair would remind you that for the benefit of the record please identify yourself if you wish to raise a question or comment. Professor McAdams."

Associate Professor Alan K. McAdams, Johnson Graduate School of Management: "In conversations with the dean, we've decided that it would be useful if at this point we informed you of how we've carried on our consultations with the administration. I chair the Financial Policies Committee of the FCR. It's a new committee, and we want to tell you the process we have for consulting with the administration as we develop our interactions with these budgets. We have been meeting every two weeks over the past year, and I as chair have

been meeting weekly with the Assembly Budget Committee also, so I see some of these things two or three times. The committee members are nine in number: Roger Battistella, JGSM and Human Ecology; James Bisogni, Engineering; John Doris, Human Ecology; Ronald Ehrenberg, Arts and Sciences and I&LR; Susan Hester, Human Ecology; Paul Kintner, Engineering; Philip Lewis, Arts and Sciences; Richard Schuler, Arts and Sciences and Engineering; and myself. We also have Thor Rodin meeting with us as a member of the Retirement Subcommittee.

"Half the people on the committee have chaired this committee before in an earlier incarnation, so we know generally about the arcane nature of the university's budgeting and the fact of the general purpose budget representing about one-quarter of the grand total, of the total budget.

"We have a mission statement that is new, and I'm not sure how many of you are aware of it, but I thought it would be useful to just mention it, to put perspective on some of my comments. Our first assignment is to 'examine and make recommendations concerning issues and considerations that affect the economic status of the faculty,' and we have done that. Second is to 'develop priorities based on educational considerations, which should be reflected in the university budget,' and I'll have some comments about that. Third, 'participate, with the cooperation of appropriate administrative officers, in the budget-planning process, both short-term and long-term.' Fourth, 'undertake a continuing and comprehensive analysis of the financial condition and policies of the university,' and fifth, deal with anything else that happens to have any financial implications. That's a sort of catch-all at the end.

"As I've indicated, throughout the year, we have been meeting with the administration; we've had excellent communication with them, and we've made recommendations through the period December 1. At that point, however, our recommendations were based on an anticipated shortfall of \$2 million. Between December 1 and February 1, a great deal has happened, and I note the numbers that I see here are about two earlier. Mal, I thought the numbers were somewhat different."

Vice President Nesheim: "We're still talking about making an adjustment of \$4 million, Alan. We're taking care of another million or so that is kicking around there, but we've managed to get that out of the budget."

Professor McAdams: "Ok. I'm glad to see things moving in this direction, because in our prior meeting, things were going about \$2 million a month in the other direction [laughter] and about \$667,000 overnight between last Wednesday and Thursday, so this is a preferable way of seeing things happen. Our recommendations have suggested that we may really need to look at some

longer-term issues and I think that the Provost's comments reflect that idea, but I think we should do it explicitly. Among our suggestions have been to look again at the possibility of year-round operations here. The time when we don't make good use of our physical facilities is when the place is at its best, which is in the summertime, and that's the time when most people like to be off, but there may be some real opportunities there. There may also be some during the intersession, and in conversations with members of the committee, individuals have commented on the possibility of further continuing education as a source of new revenues. The Provost has pointed out that we do not have many potential sources of new revenues. I think that is true, unless we really think in an imaginative way, but that requires us to really look at what our educational priorities are, and that's not directly the responsibility of this committee. I think what we can do is to show the financial implications of what we're doing now and point out, as the Provost has, that we cannot continue to operate as we have been without revenue enhancement.

"The longer-range solution does appear to be also implicit in Provost Barker's comments, and that solution would appear to have a substantial increase in the endowment. There has been some modeling done, and it does appear that with approximately a 50% augmentation to our current endowment, which is in the range of \$700 to \$750 million, we could support our current level of operations. That's a very significant jump. I understand that there's a lot of planning going on, and a lot of discussion going on, but nothing has become explicit and nothing has been brought to the committee. However, there have been suggestions that we should be discussing this into the spring. However, the level of endowment increase necessary to sustain the current level of operations goes back to that other fundamental question, do we want to do what we are doing now? Or are there things that we could cut out? It does appear that, with the shortfalls that we have, one strategy implicit in the comments is that there is a desire to cut back to some degree in our base, and I think that the Provost made an explicit statement to that effect.

"This then comes to another point. The Provost did indicate that our main source of revenue increase is tuition. There is a source of revenue decrease in this budget that he has pointed to also. It was a 5.4% decrease in the payout from the endowment. That's \$1.1 million, and so out of the shortfall of \$4 million, \$1.1 million has been imposed in relation to what we were doing last year. Now, it is true that an endowment grows more rapidly if you maintain its purchasing power, but I think that I've tried to suggest that the difference between the need and this means of bringing about a resolution of the need, \$1.1 million is not a 50% increase in our endowment. It is a 0.14% increase in our endowment. It is approximately a 25% increase in the shortfall this year, and I personally, and many members of the committee have suggested, that this may not be the year to take that cutback in payouts

from the endowment. If we could, at the point that we have raised sufficient funds to put us in the same dollar position that we would be today without the cutbacks, then I think cutting the rate of payout of the endowment would make sense. At the current point, we don't, but as the Provost said, it appears that the trustees do, and nonetheless, we continue to make that recommendation, that we do not do that this year, unless there's some explicit reason why we should.

"These are the type of recommendations that we have made in the committee, and we're anxious to hear from members of the faculty if they have suggestions of other priorities that we should take into account."

Speaker Martin: "Do you want to respond to this?"

Provost Barker: "Not to respond, but I realize now that I didn't say anything about what are we going to do about it, which is the key question that you should have. We have decided to divide the world of the endowed budget up into four parts. The principal purpose for doing that is to try to think as we look for reductions about the academic programs as separate from the administrative programs; and to focus our budget reductions most strongly on the administrative end of the spectrum and try to protect the academic end. The protection can't be complete, because the academic programs have very large chunks of the budget and therefore if we try to put everything in the administrative end of the budget I think it would actually be impossible to achieve it, but the four parts are getting four different rates of the problem to deal with, from 1.5% to roughly four times that, around 5% reductions. In addition, we're saying to the colleges that we want to work with them so that we can look at administrative functions which are both in the central and in the college to see if we can also focus the college's reductions in the administrative activities as opposed to the academics. We're asking the deans to take the same approach in that regard. In addition, we're going to try to give a full-court press, with the president leading the way, on getting unrestricted giving to the general purpose fund up. You realize \$4 million against the background of something like \$80 million that was given last year, says that there is perhaps an opportunity there to try to close the gap. I doubt that we can close that gap in one year. It takes quite a long while to get people to orient their giving in whatever direction they're giving it. Alan talked about the need to grow the endowment; as I think many of you know, we're thinking about the next round of development efforts. That's an annual event, but it's a bit more intense now than it has been before, for the university. What we're going to try to do in that development effort is to get at least fifty cents on the gift dollar going into the endowment, and this is going to require all of us to understand what that means. It means that gifts will go in significant degree to support current activities as opposed to new ones, and it's only if we can get that kind of discipline into the giving that we're really going to

get the kind of longer-term solution that we look for. So I see this current crunch as giving us four or five years, I think, in which we can manage without significant crunches, but with a certain tightness. It will require discipline, but then if we can get a development effort going which really gets us all convinced that it's to our best benefits to have donors give for the general purposes of the university, then I think we can come out of this. The general purposes don't have to be in this budget, but they have to relieve this budget in some degree, or in some part relieve this budget. In other words, the general purposes net by getting an endowed professorship in the History Department providing you don't hire another professor. If you can do that, then you now have budget relief, and it can take the pressure off the need to increase tuition, etc. So that's the kind of thing."

"One of the issues we'll have to talk about a bit more is how are we going to restrict the growth of some of the expenditure items, and financial aid is one which pops right out, because it has had such significant growth. I think that's a very difficult, complex issue, one that we have to think about together as to what's the right thing to do about it? I'll stop now and answer questions."

Professor Douglas B. Fitchen, Physics: "It's a quick question. You said you had divided the endowed activities into four categories and each one had a different savings factor, reduction factor, you didn't really say what."

Provost Barker: "Well, it's a reduction factor."

Professor Fitchen: "Would you mind telling us these?"

Provost Barker: "I'm not sure I can get the numbers exactly right, because they come out to be things that aren't nice round numbers, but the lowest one is for the academic units, it's 1.5%. That would be the one that would, I think, be critical in the College of Arts and Sciences. The highest one, Mal, is what?"

Vice President Nesheim: "It's over 5%."

Provost Barker: "It's over 5%; it's about 5.3 or something like that."

Professor Fitchen: "And what is that?"

Provost Barker: "That's the things which we are thinking of as administrative in nature, and they are things that you can't do anything about which you think of or which would be included in the general category of administration. For example, utilities fall into that category, and there's not much we can do about them. I mean, we've got to pay the bills

for heating and cooling, and so some of those cuts are going to have to be administered against management and operational expenses.

"There are lots of categories in there, but in areas where we have a fairly large work force there will be more significant cuts in the administrative side."

Professor Fitchen: "And the other two of that four? Sorry, just a second. The question is the other two of the four categories?"

Provost Barker: "One is academic support. Now, it's easiest for me to tell you what's in the academic, the three colleges and the libraries, ok. That's the academic. Other things which are academic support activities; I wish I'd brought the list with me, but I.."

Vice President Nesheim: "The four categories are: academic units, consisting of the three colleges and the library; academic activities, consisting of centers and similar units; academic distributed funds, which include Johnson Museum, Athletics, and other areas where funds are distributed and charged back to the university; and administration which includes Day Hall, Career Center, Registrar, Admissions, Payroll, and similar activities."

Professor Steven Shiffrin, Law: "I'm curious about the projections for unrestricted giving. I've heard from development people when you have capital campaigns that you would expect that unrestricted giving would go down in the short run, but when capital campaigns are completed you could project that unrestricted would go up because you've recruited a number of people to give who had not previously given. I wonder if that ..."

Provost Barker: "Steve, I think I can respond to your question usefully. In a unit like the Law School, that's probably true. In a global university where I'm focusing on the central function, that probably isn't true. What I think we've learned by looking at that graph is that we have to have a campaign to get giving to this kind of purpose, to the general support of the university, or we're not really going to get it. A few years ago, the university decided that it would allow faculty, departments, colleges, to display their entrepreneurship and get out there and hustle, and all of that hustling is going on, and that's what's causing the money to flow in these other directions, so I think here we have to have a campaign. But a unit like the Law School, or a department may be able to accomplish something the same, that they get a group of people who are really interested and then the annual giving will go up, so a lot of this has got to do with the fact that we have allowed that giving to go for specific purposes."

Mary Beth Norton, Mary Donlon Alger Professor of American History: "Bob, along those same lines, I understand that in a lot of universities a sort of tax is placed on people who want to give gifts for restricted purposes, that is, they've said, 'yes, you can give your million dollars for X, but we're going to take X amount of that for the general purposes of the university.' If we adopt that kind of a policy, wouldn't that help us as well?"

Provost Barker: "We have talked about that over the last two years fairly frequently with the deans, who I use as a consultant group on such things, and with the Development Office. There is always the specter that if you have a tax, the donors won't give. Well, to my mind, that depends upon how you approach the donor and whether you see the tax as a useful thing or indeed as a tax. Tax is a harsh word that you could put on it; it implies no return. I think that we have to do something which says that when we talk with anyone about gifts that some of the gift must go for general purposes and I have in draft form yet another occasional letter which deals with this specific issue, the one that you have just raised. I think that if we could get us as a community to understand that the money isn't being poured down a rathole, that we have to pay some of these other bills, and it gets a bit technical and I don't want to get into it now. I do in that letter, and maybe I'd better come back and talk to you again when we have it. I think the answer is that we have to find a way to have those units who get those 'gifts' restricted to their purposes, in fact, return a little to the general purposes of the college or whatever, and I can see it operating all the way from a faculty member to a department. If a department gets it, to a college, a college, to the university, and that is helping to keep down tuition increases and things like that, because that's what many of the givers hope they're doing."

Professor Donald F. Holcomb, Physics: "To the casual observer, there seems to be a lot of square meters of space which have grown up around in the last couple of years. Are the maintenance costs, utilities, personnel, and so forth built into forward planning in a realistic way?"

Provost Barker: "Yes. It is now and I think has been for at least the last two to three years. There's no question that every time that we add something new, whether it's a building or a new professor or a new program of some kind, there is some effect on the budget, and we are trying to be more and more disciplined. There's an interesting balance, I think, between kind of ignoring the consequences of something and being an entrepreneur, and knowing all the consequences and doing nothing, and we have to find the right measure in there. We're a bit more toward the side of knowing the consequences and maybe inhibiting some of the activities which have served us well. It's an interesting question of what happens if you do know all the consequences and can't see how you're going to meet them."

Professor Holcomb: "Are there any assumptions about the rate of rise of indirect cost recovery in terms of maintaining those programs?"

Provost Barker: "No. The things that the buildings do is add the use cost of the buildings into the indirect cost. The buildings which get charged against research, we've entered into that as careful as we can, at least recently, computations about how might we expect research activity to grow as you bring that facility on stream, but that, as you've got to understand, is a pretty imprecise thing, but it's there, I mean, that we are looking at things like the Theory Center building. There, some of the indirect cost recovery is on stream before the building is, and a bit of that was true with Biotech. Now that Biotech is being occupied, it's our expectation that there will be a growth, and I think that that is being realized. If we look back over the two or three years, it pretty well did what we thought it would do. The sad fact of the matter is that indirect cost recoveries really don't pay for facilities, and if you're going to be in the research university business, you really can't do without them."

Professor P.C.T. deBoer, Mechanical and Aerospace Engineering: "The 1% contingency is about 60% of the projected shortfall. Is 1% mandated? And where does the figure of 1% come from?"

Provost Barker: "It's a number which everybody feels equally uncomfortable with, and we try to use it for just what it says, for contingency. Most operations would have 2 or 3% as a contingency fund, and the intent is that it deals with those things that you didn't expect to happen, and you know, we have a fair number of those. This is the size of Ithaca that we're operating on, so that's where it comes from."

Professor deBoer: "I would expect that it might go either way."

Provost Barker: "That's correct, and in the past some have gone in our direction. What we've done with those is that we always have a contingency list of things that we will try to do. It's a list which comes out of the planning process in which colleges are reaching for resources and we tend to fill in behind if we get any revenues."

Professor Fitchen: "The question is what sort of feedback there is from this McAdams committee or this group to the trustees, or how aware are they of the consequences of changing the payout rate this year, on top of all the other things that are happening this year?"

Provost Barker: "Given that our process of developing the budget with the Board of Trustees is at about its midpoint, they are aware that we have a budgetary problem. I showed them at their last meeting, which was only a week and a half ago, the same kind of things that I've just shown you, and

they are aware of the problem that we have. We haven't gone to them saying, 'here's exactly how we're going to close up the budget,' and we don't do that until later in the year. They are aware of the fact that the decrease in the payout rate is a problem for this budget, but they're also aware of the fact that if we don't get it down there, and it's possible, that we will try to limp through this year without it, I mean, by getting help by not doing it, but on the other hand, the other consequence is that pain goes on and on and on. Right now, we've got, I think, a painful problem with five years of getting the same payout while inflation goes merrily on its way, and this way, it stops that. It means that you've got to make one adjustment and then you will get an increase in that payout, and that increase, if the stock market behaves itself and so forth, and we're well managed, we'll be a bit ahead of inflation. I mean, right now, we've lost considerable purchasing power with it over the last few years, so I'd say it's time to balance those various pains, that none of it is without pain."

Associate Professor J. Victor Koschmann, History: "Could you be a little bit more specific about what you expect the year after this cut in the endowment payout? Is the rise in accord with inflation going to be from next year's low figure?"

Provost Barker: "Yes. It would be from the reduced figure thereafter. Let's say inflation is 5%; it should be able to go up at least 5%, and if you think about it, if we're paying out at 4.4 and the fund performs as it has, let's just take a round number, 10, just so the arithmetic is easy, 10%, then that gives you 5.6 goes back in, and your actual dollars should go up 5.6% the next year, because you're going to keep paying out at 4.4%, so that you would beat inflation. Now if the thing hits 11, then you're going to go up 6.6% against an inflation of 5. If you can keep the endowment going ahead of inflation, which seems doable, given our past history, then this much more conservative payout actually produces a better situation. If we do add a new program or a new person, based upon endowment, you can almost keep pace with the pay that you would like to pay them out of the support for the program."

Professor Andrew Ramage, History of Art: "Could you tell us if there is a substantial amount of money of the unrestricted kind which is going to help build some of the new buildings before you get more restricted funds?"

Provost Barker: "There is some money of unrestricted bequests going to help with new facilities. The general way in which that is done is that they are put on the line, as it were, to allow the building to be built when restricted monies have reached a certain point in the development effort, and the intent is that in time they will be pulled back out and put into the endowment to produce unrestricted revenues for this budget. That varies some. There are some in the Performing Arts Center, for example, but we keep

raising a bit more, and it's getting closer and closer to being a wash. There's some in the Space Sciences Building. There is some that is backing up on the Theory Center, and so forth, but those are used to go in and then to try to get them out again. We don't always succeed, but actually, when I look back, looking back over the last five or six years, there's more success than you might think. When they come out, they either get put back to that same purpose or they are going to get used over and over again, or they get put into the endowment."

Professor Ramage: "So they don't have a really significant effect on the problem you are bringing out here?"

Provost Barker: "I'm not saying there is no effect, Andrew, because that's not correct. There is an effect, but the major source of funds for the new facilities has been restricted gifts for those purposes, and that's, I think, one of the disciplines. We've got to be surer of those gifts than we may have been in the past, but we need to be more secure that we've got them in line. I have to tell you, not as any expert, but to watch the development effort go on is a very delicate kind of relationship; development is needed, and getting the individuals who can give you gifts that allow you to do these things, you cannot let them stew too long sometimes. Then you get pushed into having to say, ok, we'll provide the backup, but the good news is that we get a fair proportion of that backup back out again."

Professor Philip Lewis, Romance Studies: "Given the pressure that's been introduced by the current crisis that you have described for us, what can you now say to us about the timing of the major campaign that people have been talking about for some time?"

Provost Barker: "Well, I have to put a caveat into whether there will be a major campaign. What's going on now is the work that is necessary to decide, is that the best strategy? Cornell has done very well, thank you, without a major campaign, with a lot of what you might call mini-campaigns. I have to tell you that part of the thinking is, should we or shouldn't we, have a university-wide one, and we'll only have a university-wide one if it looks like the best thing to do, not in terms of dollars, but in terms of the kind of support we need for our programs. So this thinking is different because it has to include whether we get people to give for the purposes that we really want, like building the endowment. The current dilemma is, I think, giving urgency to the examination of the question that you raised, and it is also causing us to approach it with much more skepticism about the volume of giving as opposed to what you could call quality of giving, that is, quality in the sense of what we want it for. I don't want us to go into a campaign, either a mini- or a maxi-campaign, without us having firm contracts with each of the colleges, and saying, here's what we're trying to do, and here's how it will deal with the fundamental problems of support for the college.

We don't want to get into a situation where the whole thing is about raising \$600 million or something like that and at some point you don't really care what for. I want us to be in a campaign where 'what for' matters as much as how much we're going after."

Professor Lewis: "Can you venture a guess about when the decision will be made?"

Provost Barker: "Oh yes. It will take about another year to get the entrails examined so that we can determine if this is the right way and the right time. Mr. Rhodes is going to be on the road, has been on the road, because to start a campaign of any kind, there must be in place something like one-third of the gifts before we declare that it's there. He has to find out if the major givers are willing to come with us on whatever campaign. He's been spending quite a lot of time on that in the last two months."

Speaker Martin: "Other questions? Thank you, Bob. If there is no further business to come before the body, we are adjourned."

Secretary Mary Morrison, Professor Emeritus, Nutritional Sciences: "Would you please remind the members, if anybody has not signed in as a member of the FCR, that they do so before they leave."

Meeting adjourned at 5:35 p.m.

Mary Morrison
Secretary

1/10/89 mlw
Figure 5
Endowed Ithaca - General Purpose Budget
1988-89 PROPOSED CHANGES IN REVENUES AND EXPENDITURES
 (dollars in thousands)

	1988-89 Projection	Fraction of Overall Budget	Proposed Rate of Increase	1989-90 Plan
Revenues				
Tuition & Fees	120,723	.557	7.0%	129,215
Accessory Instruction	7,677	.035	3.6%	7,951
Investments	20,296	.094	-5.7%	19,132
Unrestricted Gifts	4,117	.019	0.0%	4,119
Bundy Aid (NYS)	4,284	.020	0.0%	4,284
Cost Recoveries				
Sponsored Programs	27,187	.126	5.0%	28,546
Tuition Retainage	20,549	.095	7.6%	22,101
Other Recoveries	8,882	.041	9.5%	9,725
Other Revenues	2,872	.013	1.7%	2,921
Total Revenues	216,587	1.000	5.3%	227,994
Expenditures				
Salaries & Wages	120,762	.558	5.2%	127,025
General Expense	16,293	.075	0.0%	16,293
Library Acquisitions	3,847	.018	10.0%	4,232
Physical Plant Costs				
Maintenance	6,125	.028	8.4%	6,637
Utilities	13,467	.062	7.2%	14,438
Student Support				
Undergraduate Financial Aid	15,632	.072	13.7%	17,776
TA Stipend & Tuition	16,294	.075	6.9%	17,415
Graduate Fellowships	5,867	.027	7.6%	6,314
Student Wages	1,368	.006	5.0%	1,436
Debt Service	2,282	.011	40.5%	3,207
Other Expenditures	14,650	.068	1.4%	14,861
Contingency (1% of revenue)				2,279
Total Expenditures	216,587	1.000	7.1%	231,913
Savings & Reductions				
Academic & Administrative Savings & Reductions (equal to 1.8% of 1988-89 budget or 3.2% of the salary & benefit base)				(3,919)
Total Savings & Reductions				(3,919)
Net from Operations				0

(at current growth rates the net from operations will equal -\$7.2 million by 1993-94)

1/10/89 mlw
Figure 1
Endowed Ithaca - General Purpose Budget
1988-89 DISTRIBUTION OF REVENUES & EXPENDITURES
 (\$216.6 million)

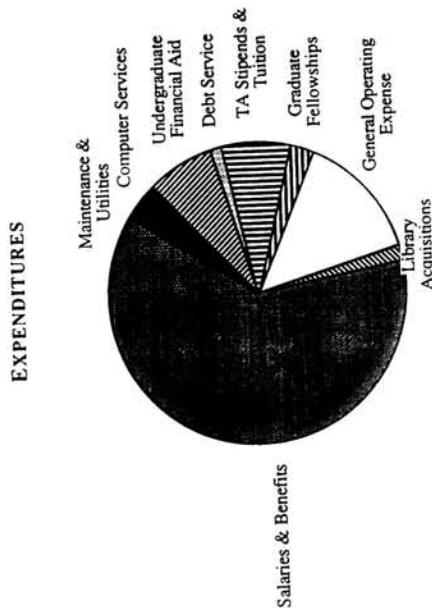
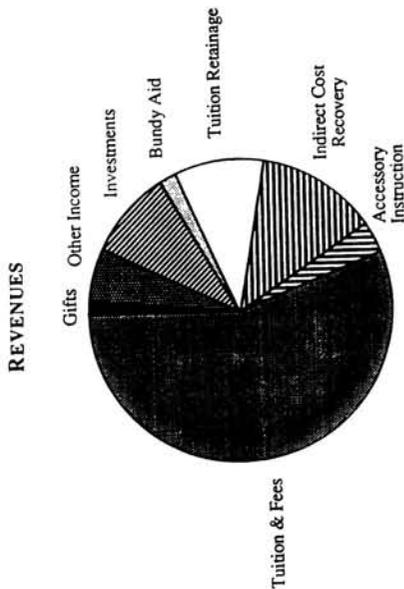


Figure 2
 Endowed Ithaca - General Purpose Budget
GROWTH OF INCOME
 1980-81 through 1988-89 (1988-89 data are projected)

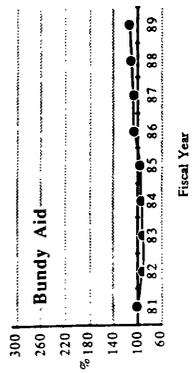
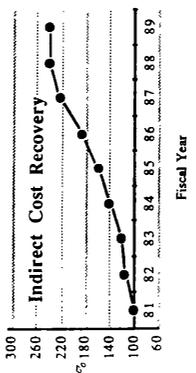
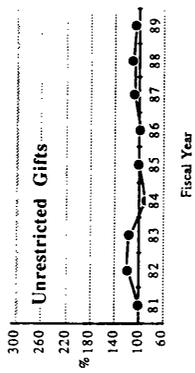
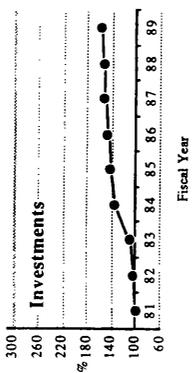
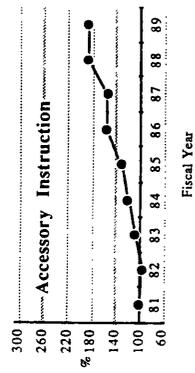
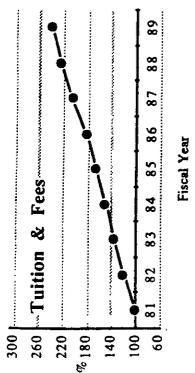
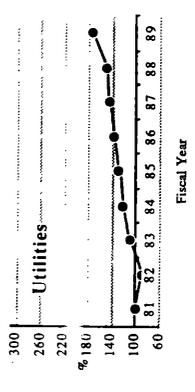
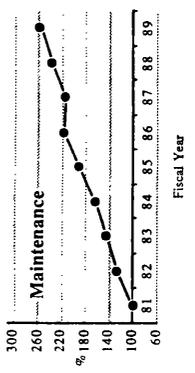
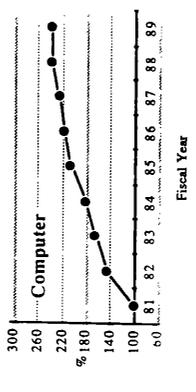
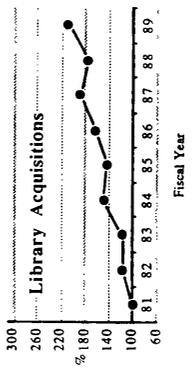
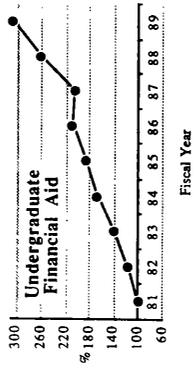
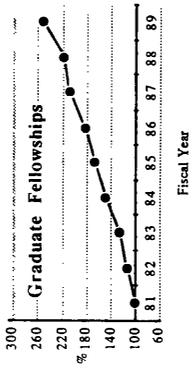
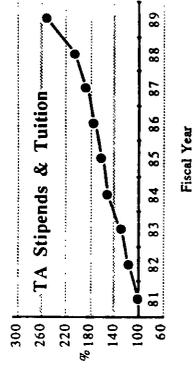
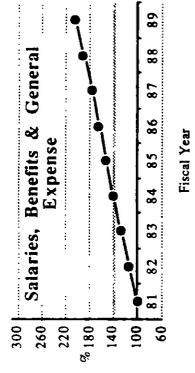


Figure 3

Endowed Ithaca - General Purpose Budget
GROWTH OF EXPENSE
 1980-81 through 1988-89 (1988-89 data are projected)



FACULTY COUNCIL OF REPRESENTATIVES

April 12, 1989

The Speaker, Russell Martin, called on Dean Walter R. Lynn for remarks.

1. REMARKS BY THE DEAN

Dean Lynn: "The Speaker has asked me to make sure I keep talking until there is a quorum; I can assure you that my remarks are much briefer than that. I'd like to take this opportunity to apprise you of a couple of forthcoming matters that are within the committee structure of the FCR at the moment, and should be coming before you shortly. You may recall that last fall, the Copyright Policy received a considerable amount of comment, some might call it abuse; it then surfaced in another way and apparently the Board of Trustees felt that it lacked some important elements. It has now been recast and was delivered to the Research Policies Committee again yesterday at its meeting, and my hope is that the Committee will be in a position to report back to you in the near future. Whether it will be able to do that in time for the May meeting or not, I do not know. The Copyright Policy is a matter of concern to a great number of faculty, and it is something which will come back before this body for its review, hopefully in the very near future.

"I'd like to also report to you that the Committee on Academic Freedom has been working on a statement of professorial ethics, and it hopes to communicate its results in the relatively near future. Again, that will be a matter for discussion among all of the faculty in the not too distant future.

"I would also like to call your attention to an activity that I'm not exactly sure how it will come to you. The University Assembly has approved an initiative that really started with a number of graduate students asking students to undertake a pledge, similar to what goes on at Humboldt College and Stanford. The pledge is asking students to recognize that they have genuine social and economic responsibilities, and it is stated in general terms. At some point that issue will come before you in terms of asking for your consideration on that matter.

"Mr. Speaker, I have no further comments, but I'd be happy to answer any questions."

Speaker Martin: "Thank you. We'll have to hold off on any items requiring a quorum, to see if we might by chance get one. The Chair calls on Assistant Dean James McPherson, ILR."

2. RESOLUTION RE S/U GRADING IN THE COLLEGE OF VETERINARY MEDICINE

Dean McPherson: "Mr. Speaker, as Chairman of the Committee on Academic Records and Registration, I was prepared to present a resolution from the Committee concerning a change in the S/U notation proposed by the College of Veterinary Medicine. I was informed yesterday that the general faculty of the College requested the resolution be withdrawn, in order that the proposal may be revised, reviewed again and submitted to this body at a meeting in the near future. Accordingly, on behalf of the Committee, I am withdrawing the resolution."

The Chair next called on William Wendt, Director of Transportation Services, and Vice President Gurowitz, for an update on the Transportation Master Plan.

3. UPDATE ON TRANSPORTATION MASTER PLAN (See Appendix A for slides)

"The Sasaki Consulting Group, working on the overall Master Plan for the whole campus, estimates that in the next ten years we're going to need 1800 additional spaces, that we have problems now and that it will only get worse unless we do something, that our revenues are not adequate for doing what we believe we have to do to maintain an efficient system, and we have an inequitable fee structure.

"Let me just say that in terms of what I call a transportation system, which is parking, circulation, and transit services that the intent of what we're trying to do in this action plan is to improve all of that, to make the campus easier to get around, easier to park, and which lets us get about our business as efficiently and as effectively as possible.

"Our objectives are to have an adequate system, as I define it, to have this be part of this overall Master Plan for the campus, as I often say, one spoke in this larger umbrella. We want to be sensitive to safety issues, to green space issues, in this 'walking campus'. I always put that in quotes, because that means different things to different people, but we do have a walking campus in the sense that you can get around most of it by foot if you wish, but we also have various personal vehicles and business vehicles that also use the campus. We want to have a coordinated response, not only to our own concerns about the system, but to the surrounding municipalities throughout Tompkins County, and we want to restructure the fees to provide the revenues, simplify them a bit, as well. In fact, one of our main goals is simplification of the fee structure.

"You can park in the A and B lots and take the buses in, but as I'll mention, the other municipalities in the county are taking the lead in looking at a broader park-and-ride system and we want to be part of that. We want to improve our ride-sharing. We've sort of fallen back a bit on that, although there's a lot of it that goes on, but as gas prices, relatively speaking, have

not increased like they did several years back, it hasn't been as high on the agenda of many people, including ourselves. We want to improve the bus service if we can.

"The new items are courier service. There currently are a number of departments and units around campus which have their own courier service where they transport material, parcels, paper, or people, around campus. What we want to do is at least look at that and say, is there some way we can do it at less cost, more effectively, or both? Maybe not.

"You've already noticed, I hope, increased enforcement of regulations to make the system work better. We'll continue with that increased enforcement, where we'll be looking at access restrictions again to make the system work better. We want to try to provide relief for neighboring communities, especially around the campus, where many people go and park and jam up the neighborhoods, but also in terms of park-and-ride and other transportation services. You can go further out than just the local surrounding contiguous streets. We want to improve circulation, circulation being the roadway system where vehicles get around campus either totally around it or through it, if it's appropriate to do so. We want to look at new areas for putting permanent parking, and increase the number of short-term parking options.

"In terms of what we see for next year, action items for 1989-90, we mention that we're going to bring equity to the system which has some inequitable features to it, and as I also mentioned, we want to have this be part of the overall campus-wide master plan.

"Now the three areas in this system--parking, circulation, and transit--what do we want to do? Well, first, with parking, we want to improve it by making the several construction lots that were made for construction projects permanent lots as part of our regular parking inventory. The simple expedient of restriping our existing lots to what's now the industry standard of 8½ feet per space, would gain about a hundred spaces. In the West Campus area, over the past several years we've had a master plan for that area, and over the past several years we've gone through two of three phases. Starting on the north end, this is where University Halls, the Baker group, the War Memorial dorms are, bounded by University Avenue, Stewart Avenue, and West Avenue, we improved the parking areas, expanded the number of parking spaces, and landscaped it, and did some circulation work several years ago. We just completed Phase Two, the middle part of that area, the West Campus bloc, which took care of what's known as the 'Dust Bowl' and the University Halls renovations, and some circulation improvements. That has just been completed, and now what we want to do is the third and last phase of that overall project, which is the south end, bounded by Campus Road, Stewart Avenue, and West Avenue. There we have a number of parking lots and roadways and things that we want to finish up, re-do the parking lots and improve them, improve the roadways, and increase the number of parking spaces.

"As I mentioned, we want to designate additional short-term and visitor parking areas. The short-term, both internal and external, internal meaning those red areas along Tower Road and along Garden Avenue, where people who have access to center campus can park, if they have such permits. Parking is for up to two hours, regardless of what their permit designation is, so that they can go to a meeting in Day Hall, or wherever it might be, and be able to get in their vehicle and go back to where they work. That's been a real help to people being able to get around and conduct their business. We believe we need some more of those, and we want to do that. The external short-term that I'm talking about is to provide a little more on the periphery of the central part of campus but within reasonable walking distance of most buildings. Short-term options would be so that those people who park a little further from where they work can have the opportunity at least, on a paid-per-hour basis, to bring their cars within a reasonable walking distance of where they work, to run off to a doctor's appointment or conduct some business off-campus, and get back without losing much of the day. The visitor parking we want to increase around the different areas of campus so that as visitors come to campus they'll be able to park in reasonable proximity to the areas of campus they want to visit.

"We have, in order to build up the inventory of parking spaces that we believe we will need, to start looking at where the next parking garage will go, what's the size and nature of it, and the roadway system that it needs to support it. And because that's a long-term process from start to finish, we want to start now, because it still will be several years away even if we got approval tomorrow.

"We want to continue discussions with the state over replacement parking and construction charges in support of our transportation system. A brief word of explanation on that: it is university policy that as major construction or new construction takes up current parking spaces, and very often you build a building on a parking lot, that part of the cost of that project should be to create the same number of spaces somewhere else on campus. The state has not elected to, as I say, participate in that program.

"The other recent policy in terms of at least the endowed portion of the campus, is that as major projects come on, or as they are being planned, that 2% of the construction cost--it's called a construction charge--is allocated for the transportation system. This is in recognition of the fact that that new facility or if it's a major change in use of a facility, is creating increased demands on the system, road maintenance, new bus service, whatever it might be, and so a 2% charge has been put on these endowed projects. Again, the state has not elected to participate in that program, and we want to talk with them about how can they meet their what I'll call 'obligations', in support of the transportation system which the statutory units as well as endowed units use at the university.

"Continuing on with the parking improvements, in the area of regulation and enforcement, we've asked the Committee on Transportation Services to give us advice on whether increased fines would be an increased deterrent for violations in the parking system. Currently it's not much of a deterrent, if you look at the number of people who get multiple fines, and so I don't know if that would be. Of course it would be if it was high enough; the question is how high is high, and so they're looking at that and will provide advice to us. We should very shortly be installing parking lot gates in various locations. The first will probably be the new Statler Lot at the side of Barton, followed by the Sibley Lot, the one in back of Sibley and north Central Avenue, and the one street by the Johnson Museum. You will be able to use your university I.D. card by slipping it through a reader; if you're eligible to park in that area, the gate would go up and let you through, and we may do that in other parts of the campus as well.

"We would continue a free parking option for faculty and staff and we would construct a free commuter lot in the East Hill Plaza area, initially five hundred spaces, but that's expandable by at least that much again. We want to secure the funding for bus service--the second of the three part system--mainly to respond to the added services that we may need with relocation of two departments, the Investment Office, and the Development Office, which will be moving within the year to Business and Technology Park, out near the airport. We have to be able to respond to the need to transport people back and forth in a reasonably efficient and effective way. That may mean new routes and schedules from there, from commuter lots. It may mean we have to expand the bus fleet.

"Engineering College faculty are helping us with looking at the area-wide transit systems. I've mentioned in other presentations that Bill Wendt years ago, working with all the transit systems, not only in Tompkins County but even beyond, has shown real leadership in getting those coordinated and integrated so that there's some meshing of schedules and service to the community, and they've been very effective, and I think, quite successful. Some faculty in Engineering are looking at that to see what more can be done, how they can be made more effective, and we want to continue to look at the needs of disabled folks on campus and how we can best serve them.

"Circulation is the third part of the system. The campus road project which has been going on for several years would continue; we'd rebuild some roadways in the North Campus area which are sorely in need of help, and as I've mentioned, this overall master plan that is being developed for the campus, is still evolving, it's not definite yet. They are still talking, working, and changing, so all I can say is that whatever would come out of there in terms of future circulation, in terms of access restrictions or regulations, it would be up to the transportation system to implement, so I can't be any more specific until we see what that plan says.

"We would continue our discussions with local governmental agencies about the East Ithaca and Northeast road connectors. There seems to be more interest in

pursuing this now than there has been over the past few years, but these are both things that have been talked about for a number of years. We have met with various governmental planning groups and other legislators to discuss this and see where we go. Then, as part of these projects we would continue with our bikeway system. The Landscape Architecture faculty is devising a master plan, so to speak, for a bikeway system on campus, and how that would integrate into or connect with bikeway systems that will be planned outside of campus by other agencies. While we're not going to go out and just build a bikeway system, our intent is, as we do projects where part of that bikeway would be, we'll build that in as part of the project.

"In terms of the short-term and visitor parking that I mentioned, let me just show you this map showing, without going into any great detail on it, where these spots would be. If you look at the red dots (it's a little hard to see up there) these two-hours spots where you could go to a meeting and park there (that's about as good as it'll get, I guess) we'd increase the number of spots from 262 to 388, I believe that is, and you see where they are located, mainly in the central part of campus near where people have to get around, but you'd be reasonably close to almost anywhere you wanted to go. The green triangles are the short-term lots where anyone could go; you can see they're spaced around the edge of campus, but usually not far from almost anywhere. If someone, even if they parked out at the A or B lot or East Hill lot, needed to, but worked somewhere within the center part of campus, they could go out, pay by an hourly rate, use those lots to run their errands or whatever they may have to do. The number of those would go up very dramatically, from 147 to 615, around the sort of edges of the congested part of campus.

"Well, of course, to be able to do all of this you need revenues, and the revenue sources currently in our budget are not sufficient. Our current budget and expenses are a little over \$3½ million, and we believe that to do the action plan and do all of the other things we currently are doing, we'd need a little bit more than \$5 million next year. That's a change of \$1.385 million. Now, the revenue streams for the Department of Transportation, for this transportation system, come from a number of different places. I've already mentioned the 2% charge on the endowed construction projects. Their operating budget comes from a general purpose subsidy from the university, a direct subsidy of a little over a half million dollars, and let me say, I think I probably said it last fall, there is probably an indirect subsidy there of about the same amount. Parking fees from permits and other things, and fines, are another income stream, and CU Transit, the bus service, is yet another, and so for next year the 2% charge will bring in an additional \$575,000. Parking fees and fines will bring in about \$810,000, but all budgets in the endowed area are being cut, and transportation is no different, and so the subsidy will stay over half a million, but will drop by about \$29,000. We anticipate increased revenues from the bus service which would go up by a similar amount, so the change in the operating budget would be \$810,000, so if you look at the bottom there from Operations, that 810, the 2% charge of 575, would total the 1.385 additional revenue that we'd need next year to implement this action plan.

"In terms of fees, I've mentioned that we have inequities. We have an old, difficult system that often has negative impact on people. Our goals, as part of our plan, would be to have equity within the rates and distribution of permits, continue a free parking option, simplify the fee structure, and of course, secure the necessary revenues to be able to carry out the plan. Let me show you what the simplified fee structure would be. This is a map of the campus. The center part, the red, is what we define as the 'Central Campus'. This is the area of greatest congestion and traffic. This is the area where, if you have a permit, you would be able to park very close to where you work. With your vehicle you would be able to access any part of the campus. That would be the high-priced permit. The middle-priced permit would be in the yellow or what we call the 'Perimeter Zone'. There you'd be able to park reasonably close to where you work, but it'd be a walk, I hope a reasonable walk, to work, but your access to the central part of campus would not be by vehicle but would be by either walking or by using the bus service. At the top, you see a green rectangle, which is the A lot, and at the bottom, the green square which would be the East Hill Plaza lot. Those would be the low-priced spread, or no fee for those. There with the park-and-ride system, you would be able to park free, including students, which is the first time students have had a free parking option, and take the bus in to campus. Now let me just hasten to add that in the yellow zone, in order to be able to draw it encompassing the Cornell-owned and restricted parking areas, we have to include some city streets. We have no control over those and we do not intend or cannot charge for parking on city streets. In terms of what that would cost in those different areas, the red, the central area, which is where you'd be able to park near your work site and have central campus access with your vehicle, would be 94 cents a day or \$244 annually. The perimeter lots, the yellow zone, where you would be able to park I hope not too far from where you work, within a reasonable walking distance or in the residence hall lots, where your access to center campus would be by walking or by bus, would cost 63 cents a day, or \$164 annually. Then those two green areas, which is our park-and-ride system, there would be no charge for parking there. Staff would be able to continue to ride on the buses for no charge, as is the case now, and students, as is the case now, would pay to ride the buses. And then I mentioned the short-term parking: the hourly rate would be 50 cents an hour; the daily rate for a permit for someone to be able to access the campus, would be \$5 per day. So, recapping a bit on the fee structure, our current policy, or the policy for the past few years after many years of having no fee increases, has been to increase the fees by 5% a year. If we did only that, it would raise approximately \$135,000, and you'll recall that what we need in terms of revenues to implement the action plan is about ten times that much, so the increase--remember, the 2% charge brought in \$575,000 but for the operating budget the increased revenues from these restructured fees and the increased fines would be about \$70,000. I should have pointed out that the yellow zone included the current B lot, which right now is a free lot, but would be in the paid area. We estimate that the fees from the increased number of paid permit holders would bring in about \$330,000. For those already paying for their permits, but would see the increases to either \$164

or \$244, we'd bring in from faculty and staff, the increased revenue would be just under \$200,000; from students it would be just over \$200,000. All of that totals to the \$810,000 that we would need additionally from the operating budget to be able to do what we're doing and carry out the action, the master plan, for next year.

"Let me summarize, then, in terms of the action plan for next year, that what we want to do meets the objectives I outlined in the beginning by providing adequate parking, increase the short-term and visitor spaces, continue the free option for staff, provide a free option for students for the first time, increase the number of convenient central campus parking spaces. This plan therefore would address what we see as our future needs by increasing the inventory. We'd improve the circulation network, including bikeways, and I haven't mentioned pedestrian movement, but that's always part of our thinking. We hope to deter illegal parkers by the possibility, at least, of fine increases for violations, by the installation of gates in selected areas, by increased enforcement. In terms of changing transit needs, we'd be looking at new routes, revised routes, refined schedules. We'd create equity, or at least more equity, in the fee system while at the same time simplifying it, and that would provide the necessary revenues for capital improvements and improved operations. With that, I will stop."

Speaker Martin: "Are there any questions for Vice President Gurowitz? Or Mr. Wendt?"

Professor Arthur Berkey, Education, enumerated several points. He commended long term planning for parking and traffic. However, he had concerns with the plan on a number of accounts. A response by Professor Berkery to an earlier Gurowitz memorandum resulted in a reply that essentially rejected his concerns or didn't address same. The plan per se is incomplete in terms of: meeting special needs of Cornell Community as expressed by Ann Lemley at an earlier FCR meeting, e.g. needs of single parents to take children to medical appointments during the day, also commuter drop-off/pick-up; need to address the matters of evening and weekend parking which is in some respects a greater need than day parking; need to address the needs of handicapped persons; requested input to consultant group by members of Cornell community which did not take place; need to assure prompt response to problems as lack of enforcement in Sibley lot area as pointed out by Professor Levy at a prior FCR meeting; question if the "free option" is viable.

He said that on principle, parking fees should not be based on the cost of providing parking and traffic facilities. It is time to view parking as another necessary utility rather than something to be funded by increased user fees which represent a salary reduction to staff and employees.

Vice President Gurowitz: "I agree that we have to be flexible. I think that we try to be, in terms of things like dropping commuters off. The dropoff too often has to be right at the front door. The dropoff could be at a bus stop, and not far away from campus, so that people could get in fairly quickly. In order to try to minimize the extra traffic, I think we have to have some kind of booth enforcement. But that's something I want to look at.

"One of the things about evening parking, and that's something we've heard as we've done these presentations, now, quite a number of them, is that there is this demand. One of the things about parking gates is that you can program those to limit access to whenever you want. A possibility in terms of the future is that once some of those gates go in, if we determine there were sufficient demand, we could provide parking along north Central Avenue where the Johnson Art Museum is, till ten o'clock at night. We'd just keep the gate lowered, and those that have the proper eligibility would be able to use their card in the card reader and get through. So it gives us that kind of flexibility.

"You talked about the fees being to limit demand, and you're absolutely correct; that's the way it started, and as you say, it looks like now that the fees are being used to help fund the system. Well, in a sense they've always been used partly to help fund the system, but we're looking more toward that, that's correct.

"Let me just say, and Bill Wendt may want to chime in, in terms of demand that's out there, we clearly aren't limiting it in what we're doing now, because there are a number of cars that have asked to be registered and are eligible. Let me just say the fundamental premise in this assumption, this whole policy has been, right from the start and continues, we're not intending to change it, unless there is a groundswell to do it, is that all faculty and upper-level staff are eligible to buy whatever permits they wish, to the central campus, the perimeter, or whatever; others are not. But the number of people registering cars far exceeds the number, the increase in the numbers of those coming on campus who are eligible, so clearly demand does not limit it. My guess is that if we extrapolated that, that the demand, if you wanted to limit demand by fees, we'd be higher, way higher than what we're talking about. It doesn't seem to have much of an effect if we can determine the number of people asking for permits in the central area.

"The realistic free parking option--I think that's a good point, and at least some people have raised it in terms of East Hill Plaza. At one of the hearings we had with the Employee Assembly, one of the bus drivers is a member, and he was there, and he was asked the question, 'How long would it take from B lot to Day Hall, on average, for a bus run?' He said, 'Between seven and nine minutes.' 'How long would it take from East Hill Plaza?' (We have bus runs now from East Hill Plaza to Day Hall), and he said it would be ten to thirteen minutes. It would be a few minutes longer, but not ten or twenty minutes longer; it would be a matter of three, four, five minutes difference.

"The other part, let me say that our anticipation is when the East Hill Plaza lot goes in, that we wouldn't have just one route to campus, we'd most likely have at least two, coming from there, one of them up through, let's say, upper campus around the Vet School and down, and the other going behind the stadium to lower campus. We'd have at least two routes, and there's also the possibility, which we want to talk to Ithaca Transit about, because they have a route from East Hill to campus, of employees who use the East Hill Plaza area also being able to use the Ithaca Transit buses free by showing their Cornell I.D. That's something we want to explore with them, but it is a possibility. So, I think it's a realistic free parking option.

"In terms of enforcement, towing is still a part of our enforcement policy; I'm sorry if I misled anyone to thinking it isn't. What I probably said is that we don't like to use it if we don't have to, but we do. We use it for scofflaws, those who build up a huge number of tickets and still keep violating. We use it right away for people in handicapped zones or in Life Safety zones; right away in the sense that we try, if we know whose car it is and can go into a building and say, is so-and-so here; if so, tell him to move his car--we'll try to do that, but then if we can't locate them, those cars are towed. We do use it for scofflaws, etc., so that's still part of our enforcement policy. I did say, at least I meant to say, on a permanent basis, basing personnel as we have been doing around north Central Avenue pretty regularly for several months now, that that's not a permanent solution, because it really is tying up personnel there and we have other spots around campus where we have problems. If we assigned personnel for much of the day or much of the morning to each of those spots, we'd have very few personnel for other areas. That's why the parking gates, I think, are a reasonable solution, because they work all the time, night and day, weekends, any kind of weather, they're there. So, I would hope that the parking gates are a much more cost-effective solution than using personnel on that. I have tried to respond to at least most of the things that you've raised."

Professor Charles Levy, English: "The hour is still later than when Professor Berkey started to speak, saying many things about deficiencies of the system that I strongly endorse, but you've just started to return to the deferred topic of parking fees beyond what Professor Berkey said, deferred from our December 14 meeting, when at the speaker's request I relinquished the floor on the assurance that we would have the opportunity to talk in detail about the more sharply deterrent fees that were in the planning stage. Mr. Speaker, do we have time for that, or not?"

Speaker Martin: "With the body's permission, there's one thing I would like to do first. We do not have a quorum; therefore, the other resolution, the approval of the minutes, cannot come on the floor. However, we do need to receive the report from the Nominating Committee to see if there are any additions. Then, by legislation, that can be given over to the Executive Committee, because we have to get action in order to have an election. If you would permit, Professor Levy, for us to interrupt with Professor Farley, then we can immediately come back. Does everyone have a copy of the list?"

4. SLATE OF CANDIDATES

Associate Professor Jennie Farley, ILR: "I present to you, on behalf of the Committee on Nominations and Elections, the proposed slate of candidates (Appendix B, attached)."

Speaker Martin: "At this time, are there additional nominees that you wish to add to this list, understanding that these prospective nominees must have been approached and you have their permission to put their name on? Are there any additions? There being none, that concludes it, and this will be put over to the Executive Committee for adoption and circulation. Thank you. Professor Levy?"

Professor Levy: (Professor Levy made a few introductory comments about the parallel practices of the administration and the federal government in respect to "taxing policies", etc., ed.) "I should like the body to think of the merits of the parking situation, and to think very much in terms that Professor Berkey has suggested. Rather than simply to take it as axiomatic that because the university does not have the means to fund improvements to circulation, traffic, parking, that the university faculty and staff must take the place of university funding of what are, after all, long-term capital improvements in many cases. That cannot be accepted as axiomatic; that is simply begging the question of what is the business of the university. For the university to use subsidies, an institution does not subsidize its essential operations. It funds its essential operations. For the university to subsidize parking and traffic to the extent of 10 to 20%, is it a half million or perhaps another hidden half million out of five million, hardly expresses the interest that the university has in a correctly functioning circulation system. If we can then just put aside this not axiomatic proposition, and turn to the issue of these deterrent or not deterrent fines. I have a slightly different perspective from Professor Berkey on deterrence. When paid parking was instituted back in the early 70's it was designed as a very sharply deterrent system. Many of us, those of us in the humanities, without summer supplements, without consulting fees, had/have very modest extra money. Not only, then, was that deterrent particularly effective, if you will, in our case, but besides that, areas within the close-in campus, well within the red area that appears on the projected map, were allocated for fees one-half to one-quarter of the fees we had to pay. That inequity had been attenuated over time not by lowering our fees, but by bringing the others up, as you might expect, and in the last five years, the 5% increment of which Vice President Gurowitz speaks was not an automatic 5% increment, it was tied precisely to the increase in the compensation pool. The 22% or higher increment now being proposed and it starts at 22% except for a very few kinds of permit, K, O, and R, which do not much interest university faculty, but it goes to infinity. For those people who have been using the B lot and want to continue to use the B lot it constitutes something like the quadruple of the increments that over the past five years by, I think, a wise decision of the authorities that regulate the regulators, it quadruples the 5-6% increase in the compensation pool proposed for this year. Since these improvements will

go on, I understand that it is under serious consideration that this quadruple increment will go on, in order to meet the expenses of the expanding transportation system. Four seems to be the number the transportation office conjures with. Let me remind one that if this goes on for several years and if you take into account as well the new faculty contribution to the endowed health fund, tax adjusted, we are talking indeed about a return to salary, depending upon the salary, in the range of 1-3%, for services that the individual member is not himself or herself receiving. I asked Bill Wendt if he could come up with figures which indicated what the cost to the university was of a permit-holder's actual use of a certain square footage of parking strips or parking lots. Bill, will that be available when I'm done? on a transparency?"

Bill Wendt: "No. I told you that that is not an analysis that I have really ..."

Professor Levy: "Well, you told me about the 350 square foot commercial parameter estimate, generally made for parking lots and parking garages. I understood that you would present your own figures for us to assess. Let me point out to you that in the busiest portions of the campus, many, many of the parking spaces are parking spaces alone without any parking, extra parking lanes. They are right on thoroughfares or on absolutely essential service roads. If you calculate in some kind of rough and ready sharing arrangement, occupancy-sharing arrangement, the question really is, for the individual parker who pays now \$200 for his permit, what is the cost to the university of all its maintenance, including depreciation, if you wish, of 30 square feet of blacktop or perhaps simply ground? From our own experience with our own driveways, I think we'll come to a figure which allows the university a good deal of surplus in the present \$200 fee. We all are being called upon to operate within a very, very narrowly restrictive budget. It would seem to me that this is no time for one department, however important to the university, a service department, not the many, many departments that perform the mission of the university, to be treated to a quadruple increment, or more. We are asked to do our work under this straitened budget; we are asked to do our work well, under this straitened budget. I think we're entitled to ask the Department of Transportation to do the same thing until we get out of the budgetary woes, the deep, dark budgetary woes, in which the university finds itself because of the insufficiency of its endowment income, that the parking and transportation people continue to use the percentage figure that the rest of the university uses. Indeed, it is being cut on the on-budget budget. It is trying to do what other departments do not do, by making use of something with which we are familiar from Gramm-Rudman, the so-called 'off-budget' budget. This is not the time for the university to further straiten the circumstances of the university faculty and staff, that we're talking in terms of equity heretofore, but speaking about the bottom line for the institution. Straight from the bottom to the top of the age range in our profession, from the graduate students whose insufficient stipends are forcing them not to come to Cornell, to leave Cornell, perhaps even to leave the profession, the senior members of the faculty whose insufficient retirement funds are prompting them

not to retire as soon as might ideally be desirable. We too have more than our day-to-day problems. We have, if you will, our capital funding problems, our bulk, long-term, funding problems. We have to expect a department like Transportation to share those problems. It would be profoundly counter-productive, as a matter of fact, to the newly enunciated policy of the university to achieve renewal without expansion for us, for the university, I repeat, further to straiten the circumstances of its faculty. This double-digit desperation budget simply, if it ever has a proper time, and if it ever has a proper object, we are not at that time, and this is not its proper object. That kind of budgeting, if it's possible at all, should be devoted to those departments of the university which are performing its mission, not departments which are providing the support of that mission. Twenty-two percent and more is, it must be said and it was even at the time of highest inflation, price gouging, price-gouging by a monopoly operation. It constitutes a levy on the faculty; in effect, the faculty is being, not asked, but required to make further donations to the capital improvement of the university. Send the Development Office around to us, but it is highly improper and counterproductive to the mission of the university simply to levy that donation to the capital improvement of the university by administrative fiat." [applause].

Speaker Martin: "Further questions or comments? Dean Lynn has a further comment."

Dean Lynn: "It's not about transportation. First of all, I want to thank those members of the FCR and members of the University Faculty who attended this meeting. I apologize for the rest of us of not being able to have a quorum to conduct our business. I know Professor Briggs was here to call for a resolution regarding Salman Rushdie, a resolution which he was to call at the meeting, and I don't know how we'll proceed. The last meeting of this body is on the 10th of May. What is clearly happening is that this governance system will now revert, it seems to me more clearly, to the Executive Committee and we'll have to give a great deal of thought about how that would proceed in order to carry on the faculty's business in these affairs. I did want to thank you, all of you who did come to this meeting, with the intent of acting on this business and I'll just apologize for the rest of your colleagues who are members of this body who did not show up. Thank you, Mr. Speaker."

Speaker Martin: "Thank you very much. Gentlemen, do you wish to respond to anything? Is there further business to come before the body? There being none, we are adjourned. Thank you."

Adjourned: 5:47 p.m.

Mary Morrison
Secretary

TRANSPORTATION PROGRAM

MISSION:

- Delivery of comprehensive and effective transportation services
- Facilitation of access by the community to work or study on the Ithaca campus

PHILOSOPHY:

- Deliver priority services while continuing to maintain and improve the quality of the campus environment and of campus life

WHERE ARE WE NOW?

- Parking inventory meets current needs, with difficulty
 - Planned facilities will reduce current inventory
 - 5 year projection: 1,300 net additional
 - 10 year Sasaki report: 1,800 net additional spaces
- Serious traffic congestion exists and will worsen without parking and circulation improvements
- Current revenues do not provide for adequate circulation and parking lot maintenance, nor funding for needed improvements
- Inequitable fee structure

THE TRANSPORTATION MASTER PLAN:

OBJECTIVES:

- Adequate parking, circulation, and transit services
- Integral part of the campus master plan
- Sensitivity to safety and green space issues - "walking campus"
- A coordinated response to community-wide concerns about traffic, parking, and circulation needs; within Cornell and in Tompkins County
- Fee restructuring and simplification

CONCEPTS AND OPTIONS EXPLORED WITH CAMPUS
COMMUNITY AND CONSULTANTS:

- More convenient parking
- Park and ride
- Ride sharing
- Improved transit
- Courier service (taxi service)
- Increased enforcement of regulations
- Access restrictions
- Relief for neighboring communities
- Improvements to circulation
- Opening up new areas for parking
- Short term parking options

Transportation Master Plan 1989-90 Action Items

- Bring equity to the parking system
- Integral part of the Campus Master Plan

I. PARKING

A. Improve Parking and Parking Services

- **Reopen current construction lots** (Edgemoor and Stewart, east of Bruckner, east of Fieldhouse)
- **Restripe existing lots to maximize capacity** (ex. A and B lots → plus 100 spaces)
- **Construct next phase of West Campus parking and circulation improvements**
- **Designate additional short-term and visitor parking areas**
- **Initiate a site specific study for the next parking garage, including circulation impacts and staging**
- **Continue discussions with State over replacement parking and construction charges** in support of transportation needs

B. Regulation and Enforcement

- **Increase fines** for violations
- **Install parking lot gates** in various locations to aid enforcement

C. Park and Ride

- Participate in local government planning for a **Park and Ride System**
- Continue a **free parking option** for campus community
- Construct a **free commuter lot** in the East Hill Plaza area (initially 500 spaces)

II. TRANSIT

- **Secure funding for added services** that respond to relocation of university departments
- **Implement new routes** and schedules from commuter lots
- **Expand transit fleet**
- **Evaluate areawide transit systems** (study to be conducted by Engineering College Faculty to improve services and linkages)
- Evaluate needs for **improved service to the disabled**

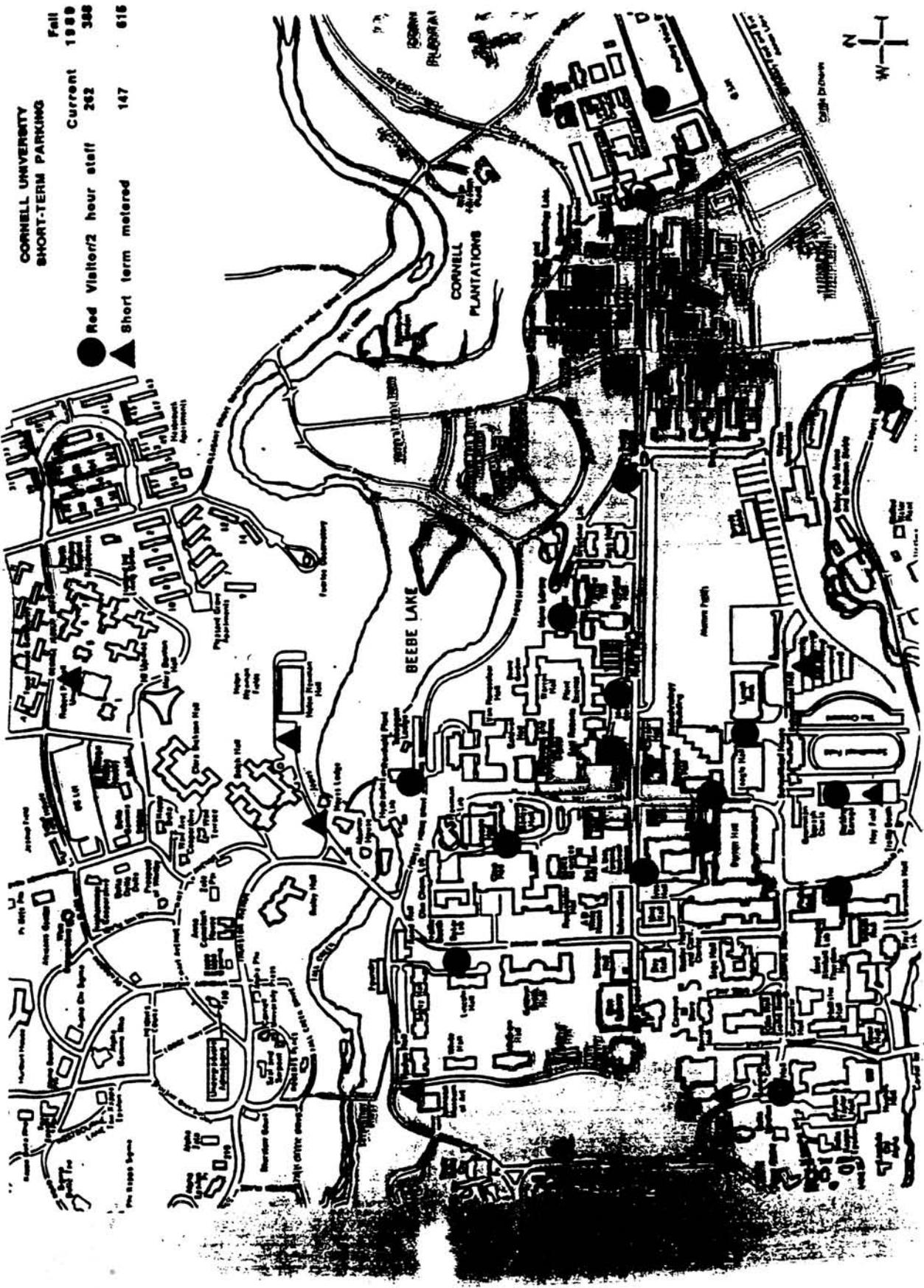
CIRCULATION

- Construct next phase of Campus Road (Schoellkopf Drive) in the area of the new fieldhouse and Riley-Robb Hall
- **Rebuild North Campus roadways** (Sisson Place, Jessup Dr., etc.)
- **Implement future circulation and access regulations which derive from the Campus Master Plan**
- Discuss and **plan with local government** East Ithaca and N.E. road connectors
- Develop **plan for campus bikeway system** (study to be coordinated with landscape architecture faculty)

**CORNELL UNIVERSITY
SHORT-TERM PARKING**

Fall	1989
Current	388
Red Visitor/2 hour staff	262
Short term metered	147
	616

- Red Visitor/2 hour staff
- ▲ Short term metered



IV. 1989-90 REVENUE SOURCES

Overall Department Plan

	<u>1988-89</u>	<u>1989-90</u>	<u>Change</u>
Total Expenses	<u>\$3,637,500</u>	<u>\$5,022,500</u>	<u>\$1,385,000</u>

Revenue Sources

2% Capital Account:

	<u>1988-89</u>	<u>1989-90</u>	<u>Change</u>
	<u>\$7,500</u>	<u>\$582,500</u>	<u>\$575,000</u>

Operating Budget:

	<u>1988-89</u>	<u>1989-90</u>	<u>Change</u>
Parking Fees & Fines	\$1,941,000	\$2,751,000	\$810,000
GP University Subsidy	545,000	516,000	(29,000)
CU Transit	<u>1,144,000</u>	<u>1,173,000</u>	<u>29,000</u>
From Operations	<u>\$3,630,000</u>	<u>\$4,440,000</u>	<u>\$810,000</u>

*1. To
to check
to Tom Fran
to his previous*

Additional New Revenues

From Operations	\$ 810,000
2% University Construction Charges	<u>575,000</u>
Total	<u>\$1,385,000</u>

FEE ISSUES

- Inequities exist
- Structure
 - 20 years old
 - cumbersome
 - complex
- Negative
- Emotional
- Impact on personnel
- 1989-90 Goals
 - **Equity** within the rates and distribution of permits
 - Continue a free option
 - Simplify fee structure
 - Secure necessary revenues

Simplified Fee Structure

1989-90

Near work site \$.94 daily
Central Campus Access \$4.70 weekly
\$9.40 biweekly
\$244 annually

Perimeter Lots \$.63 daily
Walk to work sites, Res. Hall lots \$3.15 weekly
Central Campus Access Restricted \$6.30 biweekly
to bus or walking \$164 annually

Park and Ride No charge for parking
Free parking peripheral lots
students pay to ride bus
staff ride free

Short-term Parking \$.50 hourly
\$5.00 daily

Construction permits \$25 annually

Current Fee Structure

Usual 5% increase only raises \$135,000

Increased Revenue From Restructured Fees and Fines

\$ 70,000	Fines
330,000	Fees from increased number of paid permit holders
195,000	Fee increases to current paid faculty/staff permit holders
<u>215,000</u>	Fee increases to current paid student permit holders
<u>\$810,000</u>	

Summary

Plan meets transportation objectives

- Adequate Parking
 - more short term and visitor
 - continues a free option for staff
 - provides free option for students
 - builds convenient central campus parking
 - addresses future needs
 - increases inventory

- Provides for improvements to circulation network
 - includes bikeways, pedestrian improvements

- Deters illegal parkers
 - increases fines
 - installation of gates
 - increases field patrols

- Addresses changing transit needs
 - implements new routes
 - enhances service intervals

- Creates equity in the fee system
 - simplifies structure

- Provides necessary revenues
 - capital improvements
 - improved operations

April 12, 1989

**REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS
SLATE OF CANDIDATES**

(all terms commence July 1, 1989 unless otherwise indicated)

AT-LARGE MEMBER - FCR - 3 vacancies, 3-year term

Steven W. Cornelius, Associate Professor, Human Development and Family Studies
 Ronald G. Ehrenberg, Irving M. Ives Professor of ILR, and Professor, Economics
 Terrence L. Fine, Professor, Electrical Engineering
 Joanne E. Fortune, Associate Professor, Physiology
 Michael J. Todd, Leon C. Welch Professor of Engineering

COMMITTEE ON MEMBERSHIP OF THE UNIVERSITY FACULTY - 1 vacancy, 3-year term

Timothy Murray, Associate Professor, English
 Robert J. Smith, Goldwin Smith Professor of Anthropology

NOMINATIONS AND ELECTIONS COMMITTEE - 3 vacancies, 3-year term

Vernon M. Briggs, Professor, ILR
 Eugene C. Erickson, Professor, Rural Sociology
 Henry W. Richardson, Associate Professor, Architecture
 Mary H. Tabacchi, Associate Professor, Hotel Administration

REVIEW AND PROCEDURES COMMITTEE - 3 vacancies, 3-year term

Steven B. Caldwell, Associate Professor, Sociology
 John E. Coleman, Professor, Classics
 Ali S. Hadi, Assistant Professor, ILR
 P. Steven Sangren, Associate Professor, Anthropology and Asian Studies

UNIVERSITY-ROTC RELATIONSHIPS COMMITTEE - 2 vacancies, 3-year term

Kenneth C. Hover, Associate Professor, Civil and Environmental Engineering
 Dudley Poston, Professor, Rural Sociology
 Gerald B. White, Associate Professor, Agricultural Economics

**ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY COMMITTEE -
1 non-tenured vacancy, 2-year term**

Mitchel Y.T. Abolafia, Assistant Professor, JGSM
 Carroll Glynn, Assistant Professor, Communication

ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY COMMITTEE -
2 vacancies, 3-year term

John J. Barcelo III, A. Robert Noll Professor of Law
Robert L. Harris, Associate Professor and Director, Africana Studies and Research Center
Sidney G. Tarrow, Maxwell M. Upson Professor of Government

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - 1 vacancy, 3-year term

Gerald Rehkugler, Professor, Agricultural and Biological Engineering
Steve Robertson, Associate Professor, Human Development and Family Studies
Constance H. Shapiro, Associate Professor, Human Service Studies

ADMISSIONS AND FINANCIAL AID COMMITTEE - 1 non-tenured vacancy, 3-year term

Catherine M. Crawford, Assistant Professor, Human Service Studies
Enrique Figueroa, Assistant Professor, Agricultural Economics

ADMISSIONS AND FINANCIAL AID COMMITTEE - 1 vacancy, 3-year term

Peter S. Chi, Professor, Consumer Economics and Housing
Steven J. Schwager, Associate Professor, Plant Breeding and Biometry
John F. Wootton, Professor, Physiology

FACULTY ADVISORY COMMITTEE ON ATHLETICS AND PHYSICAL EDUCATION -
1 non-tenured vacancy, 3-year term

Pamela Tolbert, Assistant Professor, ILR
David L. Weakliem, Assistant Professor, Sociology

COMMITTEE ON FINANCIAL POLICIES - 1 non-tenured vacancy, 3-year term

Harry M. Kaiser, Assistant Professor, Agricultural Economics
Robert B. Silver, Associate Professor, Physiology

COMMITTEE ON FINANCIAL POLICIES - 2 vacancies, 3-year term

Peter L. Auer, Professor, Mechanical and Aerospace Engineering
Michael Hannan, Henry Scarborough Professor of Social Science
Donald F. Holcomb, Professor, Physics
Thor N. Rhodin, Professor, Applied and Engineering Physics
Bernard F. Stanton, Professor, Agricultural Economics

MINORITY EDUCATION COMMITTEE - 1 non-tenured vacancy, 3-year term

Anne Adams, Assistant Professor, Africana Studies and Research Center
Rochelle Feldman, Assistant Professor, Rural Sociology

MINORITY EDUCATION COMMITTEE - 2 vacancies, 3-year term

Barry B. Adams, Professor, English
James A. Gross, Professor, ILR
Ronald R. Hoy, Professor, Neurobiology and Behavior

RESEARCH POLICIES COMMITTEE - 2 vacancies, 3-year term

James M. Cordes, Associate Professor, Astronomy
R. Keith Dennis, Professor and Chairman, Mathematics
Cutberto Garza, Professor and Director, Division of Nutritional Sciences
Mark A. Turnquist, Professor, Civil and Environmental Engineering

UNIVERSITY ASSEMBLY - 3 vacancies, 2-year term beginning June 1, 1989

Thomas R. Cullen, Associate Professor, Hotel Administration
Robert W. Langhans, Professor, Floriculture and Ornamental Horticulture
Edward M. Murray, Associate Professor, Music
David Robertshaw, Professor, Physiology
Savely Senderovich, Associate Professor, Russian Literature

ADVISORY COMMITTEE ON RESPONSIBLE SPEECH AND EXPRESSION -
1 vacancy, 2-year term

Moncrieff Cochran, Associate Professor, Human Development and Family Studies
Jonathan Monroe, Assistant Professor, Comparative Literature

FACULTY COUNCIL OF REPRESENTATIVES

May 10, 1989

The Speaker, Professor Emeritus Russell D. Martin, called the meeting to order. He called on Dean Lynn for remarks.

1. REMARKS BY THE DEAN

Dean Lynn: "The first is to welcome you all. We exceed the quorum by a sizeable amount, and I congratulate you for that, and especially on this nice rainy day, and with the competition from the College of Arts and Sciences, who has decided on this day, of all days, to call a special meeting of its faculty. A few words have been exchanged with the Arts College with respect to that matter.

"There are two issues that I wish to discuss with you. First of all, it is to report to you that the University Faculty election, which elects members of the University Faculty to committees, has been completed. There were approximately 515 ballots struck; on the sheet before you, at the table, which you should have picked up on your way in, is a list of the names of our colleagues who were elected (Appendix A, attached). I'm pleased to report to you that the committee system is alive and well, and that we have added a distinguished group of faculty to carry on the work of the committees. You will hear more about the FCR representatives on the committee system shortly.

"It is with regret and sadness that I also wish to announce the names of our faculty colleagues who passed away this past year, and they are:

Everett M. Strong, Professor Emeritus, Electrical Engineering,
September 23, 1988

George B. Dubois, Professor Emeritus, Mechanical Engineering,
September 25, 1988

Michael Peech, Professor Emeritus, Soil Science, October 6, 1988

Siegfried E. Lienk, Professor Emeritus, Entomology, Geneva,
June 25, 1988

Mabel E. Doremus, Professor of Food and Nutrition Emeritus,
October 9, 1988

William K. Jordan, Professor Emeritus, Food Science, October 11, 1988

Forrest F. Hill, Professor of Agricultural Economics Emeritus,
October 20, 1988

Herbert F. Newhall, Professor of Physics Emeritus, November 6, 1988

Gerald A. Marx, Professor, Horticultural Sciences, Geneva,
November 13, 1988

Arthur H. Peterson, Controller and Professor of Business
Administration, Emeritus, November 24, 1988

Chandler Morse, Professor Emeritus, Economics, December 5, 1988

Albert S. Roe, Professor of History of Art Emeritus, December 19, 1988

Virginia True, Professor Emeritus, Housing and Design, January 4, 1989

Edward P. Morris, Professor, Romance Studies, January 7, 1989

Harry A. Kerr, Professor Emeritus, Soil Conservation, January 11, 1989

J. Congress Mbata, Associate Professor, Africana Studies,
January 14, 1989

Charles R. Henderson, Professor Emeritus, Animal Science,
March 14, 1989

A. Frank Ross, Professor Emeritus, Plant Pathology, March 28, 1989

Robert E. Osborn, Professor Emeritus, Electrical Engineering,
April 14, 1989

Leigh H. Harden, Professor Emeritus, Personnel Administration,
May 3, 1989

"Please join me and rise for a moment of silence in recognition of our
departed colleagues.

"Thank you."

2. APPROVAL OF SUMMARY MINUTES OF FEBRUARY 8, 1989

Speaker Martin: "Are there any questions for the Dean? Our next item of business is approval of the Summary Minutes of the combined FCR and University Faculty meeting of February 8. Are there any corrections to those minutes as distributed? There being none, they stand approved. The April 12 Summary Minutes will be distributed in the call to the first meeting next fall. That was not an official meeting, since we had no quorum. The chair next calls on Professor Jennie Farley, chair of the Nominations and Elections Committee, to present the slate of candidates for FCR seats on committees."

3. APPROVAL OF SLATE OF CANDIDATES

Associate Professor Farley, ILR: "You have the list of candidates from your Committee on Nominations and Elections. I have one addition to the list. Under the Academic Programs and Policies Committee, Professor Robert Playter, Clinical Sciences, the College of Veterinary Medicine."

Speaker Martin asked if there were further nominations, providing nominators have obtained permission from the individual and they have agreed to run. There being none, the slate was approved (Appendix B, attached).

The Speaker invited each person presenting a resolution to come to the microphone. The chair next called on Dean Lynn for presentation of a resolution creating the Committee on Affirmative Action.

4. RESOLUTION RE COMMITTEE ON AFFIRMATIVE ACTION

Dean Lynn: "Mr. Speaker. Before I introduce this, as you know, we record these minutes and a transcript is prepared which is the full transcript of the meeting minutes of this faculty, and because of the microphone system, it's important that each one of us speak up, and if you fear that you won't be heard clearly on the microphone system, please come down to the front. So, I urge you to do that, and also to identify yourself for the record so that the secretary can maintain an accurate recording of the comments and the proceedings.

"You have before you the resolution creating a Committee on Affirmative Action. Now, I just remind you that this committee was called for when the FCR passed the resolution approving the response of the Minority Education Committee to the Cohen/Gates Report. I'm sorry to say that I was reminded by a former member of that committee that all the other colleges had

established their committees on affirmative action, except the FCR had not done its job. We should have done it earlier, and this is simply completing our business."

Dean Lynn read the resolution:

WHEREAS, the FCR, at their November 1987 meeting, charged the Committee on Minority Education to make an intensive review of the Cohen/Gates Report, "The crisis of Minority Faculty at Cornell", and

WHEREAS, the Committee's recommendations were approved at the May 11, 1988 FCR meeting, and

WHEREAS, one of the recommendations called for the establishment of a standing FCR Committee on Affirmative Action to review the work of college faculty affirmative action committees and progress toward achieving the university's faculty affirmative action goals in employing women and minorities, and

WHEREAS, the FCR Executive Committee and the Review and Procedures Committee of the University Faculty have reviewed and endorsed the proposed charge (Appendix C, attached) and composition of the Committee, which shall be organized and operate under the Rules and Procedures governing standing committees of the Faculty Council of Representatives (i.e. seven faculty members, two elected by and from the FCR and five who are not FCR members elected by and from the University Faculty with at least one of the members being non-tenured),

THEREFORE, BE IT RESOLVED, that the FCR approves the creation of the Committee on Affirmative Action, and charges the Nominations and Elections Committee to staff the Committee through the normal elective process as soon as possible.

Speaker Martin said the resolution was now on the floor for discussion. There being none, a vote was taken and the resolution carried.

The Chair next called on Professor Vernon Briggs, I&LR, for presentation of a resolution on behalf of free written expression.

5. RESOLUTION RE FREE WRITTEN EXPRESSION

Professor Briggs: "Thank you. This is a resolution pertaining to the Salman Rushdie issue. It's a result of conversations with several faculty members in the belief that the academic community, the nation, has been strangely silent on perhaps one of the most threatening issues to academic

freedom everywhere in the world, the right to be able to freely express and to write your views without fear of government issuing death threats or world-wide bounties for assassination for simply expressing one's views. It's not a resolution dealing with the merits of the book. I have not read the book; I don't care to read the book; I'm willing to accept the book, the fact that the book is blasphemous, so are many things, but the idea that people have the right to publish books, to write books, without fear of intimidation, seems to me to go right to the very heart and core of what universities are about, and for that reason, we have drafted a resolution. I have the signatures of ninety-one faculty members. There was no effort to canvass the faculty, but ninety-one faculty members from the College of Arts, the I&LR School, the College of Engineering, perhaps others, who signed just to show that the support was more than just a few persons, signed the petitions supporting this particular resolution. Again, it's the belief that universities ought to speak out on this issue. If not, publishers may feel intimidated; booksellers may feel intimidated; and again, a community based on written and spoken expression, in our view, should feel free to speak out and condemn this action."

Speaker Martin: "Since this did not come from a committee, it does require a second. Do I have one?"

The resolution was seconded and the floor opened for discussion. There being none, a vote was taken and the resolution was adopted as follows:

WHEREAS, faculty members at Cornell University are part of an eternal struggle to teach and write free words, we cannot remain silent when our very thoughts and expressions are being chilled by violent acts of intimidation no matter the source. In our imperfect world, we usually rely on individual colleagues in and outside the university to speak out against violations of our ideals at home and abroad. but, on occasion, we confront such outrageous acts that we have no choice but to act as a corporate body. The current "search and destroy" mission directed against the author Salman Rushdie by governmental and religious leaders of Iran requires our collective outcry.

THEREFORE, BE IT RESOLVED, that the Faculty council of Representatives of Cornell University denounces the Iranian government's death threats against Salman Rushdie and calls upon other American universities to join us in this protest on behalf of free written expression everywhere.

The Chair next called on Professor George Conneman, a member of the Academic Records and Registration Committee, regarding the resolution on S/U grading in the College of Veterinary Medicine.

6. RESOLUTION RE S/U GRADING IN VETERINARY MEDICINE

Professor Conneman: "You all have before you the resolution concerning S/U grading in the College of Veterinary Medicine. The Academic Records and Registration Committee wishes to recommend that this item be considered by the Faculty Council of Representatives:

WHEREAS, the Faculty of the College of Veterinary Medicine approved a proposal introducing the notation of "M" for Marginal in the S/U system of notations to be applied exclusively to the records of students, who are enrolled in said college as candidates for the degree of Doctor of Veterinary Medicine in situations wherein the level of achievement of the students is deemed to be barely acceptable, but not unacceptable, and

WHEREAS, the Committee on Academic records and Registration reviewed the proposal and in so doing, found that the Faculty Council of Representatives approved revision of S/U grading in 1976 to incorporate an "H" for Honors in the S/U system of notations used in the Law School, thereby establishing a precedent for a three-factor S/U system in a professional program of study,

THEREFORE, BE IT RESOLVED, that the Committee on Academic Records and Registration recommends tha the Faculty Council of Representatives approve the addition of the "M" (Marginal) notation in the S/U grading system in the College of Veterinary Medicine, effective Fall 1989, with the understanding that this notation is to be used exclusively in the records and transcripts of students who are enrolled in said colelge as candidates for the degree of Doctor of Veterinary Medicine.

"I believe there are several members of the Vet College who are here who will be willing to speak to the resolution."

Speaker Martin: "Professor Conneman, do you wish to speak to the resolution before we call on them?"

Professor Conneman: "Well, I guess that the Academic Records and Registration Committee discussed this several times, including the previous time when the motion was withdrawn at the request of the College of Veterinary Medicine. It is the general view of the committee that this represents a personal circumstance. It does not set any precedent, because it does not apply to undergraduates or graduate students; it applies only to students who are candidates for the degree of Veterinary Medicine. It would leave the Johnson School of Management as the only professional school at Cornell that does not have a S/U category, three-designated."

Speaker Martin: "Thank you. From the Veterinary College, do we have a speaker, and then Professor Lynn to follow. Professor Wootton?"

Professor John F. Wootton, Physiology: "Thank you. I'll speak very briefly to the motion. I think Professor Conneman has really presented the principal considerations within this motion. I speak on behalf of the General Committee of the Veterinary Faculty, that's the executive committee for that body. The reason that this motion is presented is to get around a problem with interpretation which affects the way in which we evaluate student progress. We evaluate student progress along two different lines. Concerning the core curriculum, the required component, one guideline stipulates that failure of any course in the core component can be grounds for not allowing a student to re-register. Another guideline looks at overall performance, and evaluates students on the basis of numbers of grades of 'D.' Since the present S/U system does not differentiate between a 'D' or an 'F' and since we have several courses in the veterinary curriculum which are most appropriately graded not on a letter system but on an S/U system, this creates an element of confusion which makes it difficult for us to apply our guidelines, and therefore we would hope that you would allow us to use this modified system for our own particular purpose, for our own students. Thank you."

Speaker Martin: "Dean Lynn?"

Dean Lynn: "I rise to speak against this motion, and I hope to convince you to vote against it. Some of you may wonder why somebody would rise to talk against a motion in which a petition is made for a school to have relief to have a grading system which meets its special needs. Let me remind you of the history of this institution in terms of grading. Fifty-five years after the faculty first established a grading system, that is, in 1914, it passed its first grading legislation, and in 1933, it established a uniform grading system for all colleges and schools at the university. That was a ruling of the University Faculty. In '65, we changed to letter grades and S/U grades were first established for the purpose of allowing grades to be granted of a special kind where it was not possible to have any greater precision in the grading process. The role of the S/U grade changed over time. The Vietnam War produced a special set of perspectives about what grading ought to be, and then in 1971 the Hotel School led its own charge, which was that we ought to have uniformity in S/U grading, and decided and convinced the Faculty that it ought to establish a consistent meaning to grades in the S/U category, namely, 'S' was C- or higher, and 'U' was D+ or lower. Then, finally, in 1976, the Faculty modified the S/U grades to an honors/satisfactory/unsatisfactory category for law students. Again the appeal was made a special concern of the faculty. The reason I rise to oppose this motion is, first of all, without any malice or hostility to the College of Veterinary Medicine, my objection is simply that since 1933, this

Faculty, this strange group of people we call the University Faculty, come together to in some way establish the rules for this institution that transcend the special interests of the colleges and the schools and act in some way to make us one institution rather than a collection. As Clark Kerr has said, and you all know the statement: 'A set of disciplines connected by a central heating system.' But the resolution that was established in 1933 acted to impose uniformity on all the colleges and schools. The resolution on behalf of the Law School--of the College of Veterinary Medicine, claims that the request can be justified in part because in 1976 this faculty allowed the Law School to modify the grading system to 'H,' 'S,' and 'U,' for graduate students only and the same comment is made for a new category of grade called 'M'. I should point that as far as the Registrar is concerned, the processing of grades having an 'M' is of no consequence. The claim is made, however, that a precedent was made by permitting autonomy for schools, by giving the Law School that right, there is a precedent which we have established which would therefore allow the College of Veterinary Medicine to in fact impose its special grading requirements for that. I believe that the approval of this resolution, which is from my point of view difficult enough to endorse on its merits, would contribute to a further balkanization of this university which I believe will adversely affect us all, and therefore I urge you to vote against the resolution. Thank you, Mr. Speaker."

Speaker Martin: "Do we have someone wishing to speak in the affirmative? Excuse me. Will you please identify yourself? Thank you."

Professor Alan Dobson, Physiology: I'm in the Veterinary School. I don't think the university is going to crumble just because we treat professional students a little bit different than the normal graduate students and the undergraduate students. We don't have very many of those, anyway. This was only going to apply to a few courses within the professional curriculum to which there is difficulty in applying our guidelines. Now, one could alter a whole lot of things, but the easiest thing to do for us is to bring the S/U grades which we give in some of these courses into line with the letter grades. It's unfortunate that the system that the university as a whole has, has a 'C-' which is considered satisfactory in one system and a D+ or lower unsatisfactory in another system of looking at it, and it's partly due to this. I would have no objection to applying a consistent set of grades to our professional students if there was no ambiguity for people looking at their transcripts and we could get a uniform system, but we're not presented with a uniform system, so I would ask for the passage of this particular resolution as being, allowing us, some kind of leeway to give the right impression with the grades that we give, under these circumstances, and allow us to take within our proper guidelines the kinds of actions that we have to take, the faculty, about our students."

Speaker Martin: "Do we have anyone speaking in the negative? Would you please identify yourself?"

Professor Robert C. Lind, JGSM: "The question I have is that it seems to me that we're quibbling here over adding a 'D' to the system, where a 'C-' won't do. That's a very fine distinction. It seems to me that if you're going to do that, you ought to go 'A, B, C, D,' and have the whole ball of wax, and to add a crazy 'M' to the system--I mean, if you really can't tell the difference among people, and if you need an S/U system, why not call the 'D' a 'C-' and give them an 'S' and be done with it, instead of adding an 'M', and I'm going to vote against it, unless I hear something compelling."

Speaker Martin: "Yes."

Associate Professor Robin Gleed, Clinical Sciences: "We have several core courses within our curriculum which involve such learning processes as learning surgical techniques. One of the problems in grading this kind of course is that it's very difficult with young professional students, to distinguish their ability between 'A,' 'B,' and 'C.' This is why these courses are currently taught solely as S/U graded courses. The instructors in those courses are reluctant to try and annotate those courses with 'A', 'B,' and 'C' and 'D' grades, in fact, are even a little bit reluctant to try and introduce 'M' to the system but feel that that is the best compromise, given the circumstances."

Speaker Martin: "Is there further discussion? Yes."

Professor Robert Fay, Chemistry: "I'd like to know what is the practice in other veterinary colleges? Is a grade 'M' widely used elsewhere, and will it be easily interpreted?"

Speaker Martin: "Could anyone speak to that?"

The response from an unidentified speaker: "I don't think that any of us actually have an answer to that, although it would seem that having an S/M/U system would make our transcripts more easily understood by our graduates who are looking at internships and post-graduate education in other schools."

Speaker Martin: "Further discussion? If not, we shall proceed to vote. The chair is in doubt. We'll take a standing vote, reminding you that FCR members only are entitled to vote. Those in favor, and Mary, would you and the Dean be our tellers. All in favor of the resolution, please rise. Please be seated. Those against the resolution, please rise. There is no doubt with the standing vote. The resolution has been defeated. The chair next calls on Professor Risa Lieberwitz, ILR, chairperson of the Committee

on Academic Freedom and Professional Status of the Faculty, for a discussion of the proposed Statement of Professional Ethics. This item is on the agenda for discussion only."

7. DISCUSSION OF STATEMENT OF PROFESSIONAL ETHICS

Professor Lieberwitz: "You received in your material both a draft of the proposed statement of professional ethics (Appendix D, attached) that the Committee on Academic Freedom and Professional Status has drafted, and a memorandum explaining briefly why we thought it was important to have such a statement, and what we'd like to see done with it at this point. Our committee decided that it would be useful for the faculty to come to some agreement of a statement of principles, guidelines, regarding the different roles that we play as professors with regard to teachers and our relationship with students, with regard to our role as researchers, as colleagues, and to have a widespread discussion of the merits of having such a statement as well as the content of the statement. In our view, we felt that it would be useful for the faculty, both new faculty coming here and looking perhaps for a statement of this sort, as well as faculty who have been here teaching for a while, to have such a statement of guidelines and of principles. We also thought it would be useful for the students to be able to read such a statement by the faculty of their view of different roles. Our goal is to have, again, widespread discussion of the proposed statement by the faculty, to have input and suggestions from individual faculty members, from departments, regarding the statement. Then the committee would have a chance to review the input from the faculty, make possible revisions. Hopefully, then, we could have it before the FCR in the fall of 1989, and put it up for proposed adoption by the FCR at that time. So what we're doing today is simply placing it before you. Our plan was not to really have a discussion on the merits of the draft right now. We'd like individuals and departments to do that as soon as they can, and certainly get the input to us so that we can take action in this body on the merit of the statement when we put it up for adoption.

"Let me just add that what we would also like to see, after adoption of the statement, it published in the Faculty Handbook as well as any student handbook, so people will have easy access to it and be able to refer to it."

Speaker Martin: "Would you be willing to take questions?"

Professor Lieberwitz: "Sure."

Speaker Martin: "Are there any questions for Professor Lieberwitz? Yes, we have one."

Assistant Professor Carolyn Martin, German Studies: "Risa, I was just wondering about the fact that in the section where you talk about the way that the faculty should treat other people's research, you talk about not excluding, belittling, or reducing the contributions of other scholars because of their race, gender, age, national origin or sexual orientation. But in the two sections where you talk about how faculty should interact with students or other faculty members, you list racism and sexism but not homophobia, for example, and I'm just wondering why."

Professor Leiberwitz: "Well, we have a footnote, footnote three, which says that any time we talk about fair or equal treatment of colleagues and students, that's defined as treatment 'free of bias or prejudice on the basis of race, gender, religion, age, national origin or sexual orientation,' with the hope that any time there's a reference to fair or equal treatment in the statement, it refers to this. But you're pointing out something that I think is an issue that we are concerned with as well, which is having a consistency throughout the statement, so that might be something that would be useful to have input on, if people have suggestions where it could be made more consistent, if there's an ambiguity created in that way."

Speaker Martin: "Are there further questions? Thank you."

The Chair next called on Professor Alan Dobson, Chair of the Research Policies Committee, for a presentation of the resolution in support of freedom in research.

8. RESOLUTION IN SUPPORT OF FREEDOM IN RESEARCH

Professor Dobson: "The Research Policies Committee was asked by the Dean of the Faculty to review the Okomoto incident which took place at the Medical School and there was a disturbance from the Animal Rights people there. I should say that our committee has no jurisdiction over the Medical School. But we read the published reports on this, and we met with the Dean of the Medical College in conjunction with the Committee on Academic Freedom and Professional Status of the Faculty, and our main concern was to identify areas where some action might be required here. The first thing we wanted to do was reaffirm the right of any individuals to pursue research of his or her own choosing among the faculty. We felt it was appropriate that this should be made quite clear, and secondly, to encourage faculty support for any faculty who are harassed within the context of this kind of disturbance. In emergency situations such as this, it's important that any response to the disruptive acts that are likely to be taking place, be coordinated, and hence there's a request that the Provost, in consultation with the faculty, coordinate such efforts. I've had a letter from him supporting this. The Committee on Academic Freedom and Professional Status of the Faculty has

given its blessing to this resolution, and as it's in your hand, I think that's all I need to say about it."

The Speaker opened the floor for discussion. There being none, a vote was taken, it carried and the resolution adopted was as follows:

WHEREAS, the rights of individual faculty members to pursue research of his or her choosing, consistent with reasonable guidelines of scholarship and freedom of information and in compliance with the laws of the land, is a cornerstone of a free and open university, and

WHEREAS, it is the expectation that research may be carried on without intimidation or threats to one's personal physical safety or mental well-being,

THEREFORE, BE IT RESOLVED, that the Faculty Council of Representatives hereby affirms the rights of faculty in matters related to the choice and pursuit of research, requests that the Provost, in consultation with the faculty, establish procedures that will assure support for faculty who are threatened, and encourage individual faculty members to speak out on behalf of faculty freedom and initiative in research.

The chair next called on Professor Alan McAdams, Chair of the Financial Policies Committee, for a discussion of a report.

9. REPORT OF FINANCIAL POLICIES COMMITTEE

Associate Professor Alan McAdams, JGSM: "You'll recall that at the December meeting I read to you the charge to the Financial Policies Committee. I'd like to read that charge again, as background for the comments that I'm about to make. The charge to the committee is:

"1) To examine and make recommendations concerning issues and considerations that affect the economic status of the faculty. Such examinations shall include, but are not limited to, the improvement of the conditions of employment, including salary levels, fringe benefits, leaves, consultation, and interdepartmental compensation.

"2) Develop priorities, based on educational considerations, which should be reflected in the university budget.

"3) Participate, with the cooperation of appropriate administrative officers, in the budget planning process, both short-term and long-term.

"4) Undertake a continuing and comprehensive analysis of the financial condition and policies of the university.

"5) Consider the financial implications of all issues for which responsibility is also assigned to other FCR committees (for example, financial aid and retirement policies)."

"Now, in carrying out this charge, we found it difficult to evaluate the longer-term implications of annual budgets and particular items therein. We now seek to establish long-term goals within which we can more easily evaluate these items. At one time we did have the goal for the Cornell faculty salaries to be at the eightieth percentile of a selected group of twenty-six research universities. We no longer have that as an agreed goal. However, the committee has been independently tracking our progress against these peer institutions. Our high, sometime in the past, was to be number eight on that list. Last year, we were number fourteen. This year, we were number sixteen. What we're doing is merely noting this; we do not have the objective of reaching the position of number six on that list. At our last meeting, with the agreement of the administration, we adopted new procedures, and I'll read them so that everybody will be familiar with them:

1. *That the Financial Policies Committee, in cooperation with the central administration, will work to establish a set of goals or targets for those elements on the revenue and expenditure sides of general purpose budget that significantly affect the conduct of education and research, the quality and well-being of the faculty and student body, and the university's competitive position vis-a-vis peer institutions.*
2. *That early in the fall term, the committee will report to the University Faculty on how close we are to meeting our goals, and will provide an analysis of the economic and academic tradeoffs to be weighed in setting targets for the next fiscal year or in revising previously established goals.*
3. *That based upon knowledge of the tradeoffs, recent budgetary performance, and then current forecasts, the committee will submit to the FCR by November of each year its recommendations and current planning and policy issues on targets and priorities for the immediate future for approval and transmittal through the Dean of the Faculty to the central administration.*
4. *That the Provost will be requested to meet with the FCR at its December meeting to inform the faculty of the administration's plans, especially as they relate to the faculty's recommendations, as well as to the administration's plan for moving toward meeting*

the established intermediate and longer-range goals over the ensuing three-year period.

"This procedure will cause a substantial workload for the committee, but we believe they will also provide significant benefits to the university if followed."

Speaker Martin: "Any questions for Professor McAdams? Professor Schuler?"

Professor Richard E. Schuler, Economics and Civil and Environmental Engineering: "In the current year, I'm serving on the Financial Policies Committee. It seems to me that the voice of that committee would be enhanced substantially in its future discussions with the administration if the FCR, if the body as a whole, were to affirm those procedures which it has adopted internally. At the same time, it also strikes me it might enhance the likelihood that next December a quorum of the FCR might attend the meeting in which those procedures and outcomes are discussed with the Provost, so for both reasons, I move that the FCR affirm the procedures that Professor McAdams has just described to you."

After receiving a second to the motion, the floor was opened for discussion and eventual vote. It was carried.

The Speaker next called upon Professors Donald Barr and Locksley Edmondson for presentation of a resolution on divestment.

10. RESOLUTION ON DIVESTMENT

Professor Donald J. Barr, Human Service Studies: "I'm going to present the resolution and Locksley will then make some comments. I will conclude with a few comments and we'll open it for discussion." He read the resolution:

WHEREAS, the state of race relations on the campus remains a salient issue, and considering that President Rhodes recently has spoken out strongly on the importance of improving race relations on campus, and

WHEREAS, thirty-four Black faculty have expressed their outrage at the decision by the Board of Trustees in January, 1989, not to divest from companies doing business in South Africa and have publicly embarked on a strategy of selective non-cooperation with the Cornell administration especially on matters pertaining to Africa and peoples of African descent, and

WHEREAS, other faculty groups and individuals have also condemned the Board of Trustees decision, and

WHEREAS, the Cornell faculty has voted for divestment on two different occasions in recent years, and considering further that the issue of divestment has remained unresolved and festering for over two decades, and

WHEREAS, the failure to divest will continue to retard the possibility of improving race relations on campus and will compromise the credibility of the administration's leadership,

THEREFORE, BE IT RESOLVED, that the Faculty Council of Representatives calls upon the President to take the divestment question back before the Board of Trustees for the matter to be reopened, considering that continued investments in companies doing business in South Africa is further undermining the possibility of improving race relations on campus and is exacerbating relations between the administration and concerned constituencies.

Speaker Martin said as long as this came from a committee of two, it did not require a second. It was then on the floor for discussion.

Professor Locksley Edmondson, Africana Studies and Research Center:

"Although we have forty-five minutes left, we need not take up all that time with this, and I hope we don't. We expect it to be not anything near as controversial as the grading system in the Vet School, and I would like to inform you that Don Barr voted against the Vet School; I voted for it. [laughter] So, accept that for what it's worth, politically. This resolution, if I may just briefly speak to it, and explain some of the thinking which has gone on behind it. Our feeling is that in the past, two major components have formed the debate on divestment. One is the impact on the endowment; the other is the impact on race relations in South Africa. We feel that sufficient attention has not been given to an equally third, critical component--what is the impact of this issue on Cornell itself, its decision-making processes, its social health, its racial health? And I think this particular latter issue is particularly now pertinent, since President Rhodes, after the last divestment vote, publicly came out, lamenting the state of race relations on campus, offering his offices to provide services to improve this particular situation, a position which basically we applaud. It's also interesting to note that on the third of May, in the New York Times Education page, there was a whole article about racial issues at Cornell, and I think it is important to note that the writer of that article, quite correctly, we think, pinpointed the way in which the divestment issue had been an important divisive factor over twenty years, and complicated the state of race relations on campus. If that has got into the pages of the New York Times, I think it's time enough for it to come before the FCR.

"And the second issue that we raise in the resolution is a position recently taken by thirty-four Black faculty, not only expressing outrage at the January decision of the Board of Trustees, but significantly, very significantly--this is the point, in fact, where the issue of a Black faculty response has been raised--that the position is that they have publicly embarked on a strategy of selective non-cooperation with the Cornell administration, especially on matters pertaining to Africa and peoples of African descent. This was published in an open letter to the President in the 17th of March Daily Sun, and we are not at all saying that Black faculty have the only or exclusive concern on this issue--obviously not; it affects many different constituencies across the racial divide, and so I think this has to be taken seriously. We have noted that other faculty groups and individuals have also condemned the Board of Trustees. We have not named them specifically. I can say that in our deliberations as part of a Black faculty group, we are particularly pleased with the response of a group of Jewish faculty who, identifying themselves as such, publicly deplored the decision of the Board of Trustees in January. Other groups, faculty and staff against apartheid, and more recently, the Cornell Daily Sun, on the 26th of April, and a group of Cornell students representing different organizations, have pledged to carry on this particular struggle in the future.

"The other issue we have raised relates very much to the faculty itself. On two recent occasions, we suggest, we point out, rather, at different times, in recent years, the faculty has voted for divestment. Just to remind those who were not here then, or even to refresh the memories of those who were here then, at the meeting of the first of May, 1985, the faculty, the University Faculty, called '...upon the Board of Trustees to remove from the portfolio of the university, in as expeditious a manner as possible, all investment in all corporations doing business in South Africa.' That was

*Subsequent to this meeting, the following note was received from Professor Edmondson: "While presenting the resolution on divestment to the FCR on 10 May I erroneously mentioned that in the Fall 1985 referendum there was a 76% Faculty participation. (I had calculated this on the basis of the 1167 ballots received vis-a-vis the eligible 1550 regular members while mistakenly overlooking another eligible 400 emeritus professors). When emeritus professors are included it therefore means that there was a 60% faculty participation. This error does not invalidate the more substantive issue I mentioned, namely the 56% to 44% margin of those who voted for divestment. Be that as it may, please (if at all possible) have the corrected minutes reflect the 60% participation in the referendum."

the resolution which was initially passed by a vote of 323 in favor to 72 against. In the fall of 1985, a mail referendum of that action was taken. Of the 1550 regular faculty members, 1167 responded, which is about 76%* response, which is a very healthy response, and among those responding, 516 were in favor of nullifying the previous resolution, and 651 were in favor of reaffirming it, roughly 56% to 44%. As a political scientist, let me say that a 56% vote on anything is very clear, as clear a statement as anyone would want to see.

"And the other thing we raised is the way in which the failure to divest continues to retard the possibility of improving race relations at Cornell, and particularly in this respect in compromising the credibility of the administration's leadership. What we are saying simply is this: some of us feel that the administration's position is identified with investment--in fact President Rhodes has come out openly in favor of that position, explaining why he voted the way he did in January and made a very critical intervention in that debate. We believe the credibility of the administration is at stake in initiating issues relating to race relations on campus, generally and particularly to peoples of Africa and African descent. And also, to the extent that it seems to us that a lot of these are reactive rather than proactive, it makes the position more difficult. Let me explain quickly. I remember sometime in 1985, after one of these discussions, and after the Board reiterated its position to stay put, there was an idea floated of providing scholarships for South African Blacks. Shortly after this particular vote, within a month we hear a new initiative on the part of the administration to improve race relations. Some of us have difficulty with it, not all of you might, but it seems to us that there is actually a link between the two, that as soon as the position is taken by the Board of Trustees, some type of explanation has to be given, and we feel this reactive thing is not good enough. We want to see the administration take the lead, and we believe that it can best take the lead if it clears the deck vis-a-vis investment in South Africa.

"Finally, in asking that this issue be reopened before the Board of Trustees, we are aware that as far as they are concerned it is a closed issue, but we feel that because of the new emphasis, a particular new emphasis, on the state of race relations at Cornell, and indeed faculty input into the process of decision-making, that this is reason enough to ask, or hope, that it will be reopened before the Board, but that at minimum we would hope today that the FCR will take yet another stand consistent with the stand of University Faculty in the past."

Professor Briggs: "Perhaps some of you know that I'm the Acting Director of the Hispanic American Studies Program for the second year, hoping again continually to be replaced, but I've not heard yet. I want to add my voice

to this motion in this capacity as Acting Director, although I feel very awkward about speaking for the Hispanic American faculty, even though I direct the program on an acting basis. I have not solicited the faculty on their opinion on this issue. The faculty is very small, only eleven in total on the whole campus. Several of them are on sabbatical this year, so I've not solicited the faculty, but in the context of being Acting Director, I've had contact with numerous students and student leaders of the Hispanic American student body, and to a person, they're adamant on their opposition to the divestment issue, and they are unable to understand, nor am I able adequately to justify, why the university position was maintained unequivocally in terms of the Board of Regents, on this particular issue. I just wish to reiterate the fact that when speaking of race relations, there are 450 Hispanic American students; it is a rapidly growing student body, and is a group that is projected to be the largest group in the population of the State of New York within just a few decades. I feel obligated to at least reiterate what they say, that I think we should ask the Board of Regents, or the Trustees, to review this decision once more, and hopefully, to support the position of the faculty, which has made known its opposition to divestment. Thank you."

Associate Professor Hans C. Wien, Vegetable Crops: "You want the Board of Trustees to clarify their opposition to divestment? I don't understand. I think, you said the students, the Latin American students, were opposed to divestment? I don't ..."

Professor Briggs: "No, no, they're in favor of divestment; they're opposed to the Board of Trustees' position. The resolution says that we wish the Board of Trustees to review its own stand, and we wish to support the resolution as it is offered, that ought to be absolutely clear. I have not heard any student, and I've heard many students, discussing this issue, and it's a big issue, and they support the opposition, that is, they are in favor of the divestment stand that the faculty has taken on two other occasions, and they would like to have the Board of Trustees review that, and adopt that."

Associate Professor Jeremy A. Rabkin, Government: "I want to say first I would offer this as a friendly amendment, but I'm not sure that I'm really in a position to do that, because it's not friendly, that is, on my part, but maybe somebody else would like to take this up. I haven't been involved in the divestment debate before this because I'm not sure that I'm really in favor of having us divest, but it seems to me that if we do divest, we should do it, that is, if Cornell does it, the Trustees do it, that they should do it and we should be urging them to do it, because people at Cornell think that is the right thing to do. What is said against that by many people is, 'it is an empty gesture and it is merely a cynical gesture, because it is not reflecting genuine concern; all it is doing is giving in

to the pressure of particular political mobilizers who want to mobilize a particular ethnic constituency.' That is the usual cynical way of dealing with this. What distresses me about this resolution, and what astounds me about this resolution, is it has taken that cynical dismissal and said, yes, it's right! The reason why we should divest is because black students want us to! That seems to me a very, very bad reason. So I would say first, if people really want to make a new statement to the Board of Trustees, I would hope that people here who, if they are sincere about that, would offer a friendly amendment to start this resolution, four whereases down--'whereas the Cornell faculty has voted for divestment...,' and strike the first set of whereases. The reason why I am not in favor of this is, I feel that it is a question at this point whether it is worthwhile to do this again. It seems to me that it is well known to the Board of Trustees that a lot of people feel strongly about this. It has been extensively stated. At this point we are looking around for something new to say, and if this is the best that we have to say, I think we should be a little ashamed of ourselves, because I think it is a very bad thing to put on the record that we make policy in order to placate particular student groups who organize themselves on a racial basis. I think that is a very, very unfortunate precedent, and a very, very bad way of framing our collective deliberations."

Speaker Martin: "Just in case anyone may be so inclined, this body does not recognize the friendly amendment. If you wish to offer an amendment and get a second, debate it, and vote on it, that's fine, but the friendly amendment has been ruled out as far as this body is concerned. Yes?"

Professor Duane Chapman, Agricultural Economics: "I would like to suggest an amendment where it says in the 'therefore' clause, where it says 'President,' I would move to replace that with 'Dean of the Faculty.'"

Speaker Martin: "The amendment is in the last paragraph, 'Therefore, be it resolved,' to strike the word, 'President,' and insert the word, 'Dean of the Faculty.' Is that correct? Is there a second?"

Speaker Martin: "It has been seconded. Do you wish to speak to the amendment?"

Professor Chapman: "I'd like to offer two brief and simple reasons for asking Walter Lynn, the Dean of the Faculty, to undertake the action that's involved here rather than President Rhodes. The first reason: the Dean of the Faculty is elected by us and is our representative, and I personally consider that to be the important organizational factor as distinct from relationship to the Board of Trustees. The second reason: in terms of personal disposition, it's my opinion that Walter Lynn is more likely to be able to convey the opinion of the faculty in a sympathetic and positive

manner than President Rhodes, whose position is unfortunately in opposition to divestment. So I think there are, as I said, two simple but very compelling reasons for my point of view, to ask Walter Lynn to pass this resolution on."

Speaker Martin: "Is there further discussion on the amendment? Professor McAdams."

Professor McAdams: "May I ask the drafters their reaction to the proposed amendment?"

Professor Barr: "Well, I'd like to first ask Dean Lynn a question. Are you a member of the Board of Trustees? Is it appropriate for you to take this, assuming it's passed, is this something you have the authority to do?"

Professor Lynn: "Sure." [laughter]

Professor Barr: "Ok."

Professor Lynn: "If you sent me there, I'd go. I didn't mean that to be that I wouldn't go enthusiastically, but I mean, that's my job, as the Dean of this, the elected representative of this body."

Professor Barr: "I would only speak to your question. We were, as seen by the way it is written, we were attempting to direct it to the President because of his particular position in terms of improving race relations on the campus, and trying, and again, throughout this, and again at the end, trying to address the point that, yes, we agree with you, and here's a way that we believe, here's one of the ways that we believe that we can start moving in that direction. So we saw it as a leadership issue from the President, and wanted the President to take that responsibility."

Speaker Martin: "Further discussion from the body on this amendment? Professor McAdams."

Professor McAdams: "I'd like to offer an amendment to the amendment, and that be that the President 'and the Dean of the Faculty' bring this to the Board, so that, in other words, instead of taking the President out of it, add the President and the Dean of the Faculty to bring this to the Board."

Speaker Martin: "It seems to me that this would not be an appropriate amendment to the amendment, because it refers back to the original wording of the resolution."

Professor McAdams: "An amendment to the original wording. Whatever it takes to get that in there."

Speaker Martin: "All right. Let's treat this amendment first and then we can accept yours as a first degree amendment. Is that satisfactory?"

Professor McAdams: "Which takes precedence? I was trying to get mine in as a precedent over the ..."

Speaker Martin: "We deal with this one first. Mr. Parliamentarian, is the chair correct in this ruling?"

Professor P.C.T. deBoer, Mechanical and Aerospace Engineering: "Yes, I think that's correct."

Speaker Martin: "Thank you."

Professor Barr: "It seems to me then if I understand this right, if people want to support the second amendment, then we need to defeat the first one. Is that, just for clarification, is that right? Because once the first one is in, if I understand this right, then the second one ... Can it be offered again?"

Professor deBoer: "It can still be offered again."

Speaker Martin: "Do you have further discussion on the amendment which was to strike the word 'President' and insert 'Dean of the Faculty.' Professor Lee?"

Associate Professor Lee C. Lee, Human Development and Family Studies: "I'd just like to know the movement of this amendment, this document, this resolution. I am not clear where you stand on this amendment? Don, you just made a statement, but I don't know which way you are ..."

Professor Barr: "I like the second amendment."

Professor Lee: "Ok."

Professor Barr: "I mean, I like the idea of both the Dean of Faculty and the President being responsible to take this forward. I think it's a damn good idea."

Professor Edmondson: "Don speaks for me too on this one."

Speaker Martin: "All right. Further discussion on the amendment, which is to strike 'President' and insert 'Dean Lynn.'"

Dean Lynn: "I'd like it to be Dean of the Faculty and not Dean Lynn. I could die tomorrow."

Speaker Martin: "He's ok. All right, strike the word 'President' and insert 'Dean of the Faculty.' Are you prepared to vote on this amendment? All in favor of the amendment, say aye."

Floor: "Aye."

Speaker Martin: "Opposed, no?"

Floor: "No."

Speaker Martin: "The amendment has been defeated. Now, Professor McAdams."

Professor McAdams: "I move that we add, after the word 'President,' the words, 'and the Dean of the Faculty.'"

The amendment was seconded and a vote was taken.

Speaker Martin: "It is carried. Is there further discussion on the resolution as amended? Yes. Professor Walker. I'm sorry."

Associate Professor Kifle Gebremedhin, Agricultural and Biological Engineering: "I do have a friendly amendment which will be paragraph six: and I will read, 'Whereas the central problem still remains Cornell's ties to a system where fundamental issues of human dignity and racial respect are denied.'"

Speaker Martin: "You are proposing an additional whereas?"

Professor Gebremedhin: "Yes".

Speaker Martin: "May we have that, please? This is number six, 'Whereas the central problem still remains Cornell's ties to a system where fundamental issues of human dignity and racial respect are denied.' Is there a second to that amendment?"

The amendment was seconded.

Professor Gebremedhin: "I just want to emphasize the main theme that the central question is really Cornell's ties to this issue, and that racial relations are in part a reflection of this issue, so that by having this 'whereas' highlights the main issue."

Speaker Martin: "Thank you. Is there further debate? Yes."

An unidentified Speaker: "I just want to say that I don't think that'll do it, because all the others are about race relations at Cornell and to tack on just one thing. I think you should have a different amendment."

Speaker Martin: "Is there further discussion? Professor McAdams?"

Professor McAdams: "I'd like to ask the drafters' reaction to the amendment."

Professor Edmondson: "I speak for..., well, I think this is an issue I would just prefer to leave to the faculty to decide. I think a free vote on this would be in order. I have no problem with it, if it's inserted or not inserted, to be frank with you, so I think the will of the faculty should be..., we have no problem with it either way."

Speaker Martin: "Further discussion or questions? Yes."

Associate Professor Peter Jackson, Operations Research and Industrial Engineering: "I find the amendment unclear. I don't know what system is being referred to."

Speaker Martin: "Would you care to clarify your amendment?"

Professor Gebremedhin: "I'm referring to the system of apartheid in South Africa."

Professor Jackson: "Thank you."

Speaker Martin: "Do we have further discussion? The chair assumes you are a member of the FCR?"

Professor Gebremedhin: "Yes, I am."

Speaker Martin: "Thank you. Further discussion?"

The Speaker was requested to read the amendment again.

Speaker Martin: "'Whereas the central problem still remains Cornell's ties to a system where fundamental issues of human dignity and racial respect are denied.' That is the wording of the amendment."

On a vote call the amendment was defeated. The Speaker asked if there was discussion on the resolution as amended.

Professor Chapman: "I intend to vote for the resolution. I need to say that first because you may think after a short while that my intention is otherwise. There are two groups of people that I want to address my comments to. First, those of you actively backing this particular resolution. I hope you will think about what I'm about to say, and think ahead to the coming semester, the fall semester next year. Second, those of

you who are thinking of voting against it, I would like you to think about the context of where the overall South African situation fits. First, in terms of the subject of the South African economy, a very brief background: last year I spent a month in Southern Africa, investigating pollution control, copper smelters, coal mines. That month actually led to learning a great deal more than about air pollution control, but that's relevant to the status of the South African economy, because South Africa is the world's leading coal exporter. Peabody Coal is America's leading coal producer, and our leading coal exporter. How is that relevant? That relevance arises through the Newmont Mining Corporation, which owns 50% of Peabody Coal. Newmont Mining is in turn 50% held by Consolidated Gold Fields, currently a British corporation. Consolidated Gold Fields is in the process of being acquired by the Anglo-American Corporation, operating out of South Africa. This is of course the corporation which handles South Africa's coal exports. The system of apartheid in South Africa is so economically effective by combining modern industrial technology with the incredibly low wages brought about through the apartheid system, that their economy is expanding through the combination of technology and apartheid. They are earning sufficient profitability, not that they are contracting, but actively engaged in expanding their ownership interests, in this instance, into America's leading coal corporation, and obviously, a potential competitor in terms of coal exports. So I think that if we are going to think ahead about what's involved in dealing with this kind of subject, we should not suppose that Cornell divestment is going to interfere with Anglo-American's acquisition of America's Peabody Coal Corporation.

"Second, with respect to the Cornell campus and our responsibility as educators and academicians, I would like us to see if we can think through and work out some practical program where we have more effective impact on the circumstances which exist and take place. Let me just mention to you two individuals, academicians: David Webster, a white professor of social anthropology at the University of Witwatersrand, active in the United Democratic Front leadership, was assassinated last week. [long silence] It would have been good to have him speak here. Vass Khanyeke is a black educator, also active in the United Democratic Front. He was, for a week, a vice chancellor at the University of Capetown. He gave one speech. After that speech, he was taken away into detention, held for eighteen months, sought refuge in the United States Embassy, and is now in the United States, temporarily. It would be good to have him speak here while he's still

alive. Perhaps we could be thinking over the summer of what we could do as a faculty and as an educational institution which would have a more enduring and positive impact, and that we could look ahead to what we would like to accomplish.

"Now, how does this fit into divestment? I think divestment is a handicap. We should simply see that it's accomplished. We shouldn't suppose that it's going to deal with these problems I was outlining, but it's a necessary step on the way to clear things away in order to move ahead to serious and other subjects, and so I want to conclude by, where I was saying, I have perhaps a different set of reasons for favoring the resolution that we're looking at, but I also would like to say, even if you're bothered by the whereases, recalling something that I learned about twenty years ago, in the Vietnam era, if you spend a lot of time reading whereases, you'll never vote for anything. I think the important thing here is the divestment, and representing faculty opinion, and the stronger the vote we have on this particular resolution, the closer we will be, however small that step, to bringing it about."

Speaker Martin: "Is there further discussion? Yes."

Professor Herbert Deinert, German Studies: "I am not a member of the FCR. May I speak?"

Speaker Martin: "Certainly."

Professor Deinert: "Thank you. For the sake of economy, I've prepared a written statement which I would like to read. I am opposed to the resolution, mainly for three reasons. One, economic sanctions invariably hurt the people more than they affect the government. The most recent examples are Cuba, Nicaragua, Poland, and Panama, and I found an interesting quotation which supports that idea from an unsuspected source, namely George F. Kennan, who was quoted in last Sunday's New York Times Book Review. 'Blows aimed in exasperation at a ruthless authoritarian regime are no help to the people this regime dominates. Such injuries are promptly ducked and passed on to the people. The benevolent foreigner in other words, cannot help the Russian people. He can only help the Kremlin; he can only harm the Russian people.' Two, the President has already done what the resolution is asking him to do. According to his own public statement, he was prepared to argue for divestment but became convinced that the Trustees had a better argument. What now are the data not known to him before that could change his mind once again and make him undertake this mission anew? Three, the answer, I'm afraid, is rather obvious. It is contained in the phrase, 'selective non-cooperation', in matters of race relations. I consider this

policy reckless and dangerous, while readily acknowledging my colleagues' right to pursue it, but they should not ask me or anyone else to condone it."

Associate Professor Anthony Appiah, Philosophy and Africana Studies and Research: "I used to be a member of this body; I resigned on January 27th. I resigned from all university committees. I spent a great deal of time during the month before that vote talking to various people, including the President on a number of occasions, speaking to him as chair of the Committee on African Studies, a university-wide body, that a vote not to divest would seriously undermine our efforts. It has done so, and I myself am almost certain to resign from the faculty of this university as of next January unless things change. But I want to say that even if many of us leave, there is much that Cornell can do to South Africa, once it has divested itself, and there is nothing that Cornell can do significantly, in my view, that's really positive in South Africa and I include now Namibia, and other areas of the exotic regions, until we have divested, until we are seen to be clearly on the right side of this issue. I have made contacts in the past with Michael Latham, Nutritional Sciences and with Representatives of SWAPOS, who will be running Namibia for the next few years, and they would find many of the things that Cornell could do for them extremely useful, especially in the areas of nutrition and many other things that the extremely distinguished agricultural college which is associated with this university is able to do. But they can't accept this help at the moment, because we are seen in the world, in South Africa, throughout the continent of Africa, by our famous and constant refusal to associate ourselves with this very elementary measure, as on the wrong side. So, I would urge you, even if you don't like the whereases, to think very hard about what you actually think about South Africa, and if you think that as human beings, as scholars, as researchers, and as teachers, teachers whose main mission even when it's at its most technical is also a moral issue, if you don't think that for those reasons you shouldn't be concerned about how this university carries on its work within South Africa, and Africa as a whole, for the causes that I am sure that most of us would agree are the right ones, if you don't care about that, then certainly you should vote against this, but if you do care about that, then I think you should vote for this, and you should send a message through the Dean of the Faculty and to the President and to the Trustees that this is something that even after twenty years of bad arguments, they could do the right thing about it, and if they don't, it will continue to be the case that many of our efforts in relation to Africa will be unsuccessful. This is a great pity, because, speaking as an African, it strikes me that Cornell is one of the great intellectual and research resources that could be used for the development of what is a country, a continent in appalling economic conditions and in great need of technical, material, intellectual assistance, and I beg you not to take any

notice of Professor Deinert and not to take any notice of those who oppose this, but do something very simple today which will make an enormous difference, whether you believe it or not, I can tell you that it does."

Speaker Martin: "Do we have further discussion? If not, we shall ... Yes?"

Professor James R. McConkey, Goldwin Smith Professor of English: "I'm a former member of the FCR, but haven't been a member for some time. I came in support of this resolution out of my feeling for pride for Cornell. I've been here many years now, and developed a strong sense of affection for it. I've thought for a long time about the arguments favoring keeping our stocks and bonds in South Africa. We serve as the well-meaning American public through our corporations of ameliorating to a certain extent the deplorable conditions of Blacks, but it struck me during a night of insomnia a couple of years ago, that that argument itself is specious. Even if it works to a certain extent to better the conditions of Blacks, it would only be a means of providing a safety valve, providing the South African government to maintain that system of repression that it has engaged in for many years. It's not because of my feeling that we need to do something to support certain minority groups that makes me want to support this particular motion--it's my feeling for the university and my feeling for what seems to me to be right."

Speaker Martin: "Further discussion before we proceed to vote? The chair suggests we take a standing vote. Would our two tellers again perform their duty? All in favor, again reminding you this is an FCR meeting, and only, only elected members of the Faculty Council of Representatives are eligible to vote. All in favor of the resolution as amended, please rise. Please be seated. All opposed to the resolution, please rise. (Aside: Would you like to have a counted vote here? Response: Sure.) The resolution is approved by a vote of 52 in the affirmative, five in the negative."

The resolution as amended is as follows:

WHEREAS, the state of race relations on the campus remains a salient issue, and considering that President Rhodes recently has spoken out strongly on the importance of improving race relations on campus, and

WHEREAS, thirty-four Black faculty have expressed their outrage at the decision by the Board of Trustees in January, 1989, not to divest from companies doing business in South Africa and have publicly embarked on a strategy of selective non-cooperation with the Cornell administration especially on matters pertaining to Africa and peoples of African descent, and

WHEREAS, other faculty groups and individuals have also condemned the Board of Trustees decision, and

WHEREAS, the Cornell faculty has voted for divestment on two different occasions in recent years, and considering further that the issue of divestment has remained unresolved and festering for over two decades, and

WHEREAS, the failure to divest will continue to retard the possibility of improving race relations on campus and will compromise the credibility of the administration's leadership,

THEREFORE, BE IT RESOLVED, that the Faculty Council of Representatives calls upon the President and the Dean of the Faculty to take the divestment question back before the Board of Trustees for the matter to be reopened, considering that continued investments in companies doing business in South Africa is further undermining the possibility of improving race relations on campus and is exacerbating relations between the administration and concerned campus constituencies.

The Speaker asked for further business.

Dean Lynn: "Mr. Speaker, I'd like to thank the members of the FCR and other members of the University Faculty for attending. This is our last meeting for this year, and I thank you all for the good work you've done work today, and I appreciate your efforts. Thank you on behalf of the committees who have worked so hard to do this too. Thank you."

Speaker Martin: "Have a good summer. We are adjourned."

Adjourned: 6 p.m.

Mary Morrison,
Secretary

REPORT ON UNIVERSITY FACULTY ELECTION
Spring 1988

AT-LARGE MEMBER, FCR - 3 seats, 515 ballots cast

Steven W. Cornelius, Human Development and Family Studies
Ronald G. Ehrenberg, Economics and Irving M. Ives Professor of ILR
Joanne E. Fortune, Physiology

COMMITTEE ON MEMBERSHIP OF THE UNIVERSITY FACULTY - 1 seat, 472 ballots cast

Robert J. Smith, Goldwin Smith Professor of Anthropology

NOMINATIONS AND ELECTIONS COMMITTEE - 3 seats, 465 ballots cast

Vernon M. Briggs, ILR
Eugene C. Erickson, Rural Sociology
Mary H. Tabacchi, Hotel Administration

REVIEW AND PROCEDURES COMMITTEE - 3 seats, 447 ballots cast

Steven B. Caldwell, Sociology
John E. Coleman, Classics
Ali S. Hadi, ILR

UNIVERSITY-ROTC RELATIONSHIPS COMMITTEE - 2 seats, 392 ballots cast

Dudley Poston, Rural Sociology
Gerald B. White, Agricultural Economics

ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY -
1 non-tenured seat, 321 ballots cast

Carroll Glynn, Communication

ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY -
2 seats, 482 ballots cast

John J. Barcelo III, Law
Robert L. Harris, Africana Studies and Research Center

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - 1 seat, 436 ballots cast

Gerald Rehkugler, Agricultural and Biological Engineering

ADMISSIONS AND FINANCIAL AID COMMITTEE - 1 non-tenured seat, 416 ballots cast

Enrique Figueroa, Agricultural Economics

ADMISSIONS AND FINANCIAL AID COMMITTEE - 1 seat, 438 ballots cast

Peter S. Chi, Consumer Economics and Housing

FACULTY ADVISORY COMMITTEE ON ATHLETICS AND PHYSICAL EDUCATION -
1 non-tenured seat, 401 ballots cast

Pamela Tolbert, ILR

FINANCIAL POLICIES COMMITTEE - 1 non-tenured seat, 310 ballots cast

Harry M. Kaiser, Agricultural Economics

FINANCIAL POLICIES COMMITTEE - 2 seats, 491 ballots cast

Donald F. Holcomb, Physics
Bernard F. Stanton, Agricultural Economics

MINORITY EDUCATION COMMITTEE - 1 non-tenured seat, 434 ballots cast

Anne Adams, Africana Studies and Research Center

MINORITY EDUCATION COMMITTEE - 2 seats, 475 ballots cast

Barry B. Adams, English
Ronald R. Hoy, Neurobiology and Behavior

RESEARCH POLICIES COMMITTEE - 2 seats, 432 ballots cast

Cutberto Garza, Nutritional Sciences
Mark A. Turnquist, Civil and Environmental Engineering

UNIVERSITY ASSEMBLY - 3 seats, 435 ballots cast

Robert W. Langhans, Floriculture and Ornamental Horticulture
Edward M. Murray, Music
David Robertshaw, Physiology

ADVISORY COMMITTEE ON RESPONSIBLE SPEECH AND EXPRESSION -
1 seat, 414 ballots cast

Moncrieff Cochran, Human Development and Family Studies

May 10, 1989

REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS

SLATE OF CANDIDATES FOR FCR SEATS
(all terms commence July 1, 1989)ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY -

2 vacancies, 2-year terms

John F. Burton, Jr., Professor, Industrial and Labor Relations
 Joanne E. Fortune, Associate Professor, Physiology and Women's Studies
 James W. Gillett, Professor of Ecotoxicology
 Leslie E. Trotter, Professor, Operations Research and Industrial Engineering

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - 2 vacancies, 3-year terms

Venkatachalam Anantharam, Assistant Professor, Electrical Engineering
 Ann T. Lemley, Associate Professor, Textiles and Apparel
 Steven H. Shiffrin, Professor of Law

EXECUTIVE COMMITTEE OF THE FCR - 3 vacancies, 2-year terms

Frederick M. Ahl, Professor, Classics
 Steven W. Cornelius, Associate Professor, Human Development and Family Studies
 Jeremy A. Rabkin, Associate Professor, Government
 Sidney Saltzman, Professor, City and Regional Planning
 George F. Scheele, Professor, Chemical Engineering

EXECUTIVE COMMITTEE OF THE FCR - 1 non-tenured vacancy, 2-year term

Herbert Finch, Assistant University Librarian
 Shirley R. Samuels, Assistant Professor, English

(over)

FACULTY ADVISORY COMMITTEE ON ATHLETICS AND PHYSICAL EDUCATION -
2 vacancies, 3-year terms

Kathy A. Beck, Assistant Professor, Clinical Sciences
Terry L. Herter, Assistant Professor, Astronomy
Joseph Laquatra, Jr., Assistant Professor, Design and Environmental Analysis
Mary H. Tabacchi, Associate Professor, Hotel Administration

FINANCIAL POLICIES COMMITTEE - 3 vacancies, 2-year terms

Klaus W. Beyenbach, Professor, Physiology
William H. Kaven, Professor, Hotel Administration
Richard E. Schuler, Professor, Economics and Civil and Environmental Engineering
David B. Wilson, Professor, Biochemistry, Molecular and Cell Biology

RESEARCH POLICIES COMMITTEE - 1 vacancy, 3-year term

J. Victor Koschmann, Associate Professor, Japanese History
Claudia Lazzaro, Associate Professor, History of Art

Draft 3/22/89

COMMITTEE ON AFFIRMATIVE ACTION

Charge to the Committee

A. Review the work of college faculty affirmative action committees and progress toward achieving the university's faculty affirmative action goals in employing women and minorities. In order to accomplish this:

1. Each college has established a faculty affirmative action committee that encourages and monitors employment of minority and women faculty and recruitment of minority graduate students.
2. Each college affirmative action committee shall compile those results in reports to the FCR Committee on Affirmative Action by April of each academic year.

B. Report to the FCR at the first meeting in the fall on the progress or shortcomings in increasing the pool and employing minority faculty.

C. At the end of Fall 1994, reexamine the recommendations of the Minority Education Committee based on the Cohen/Gates Report, "The Crisis of Minority Faculty at Cornell" in light of the status of minority faculty at that time and recommend a new five-year plan.

Composition of the Committee

The Committee shall be organized and operate under the Rules and Procedures governing standing committees of the Faculty Council of Representatives as amended.



Cornell University

Ithaca, New York 14853

April 27, 1989

To: Members of the University Faculty and
Members of the Faculty Council of Representatives

From: Committee on Academic Freedom and Professional Status
of the Faculty

Re: Draft Statement of Professional Ethics

The Committee on Academic Freedom and Professional Status of the Faculty has completed a proposed Statement of Professional Ethics for members of the Cornell University Faculty. The Committee believes that such a statement will benefit all faculty members as a general statement of principles concerning our role as scholars, teachers, mentors and advisers. It is our hope that following campus-wide discussion, a final Statement of Professional Ethics will be adopted by the FCR, and will be published in the Cornell University Faculty Handbook. As students would also benefit from an understanding of the faculty's Statement of Professional Ethics, the Committee believes that the Statement should be published in the Cornell University Student Handbook.

As a Statement of Professional Ethics is useful only if accepted by the members of the Cornell faculty, the Committee is seeking to encourage widespread faculty discussion of the enclosed proposed Statement. The Committee, therefore, encourages discussion by individuals and departments of the proposed Statement. The Committee also encourages individuals and departments to provide the Committee with comments and suggestions which may be used in revisions of the Statement. The Committee hopes to present a final Statement of Professional Ethics to the FCR early in the fall semester, 1989.

Please send responses to Committee on Academic Freedom and Professional Status of the Faculty, c/o Office of the Dean of Faculty, 315 Day Hall.

D R A F T

Statement of Professional Ethics¹

**Members of the University Faculty
Cornell University**

Members of the Cornell faculty, guided by a deep conviction of the worth and dignity of the advancement and dissemination of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. They defend and promote the principle of academic freedom² in their teaching, research and other activities both outside and inside the campus community.

Faculty members devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty, fairly and respectfully representing the work of other scholars in the field.³ Although faculty members may offer consulting services and follow subsidiary interests, these services and interests must never jeopardize their role as scholars, teachers, mentors and advisers.

In the following sections the areas of faculty responsibility are described in greater detail. Several of these areas overlap and an individual must often reconcile divergent responsibilities.

I. As teachers, faculty members are role models for students, and serve as intellectual guides and counselors. They encourage students' free pursuit of learning and make every effort to foster honest academic conduct in them. They uphold the best scholarly and ethical standards of their discipline.

¹This statement is based on American Association of University Professors' *Statement on Professional Ethics*.

²*Academic freedom* in this statement is defined as "...freedom: of expression in the classroom on matters relevant to the subject and the purpose of the course and of choice of methods in classroom teaching; from direction and restraint in scholarship, research, and creative expression and in the discussion and publication of the results thereof; to speak and write as a citizen without institutional censorship or discipline". *Faculty Handbook*, Cornell University, 1984, p. 93.

³In this Statement of Professional Ethics, fair or equal treatment of colleagues and students is defined as treatment which is free of bias or prejudice on the basis of race, gender, religion, age, national origin or sexual orientation.

1 Faculty members accept all the obligations and responsibilities of a teacher and are committed to
2 academic freedom regarding pedagogical content and methods. They create environments that
3 are conducive to academic and intellectual growth for students. They promote and facilitate
4 research and other learning opportunities for all students on a fair and equitable basis. The
5 instructional content of their courses represents their best judgment of the most genuinely
6 constructive educational experience possible and does not exclude, belittle, or reduce the
7 contributions of other scholars because of their race, gender, age, religion, national origin or
8 sexual orientation. To the best of their ability, they separate scholarly analysis from political
9 and social advocacy in their classrooms.⁴ They protect their students' freedom of inquiry and
10 expression.
11

12 Members of the faculty make every effort to assure that the requirements placed upon students
13 are appropriate and reasonable. Criteria used for evaluating student performance should reflect
14 each student's true merit measured by appropriate intellectual and academic standards that are
15 equitably and fairly applied.
16

17 Faculty members recognize that students are of central importance in the university. They
18 accept their responsibility as advisors, giving guidance and advice to students which will
19 enhance and maximize students' opportunities to set and achieve their educational goals. They
20 demonstrate respect for students as individuals and respect the confidential nature of the teacher-
21 student relationship. In their interactions with students, they use language and behavior which
22 is respectful and is neither sexist nor racist.
23

24 Faculty members accept the responsibility and obligation for the professional socialization of
25 graduate students. They recognize that such socialization takes place in the context of their daily
26 professional activities, especially where graduate students undertake joint ventures with them in
27 teaching and research. Although faculty members assign responsibilities to their graduate
28 students in various teaching activities as a means of achieving this professional socialization, the
29 faculty member has the ultimate responsibility for teaching, advising students, proctoring exams
30 and assigning grades. Faculty members are sensitive to the unequal power relationship in their
31 role as mentors and supervisors of graduate students, and they respect graduate students'
32 freedom to choose and/or change advisors.
33

⁴The intent here is not to abstain from expressing values and viewpoints in the classroom but that such expressed values and viewpoints are presented in ways which clearly convey that they are the personal positions/opinions of the professor.

1 Members of the faculty avoid any exploitation, harassment, or discriminatory treatment of stu-
2 dents. They acknowledge and give credit to academic or scholarly assistance from their
3 students commensurate with the student's contributions.
4

5 **II. As colleagues,** faculty members have obligations that derive from common
6 membership in the community of scholars including the responsibility to contribute to the
7 growth and development of the next generation of scholars. They nurture and socialize younger
8 colleagues and act as mentors and role models for them. Faculty members have a responsibility
9 to encourage all colleagues to uphold ethical standards.
10

11 Members of the faculty respect and defend the free inquiry of their associates. They promote
12 and facilitate research and scholarly opportunities on a fair and equitable basis for all colleagues.
13 In their exchange of criticisms and ideas, they show due respect for the opinions of others and
14 strive to be fair and unbiased in their professional judgments. They recognize the responsibil-
15 ities and obligations associated with shared research materials and the confidentiality of informal
16 discussions. In interactions with colleagues, professors use language and behavior that is
17 respectful and is neither sexist nor racist. They avoid any exploitation, harassment, or
18 discriminatory treatment of colleagues. Faculty members acknowledge academic and
19 intellectual debt to colleagues and give credit commensurate with colleagues' contributions.
20

21 **III. As members of an academic institution,** members of the faculty seek above
22 all to be effective teachers and scholars. They accept their share of faculty responsibilities for
23 the governance of their institution in terms of committee membership, attendance at faculty
24 meetings, etc. Although professors observe the stated regulations of the institution, provided
25 the regulations do not contravene academic freedom, they maintain their right to criticize them
26 and to seek institutional change. As citizens of the university community, they support freedom
27 of speech and expression.
28

29 **IV. As members of their community,** faculty members have the rights and
30 obligations of other citizens. When they speak or act as private persons, they avoid creating the
31 impression of speaking or acting for their college or university. As individuals engaged in a
32 profession that depends upon freedom for its health and integrity, faculty members have a
33 particular obligation to promote conditions of free inquiry and to further public understanding of
34 academic freedom.
35
36
37
38

The End

Combined Meeting of the
Faculty Council of Representatives
and University Faculty
October 11, 1989

The interim speaker, Professor Emeritus Russell D. Martin, called the combined meeting of the University Faculty and FCR to order. The Chair called on Walter Lynn, Dean of the Faculty.

Dean Lynn welcomed the group and called on Professor June Fessenden MacDonald, Chairperson, Executive Committee of the FCR.

1. ELECTION OF SPEAKER

Professor Fessenden MacDonald, Biochemistry, Molecular and Cell Biology: "On behalf of the FCR Executive Committee, it's my pleasure to place the name of Russell Martin in nomination for Speaker of the FCR for the fifteenth year. I think he has appropriate experience in the job."

Dean Lynn called for further nominations. Hearing none, he called for a vote and Professor Martin was unanimously re-elected Speaker. The Dean welcomed him.

Speaker Martin: "It's really difficult to turn down this job when the salary doubles every year. I thank you for the privilege of again serving as your speaker."

2. APPROVAL OF MAY 10, 1989 FCR MINUTES

"The Chair next calls for approval of the May 10, 1989 Summary Minutes. We will just remind you of the procedure that we are now following and that is for the summary minutes and the complete transcript to be reviewed by the FCR Executive Committee and the Review and Procedures Committee. Then, the summary minutes are sent to all faculty members. The complete minutes, if you wish to peruse those, are available in the Dean's office. Are there any corrections to the minutes of our FCR meeting of May 10, 1989?"

Professor Donald J. Barr, Human Service Studies: In the last paragraph the third line said, starting with the second line, ' ... in South African countries.' I believe that was 'African countries.'

Speaker Martin said the correction is to delete the word "South." There being no further corrections the minutes were approved as amended.

The Chair next called on Professor June Fessenden MacDonald for presentation of the Slate of Candidates for the Committee on Affirmative Action.

3. APPROVAL OF SLATE OF CANDIDATES FOR AFFIRMATIVE ACTION COMMITTEE

Professor Fessenden MacDonald: "In the absence of the Chair of the Nominating Committee, I'd like to, on that committee's behalf, move the slate of candidates for the Committee on Affirmative Action."

Speaker Martin asked if there were further additions or nominations for the committee. There being none, the Slate was approved (Appendix A, attached).

The Chair next called on Dean Lynn for remarks.

4. REMARKS BY THE DEAN

"I'm pleased to report to you the enthusiastic response that the faculty gave to offering themselves for the Committee on Affirmative Action. We received a large number of nominees and that's splendid. The Nominations and Elections Committee really had a difficult time in selecting a set of nominees and, I think, we have a great slate and that election will be held relatively shortly.

"My first duty in these remarks is to announce an unpleasant bit of news and that is that during this past year, since last we met, nine of our colleagues have died. These include:

Morris A. Copeland, Robert Julius Thorne Professor of Economics,
Emeritus, May 4, 1989

W. Storrs Cole, Professor Emeritus, Geological Sciences, June 14, 1989

A. Gordon Danks, Professor Emeritus, Veterinary Surgery, July 1, 1989

George G. Gyrisco, Professor Emeritus, Entomology, July 14, 1989

Robert B. Musgrave, Professor Emeritus, Agronomy, July 20, 1989

Robert E. Kaske, Avalon Foundation Professor in the Humanities,
August 8, 1989

Edwin A. Burtt, Susan Linn Sage Professor of Philosophy Emeritus,
September 6, 1989

Arden F. Sherf, Professor Emeritus, Plant Pathology, September 19, 1989

Herbert H. Johnson, Professor, Materials Science and Engineering,
October 1, 1989

"Professor Herbert Johnson was a sitting member of this body until his death. I hope you will all rise for a moment of respect for these colleagues. Thank you.

"Included in the material that was distributed to you in the call to this meeting were the results of the FCR Committee elections (Appendix B, attached), and I'd like to extend a welcome to these new members of the committees. We have actually many structures well and working, and there will be a whole host of old and new problems that these committees will be asked to address. You will hear about some of those today at this meeting. You will also hear today, when President Rhodes will speak to us, about a variety of challenges which are continuing to descend upon the academy. These challenges will create a variety of both problems and opportunities for us. And the President, I am sure, will address many of these. Many of these issues are ultimately our concerns, as well as the administration's. In fact, we have to share these responsibilities in a very significant way, but you'll hear more about that later.

"Another item I really do want to call to your attention is an unpleasantness called the 'scofflaw' problem. This faculty has made a set of rules about examinations and when they may be given and when they may not be given and one of the unpleasant tasks that I am forced to deal with, are complaints by both students and other faculty upon what this faculty has determined to be sacred ground. That is that no exams, or classes, or formal class sessions are allowed to be held between 4:30 and 7:30 in the evening. That's a time for students to enjoy orchestra playing, athletics, or whatever else they wish to do as long as it's legal and permissible. But there are, unfortunately, some of us who are unaware of the University Faculty rules. I'll just call your attention to that and if you'll remind some of your colleagues who are not here today, and there are at least a thousand of them who did not make it today, to keep that issue in mind. It is this body's responsibility.

"Terry Fine has graciously agreed to substitute on the FCR as a member-at-large for Gordon Fisher, who is on leave. Mr. Chairman, Mr. Speaker, I believe that completes my remarks."

Speaker Martin: "The next two items are going to require a vote. They're the only two on the agenda this evening. The Chair will just remind you that since these are FCR items, only FCR members are entitled to vote, but we invite all of you to participate in the discussion. The Chair next calls on Professors Locksley Edmondson and Donald Barr for a resolution on divestment."

5. RESOLUTION ON DIVESTMENT

Professor Donald Barr, Human Service Studies: "We have drafted this together and I would like to put it forth before the body. Just a little bit of a background before I do. The Faculty Council of Representatives passed a resolution on divestment May 10 of this past spring voting 52 to 5 and that resolution is in the minutes so I won't go back over that. The resolution did ask that the President and the Dean of Faculty take the divestment question back before the Board of Trustees at its next meeting. The Executive Committee of the Board of Trustees on May 27 voted unanimously not to take the resolution back before the Board. That letter and the information on that is also included in a packet here (Appendix C, attached). We have written the current resolution that is before you for this date October 11, 1989."

The resolution follows:

WHEREAS, the Faculty Council of Representatives voted 52 to 5 on May 10, 1989, calling on the President and the Dean of Faculty to take the divestment question back to the Board of Trustees for the matter to be reopened, considering that continued investments in companies doing business in South Africa is further undermining the possibility of improving race relations on campus and is exacerbating relations between the administration and concerned constituencies, and

WHEREAS, the Executive Committee of the Board of Trustees reporting to the Board of Trustees on May 27, 1989, concluded that the issues raised by the Faculty Council of Representatives had been fully considered in January and voted unanimously not to reopen the issue at this time, and

WHEREAS, the Faculty Council of Representatives' May 10 resolution was largely motivated by a deterioration in the state of race relations on campus in the aftermath of the January 1989 Board of Trustees vote to retain their current investment policy in South Africa, and

WHEREAS, the claim by the Executive Committee of the Board of Trustees that these issues were "fully considered in January" could not by definition have been the case, and is accordingly misleading, and

WHEREAS, the Board of Trustees decision not to reopen the divestment issue in effect represents a disregard for the Faculty Council of Representatives' considered position on a matter fundamental to campus life,

THEREFORE, BE IT RESOLVED, that the Faculty Council of Representatives goes on record expressing regret and displeasure at such an abrupt dismissal of its legitimate concerns,

AND BE IT FURTHER RESOLVED, that the Faculty Council of Representatives calls on the Board of Trustees to devote serious and urgent consideration to the concerns expressed in the May 10, 1989 Faculty Council of Representatives Resolution on Divestment, considering that continued investments in companies doing business in South Africa is further undermining the possibility of improving race relations on campus and is exacerbating relations between the administration and concerned constituencies.

Professor Locksley Edmondson, Africana Studies and Research Center: "As Don mentioned, we both co-authored the May resolution and were very pleased at the close to unanimous support for it. I think the vote was 52 to 4 or something like that. Also, as he pointed out, this is not a matter of reopening any fundamental discussion on that, as such, but to enter some follow up on a procedural matter relative to the May resolution. Those of you then present should know that we were motivated by two main things in May. One that we felt that the divestment issue had been discussed frequently in terms of (a) the impact on race relations in South Africa and (b) the impact on the endowment, the fiduciary responsibility argument. We felt that insufficient attention had been given to what impact it is having on Cornell as an institution, it's racial health, and social health, particularly, in the aftermath of the January vote where we saw some very clear indications of difficulties developing on this campus in the field of race relations not the least in regard to the image of Cornell as an institution in advancing racially egalitarian goals. And, particularly, vis-a-vis what we saw as the credibility of the administration in leading on this matter when we felt its credibility was compromised by investment ties to apartheid and the clear statement of the Chief Executive of this institution that his own position was to support the present status quo. With regard to this particular resolution, we feel that the Board of Trustees in May did not and could not have given sufficient attention to our legitimate concerns. The brief, abrupt, almost cavalier statement by the Executive Committee, which I think is what I read into that statement, I don't think is sufficient. Not only that, by definition, the committee in the January meeting, could not have discussed fully many of the issues which we felt were provoked in the aftermath of the January vote. It's a simple matter of chronology. Also the resolution from the Executive Committee of

the Board of Trustees says that the issue is not closed forever. Paragraph two states: 'At any time the Proxy Review and Investment Committees think it appropriate, they may take up the matter again.' I've seen enough resolutions to know that I could pretty well say not only are they setting up themselves as judge, jury, and executioner, but I find it an insult to my own intelligence and my sense of political intelligence, to be told that something should be reopened with no remote attempt at deciding some possible guidelines under which this could be reopened. I think it indicates to me that they'll just sweep this under the rug. So, in short, then we have come back to the FCR today for two main purposes. At minimum, it's simply an attempt to have us as a body state our displeasure with the way in which our May resolution was handled or not handled. I think if we remain silent on it, it will imply some degree of complicity in the dismissal of our concerns. Another purpose, of course, is to indicate that divestment is of fundamental interest in the University. One of the prominent members of the Board of Trustees this past year was quoted in the *Ithaca Journal* of October 2 as saying that 'there is no indication that the situation has changed enough to reopen the issue.' President Rhodes was quoted in the *Sun* of the 23rd of September where he said he thought it unlikely that the Board would reopen this issue this year. That may or may not be the case. That is not what we are concerned about. What we are concerned about, and we hope the faculty will agree with us, is that this issue is not closed. And, secondly, we want to take it back to the Board for them to treat our concerns at least with a little more seriousness than appears to be the case. So, from that point of view, I join Don Barr in putting this back before you hoping for your now unanimous support for this resolution."

Speaker Martin: "I realize this is a bit late but there is faculty legislation which prohibits taking of pictures or using tape recorders in FCR and University Faculty meetings. The floor is now open for debate. We ask that you give your name and area for the benefit of our secretary."

Ronald G. Ehrenberg, Irving M. Ives Professor of ILR and Economics: "In the June 7 letter from Austin Kiplinger to Walter Lynn, the minutes of the Executive Committee of the Board of Trustees state 'at any time the Proxy Review and Investment Committees think it appropriate, they may take up the matter again.' I am currently a member of the Proxy Review Committee and I've already spoken to the Chairman of the Committee about raising this issue with the committee and she's indicated a willingness to do so without the promise of what the outcome will be at the breakfast meeting, which the committee will have here in late October, and I think strong support for the motion on the floor would strengthen our position about this."

Professor J. Robert Cooke, Agricultural and Biological Engineering: "I am a member of the Board of Trustees, and have just a one-page statement I'd like

to make on behalf of what I've seen happen at the Board of Trustees. Only a few members of the University Faculty were present at the Trustee meeting in January when the policy of selective divestment was discussed. I am not the official spokesman of the Trustees, but I was present so I feel some obligation to share some observations with you. Perhaps Jennie Farley, who is also present today and was also present at that meeting in January and if she wishes can share her characterization of that meeting if she disagrees with the way I characterize it.

"I do not wish to attempt to present a synopsis of the substance of the debate because to do that fairly and accurately would require far more time than is available today. I did share my personal views on the substance of the debate with those who expressed their profound disappointment with the Board's decision in an open letter to the *Sun* on March 17. Instead, I wish to comment on the basic premise of today's resolution. That is, was the Board aware of the deeply held feelings of many, probably a majority, of the Cornell community that total divestment is the only acceptable response the Board could make?

"The Board was painfully aware of the broadly based community support for the recommendation on divestment. Even a casual observer on the Cornell scene during the past 20 years could get the drift of campus sentiment. There was, however, an extended process for gathering campus opinion and the Trustee debate reflected a strong desire to follow the advice of the community. There were even some who opposed the resolution in principle but argued that the Board should make an expedient decision to 'put this issue behind us.'

"The Board debate was the most thoughtful, the most intensive, and the most agonizing of any issue which has come before the Board during my association with it. The Board did not ignore campus sentiment - it just came to a different conclusion than the one the campus recommended.

"It is true that the Board members and the faculty members have different responsibilities in relation to the University and, therefore, have to observe different sets of constraints when they make decisions. Members of the Board care deeply about Cornell and its long-term welfare. If you had been present at the January meeting, I believe you would have left the meeting with a sense of pride in the quality of the Board's debate - even if your strong preference was for a different result than the Board produced."

Associate Professor Richard S. Galik, Physics: I have a question concerning part of the second further resolved section '... in considering that continued divestment...' Presumably the Trustees had come to agreement to phase out all investments over three years that would have been something which would have not undermined the possibility of improving race relations and it also would have continuing investments even though they were being scaled back. If they were being phased out, for example, then perhaps you

would not have a situation of undermining improving race relations. Further from what you said, it seems that it was the attitude of the Trustees and the way they handled the proposal that could further undermine the possibility of relationships and not so much the continued investments themselves. And so I have to wonder how you might want to rephrase this to reflect both of those concerns."

Professor Edmondson: "I think, I hope, it's quite straightforward. One has to look at this resolution in the context of the May resolution. And the May resolution was very clear that the faculty went on record as saying they favored divestment. So, all this resolution does is to restate what we already said, using that as part of the projection beyond the May discussion. And concerning Professor Cooke's point a while ago about the seriousness of the Trustees concern, we're not denying that a lot of it went into the process in January, but we took this position in May and this is now, I believe, October. That must be kept, I think, very firmly in mind."

Professor Richard Baer, Natural Resources: "I am opposed to the resolution. I have been troubled more by the quality of the rhetoric on campus than I have been by action of the Trustees. I'm troubled by it because I think there's been far too much motivism, far too much questioning of people's integrity and the seriousness with which the Board of Trustees carried on the discussion. It's always hard to know how accurately our local media report these issues, so I'll leave some area of doubt there. But if there's any reasonable degree of accuracy, it seems to me that there has too often been irresponsible statements about the quality of the discussion that the Board carried on based on not very good evidence, and I think that has done a fair amount not only to undermine our collegial relationship, but also race relations on the campus. I think we have to be very careful when we discuss issues of this seriousness not to impugn each other's motives. There are people of high integrity who are totally opposed to apartheid and think that the strategy of divestment is a bad strategy, will be ineffective, and work against the ending of apartheid. I for one, find that it distorts and undermines the quality of our collegial relationship when those motives are too easily questioned and when things are said on the basis of the flimsiest of evidence."

Professor Galik: "I guess the only proposal I have to make would be that we have two resolutions for one subject. I certainly agree with the first part of the resolution that it seems that the Board of Trustees has somewhat flippantly dismissed our main concerns. I mean I'm not so sure that I agree with the statement that going back to continued investments is further undermining the possibility of improving race relations."

Professor Martin: "We are moving to divide the motion. Is there a second? Again, was there a second to the motion to divide the resolution making the

two resolves separate? Motion fails for lack of a second. Further discussion. All right, we'll proceed to vote."

Professor Wesley W. Gunkel, Agricultural and Biological Engineering: "It's my understanding a resolution cannot be brought up and voted at the same meeting. Is that true or are we able to vote?"

Speaker Martin: "No, this is in effect a motion coming from two people, perfectly in order. Further questions or discussion? Again, only FCR members are entitled to vote. The resolution passes by a vote of 47 to 2.

"The Chair next calls on Dean Lynn, Chairman of the Review and Procedures Committee, for the resolution amending the legislation governing the Committee on Research on Human Subjects."

6. RESOLUTION AMENDING LEGISLATION OF COMMITTEE ON
RESEARCH ON HUMAN SUBJECTS

Dean Lynn: "This is actually a matter of cleaning up some language, and the way this comes before this body is the University Faculty has a Review and Procedures Committee which met and spent an hour and a half perfecting the language so that it is consistent with the federal obligations with regard to human subjects and to insure that the structure of the committee would be consistent and ongoing in a regular fashion. The changes are not very significant and I, therefore, offer to you the resolution."

WHEREAS, on June 6, 1967, the Faculty Council adopted legislation creating the Committee on Research on Human Subjects, which was subsequently amended by the Faculty Council on November 18, 1970 and the Faculty Council of Representatives on December 9, 1987, and

WHEREAS, a number of technical changes to the charge and composition of the Committee are needed in order that it conform with federal regulations and the current mode of operation, and

WHEREAS, the Review and Procedures Committee and the Executive Committee of the FCR have reviewed and approved these changes,

THEREFORE, BE IT RESOLVED, that the Faculty Council of Representatives hereby adopts the revised legislation of the Committee on Research on Human Subjects (Appendix D, attached).

Speaker Martin announced that coming from a Committee the motion does not need a second. The floor was opened for debate. There being none, a vote was taken and the resolution carried.

The Chair next called on Professor William Kaven, Chairman of the Committee on Admissions and Financial Aid, for a report.

7. REPORT FROM ADMISSIONS AND FINANCIAL AID COMMITTEE

Professor William Kaven, Hotel Administration: "In the 1989-90 year, when we compare the amount budgeted to spend for financial aid versus the amount needed to cover our financial aid requirements, we arrive in this 89-90 year with a shortfall of about one million dollars. As you are well aware, the shortfall is possible because of the policy of the University regarding financial aid and let me just briefly state what the policy is so that you are refreshed.

"Cornell University makes admissions decisions without regard to the ability of students or parents to pay educational costs. Students who demonstrate financial need will be assisted in meeting that need through one or more of the following: federal and state grants, employment opportunities, loans, The Cornell Tradition program, scholarships from endowments and restricted funds, and Cornell grants. Annual adjustments will be made in self help and family contribution levels.

Cornell will continue its commitment to excellence and diversity in the student population. Self-help levels for individual students may reflect the University's recognition of outstanding merit, unique talent, commitment to work and community service, and its commitment to diversity in the class.'

"We are now looking hard at what lies ahead for the 1990-91 period and even beyond. Under our present policy we need, in order to meet the increasing needs under this policy, a 19% increase over the budgeted amount. That is 12% of actual spending plus a 7% differential in tuition growth. Please be aware that these figures are only at the first look at the budgeting process. The persons involved will be looking more closely for places to shave this down, but they probably cannot shave down their costs to just the 7% tuition growth figures. Therefore, the projected shortfall for 1990-91 could be 10%. This coming year that is about two million dollars. Please note that the coming years will bring a compounding of this problem, but that will be just laid out for you. What we now face in our committee is what to recommend regarding the administration of the policy in the future. The Committee will be meeting again in the next few days to evolve a recommendation and, of course, this recommendation must ducktail with the work of the Financial Policies Committee.

"Our choices for a resolution of the problem appear to come from the following: (1) more general purpose money to financial aid, (2) shave the financial aide population, (3) shave the payout to the population, (4) identify new sources of funds, and (5) some combination of the four. The one caveat that overhangs our deliberations is the fact that if we go through the process of seeking new resources, it will take us some years to put all this into place and meantime the problem compounds itself in the interim years."

Speaker Martin: "Before moving into the next item, which will be a presentation involving items to be addressed by the Financial Policies Committee, the Dean has asked that I introduce the members of the Committee. If they would please stand if they are here. Professor Richard Schuler, Chairman; James Bisogni, John Doris, Ron Ehrenberg, Donald Holcomb, Harry Kaiser, William Kaven, Bernard Stanton, and David Wilson. Thank you. And now for a presentation of those items, Chairman, Richard Schuler."

8. PRESENTATION OF ITEMS TO BE ADDRESSED
BY THE FINANCIAL POLICIES COMMITTEE

Professor Richard Schuler, Civil and Environmental Engineering and Economics: "Last spring the Financial Policies Committee approved a new procedure in the process to deal with the ongoing debates in an attempt to make the faculty more accountable and, presumably, more credible as well as involve the administration in an even more complementary mode on these issues. Our mandate, which was endorsed by the FCR last spring, really had four steps to it. First of all, the chair of the committee was to describe at the October meeting the goals and objectives that we had reached in conjunction with discussion with the administration and, also, to make an assessment of how we're doing these deeds, those goals and objectives. Now, this is the first such session so it's going to be difficult to describe how we're doing it in comparison to goals and objectives that we're just about to describe with you for this initial time. But, following that, in November we would come back to you at the meeting hoping we get as much as a quorum then as we have today in order to describe specific recommendations, and then at the December FCR meeting, we will have members of the administration, Malden Nesheim and Bob Barker, come to describe how the university's administration plans to respond to those objectives.

"What are the broad objectives? Well, at the risk of initiating one of those generic academic phases that can go on forever and ever, nevertheless, we thought of where it's useful to lay out some broad goals and objectives from which we would then try and enumerate specific policies. The first one, well, obviously, is excellence. I think that's one everyone can agree on. As soon as you start to measure, describe, though how you're going to count excellence that's where the debate begins in great detail. But,

nonetheless, we think of excellence both in terms of research and in terms of teaching, but I would also suggest the committee felt on a denominated basis, that is, excellence per student or research per faculty.

"Second, to expand where possible the heterogeneity of the university and the enriching experience that goes on here and by that we mean, obviously, the heterogeneity of the student body, the rich socioeconomic, ethnic, racial and geographic background that we have and to pursue the same heterogeneity among the faculty and staff members here on campus.

"Third, this one's a bit trickier, maintain the existing nonurban ambiance that exists here on campus. In other words, can we distinguish Cornell from some other universities? Now that is an objective, once we talk to individuals we get a very, very different perception. To some, obviously, it means parking next to your office; to others it means bikeways. But I think we all have heard variances of that objective espoused by a number of people. A walking campus is an example of another variance. It seems to me that that is something that is uniquely Cornell and the Committee thought that it's worth striving to maintain that.

"The fourth broad goal is a more difficult one but that is to recognize that there are long lead times with both the educational process and many research actions. Therefore, a goal, a broad goal ought to be to steady the ship. That is, to put it in terms of avoiding negatives, avoiding and insulating the activities of the university against precipitous gyrations to financial market, political considerations, etc.

"Those are our four broad overriding goals that we hope are so gentle they'll be like apple pie and brotherhood and that anyone could hardly disagree with them although there are many others that I'm sure you would like to include. But it seems to me that the proof of the pudding comes when we begin to try and put those in specifics. But before we do that, perhaps it's useful to do a little taking of stock and review where we are with respect to some of those goals. Well, we seemed to have survived the Reagan, or should I say the Bennett years, and the construction boom on campus seems to be winding down so maybe I can trade in my hip boots for a pair of snow shoes in another winter or two. And I was going to say, before I heard Bill Kaven's report, that we have done surprisingly well on the financial aid front given the enormous pressures that have been upon us and yet there has been a real pressure each year to pay just a bit on that one. So, obviously, that's going to be an issue that the committee would have to review. Nevertheless, to give you some perspective I or rather Ron Ehrenberg, one of our committee members, has provided a viewgraph (Appendix E) that had a number of very simple ratios. Let me call your attention to Table 1 first which gives information just over the past five years on the ratio of Cornell for student self-help with respect to COFHE (Consortium on Financing Higher Education) institutions, a broad consortium of peer

institutions. One measure of the financial aid pressure we've experienced at Cornell has been the relatively high self-help ratio component of financial aid. That has at least held its own and reduced somewhat over the five-year period. At least we're not getting worse in that category. Table 2, on tuition and fees also suggests, although to which end has risen at distressing rates at Cornell and other peer institutions, that we seem to be doing somewhat better as compared to our peer institutions over the past five years. So that at least we're at a base that isn't worse off than a variety of many peer institutions. That's like casting the discussion in terms of 'is it better to have the glass half empty than half full.' Nevertheless, I think it does bode well as a starting point to deal with that broad goal number one that is sustaining the quality. We need to be able to be in a position with regard to providing financial aid and also a heterogeneous student body. The other step that's been taken has been to adjust the payout rate of the endowment so that the government will provide some help in terms of insulating us against perturbations. Although I and most of the committee members would have preferred had that been accomplished with two bitter swallows rather than one large bitter gulp, but that is some medicine that's past us.

"What are our concerns then for the future, and I realize that all of you have many concerns. We tried to condense those into three broad concerns that have overwhelming budgetary implications. Although I'll mention those, some of the other concerns may be equally important although not having the same financial implications. The first is the low level of endowment per student that we have here at Cornell. In some sense it's been remarkable that we've been able to accomplish as much as we have given that relatively modest level of endowment per student in comparison with our peer institutions - one in 38,000 per student translates into something less than 7% of tuition, as an example, that can be counted on as income coming out of the endowment. That doesn't give us much capacity to respond to severe changes in federal or other political pressures and, it's obvious, when denominated on that basis, that many of our peer institutions do have far greater resilience. That seems to me is one of our overriding concerns and anything we can do to expand that capacity to deal with exogenous forces is going to be a tremendous importance.

"A second concern the committee has is the long run implications of new construction and new building on the overall economic university. And that is the concern, not so much in the absolute, because I am the worst offender when it comes requesting and pleading and conjoling for more space for particular activities. Our concern is that those decisions and those requests, on the most part, do not face the same budgetary constraints as other decisions; are not used in the same light. Let me give you an example. Suppose each department Chairman was given a choice of salary increases for faculty versus giving up some space. My guess is, in that

kind of light, there might be more space available on campus today than we have right now. So that it seems to me for proper planning in the future, since the market value of the buildings and space on campus probably approximates that for the market value of our endowment that is an important aspect and that some of the techniques and guidelines by which that's managed and future decisions are made. Also, I think it casts from the same light.

"Well, then there's the third one which is obviously the point many of you have been waiting for and that is also one we feel is a terribly important concern is the declining position over the past several years over faculty salary. Rather than give you a time series, Figure 1 is just a snapshot last year of faculty salaries. These are weighted by rank of various positions to Cornell's base; that is a Cornell distribution of rank. And, I think, the interesting aspect of this is that Cornell's position right now, if one wants to do a numerical rank is 15, and if you go back as far as 20 years Cornell's position has varied between fifteenth and I guess it got as high as six, but it has been gradually receding from that high over the past six to seven years. I think more importantly that we seem to be right in the middle of sort of a precipice. If you take Cornell out, that is the white line, you see there's sort of a substantial gap between those universities with salaries that are above us, and I'm not including the outliers in the upper end of the scale, and those universities that lie below us. Without us there's about almost a 4 1/2% differential. So we seem to be at the point of a precipice and people might say well those above us are largely urban universities facing higher costs of living. Those to the right of us, no political connotation intended, are all more rural and, in many cases, state universities with similar costs of living as Cornell. It seems to me most of the faculty who do leave Cornell for other positions go to the universities to the left rather than those to the right, and so it seems to me that that does suggest, graphically, that we're sort of at a crucial turning point and also this might be a year that affords us a real opportunity to move ahead because not much of an increase would put us well in the middle of the pack of those universities on the left.

"I also want to mention that the state salaries are also, obviously, a real concern and the Financial Policies Committee has reconstituted a separate subcommittee to deal with statutory salaries. I also noted that relative to endowed salaries on campus, statutory salaries have moved up from their low position; although that may not be so much due to the celebrated improvement in statutory salary as it is to the tight budgetary scenario we had here over the past two years at Cornell.

"Another important emerging problem that we won't discuss in this cycle, but will bring up in the spring, is the real financial problems that may arise due to the uncapping of retirement and the administration will have to do

some careful consideration of policy options and the costs associated with that. Also, there will be a faculty committee put in place to work with the administration on that topic.

"There are a host of other problems, real problems, requiring concern. I'll just quickly tick off some that they have lesser budgetary implications: obviously, affirmative action, the problem of joint professional employment for spouses, grad student stipends, benefits for incoming faculty that we maintain are in competitive position when we're in the market with respect to fringes as well as other, and the efficient provision of administrative functions and I'm sure there are a myriad of other pet projects that I will be happy to have you describe. But I didn't want to go into a tremendous enumeration. I want to focus in on the dominant ones.

"How do we solve these issues? Well, probably not by growing since one of the things that has become clear is that we probably don't cover the full cost of research, externally supported research, through our indirect costs, nor do we cover the full cost of teaching out of tuition. So, balancing the budget by getting larger is just not a solution unless you can do it with existing resources. Suppose we were to double the level of our endowment. That, it turns out, would bring in well over 35 million dollars a year in additional money. If that all went into general purpose funds, that would mean about a 15% increase in the budget, the general purpose budget. The problem is that given the historic rate of increase in cost at Cornell, that would be an illusionary benefit that would soon vanish. My guess is that over the past three years, even in tight budget years, the real costs at Cornell have gone up by about 2% per year. And what that implies is that if that even modest rate of cost increase continues into the future, that were we successful in doubling the endowment, within seven to eight years all of those benefits would be totally eroded. We'd be right back where we are today. So, what that suggests is that we have a very, very difficult set of tasks ahead of us and our committee is given the unenviable mission of coming back to you in one month and trying to report on what our recommendations are on possible tradeoffs that can accomplish the things we'd like to see happen, the positive things, but I'm afraid in light of things that may have to be given up in exchange for that. I welcome any questions or comments."

Professor Martin asked if there were questions for Professor Schuler.

Question from unidentified speaker: "What has the rate of the endowment growth been over the last 5 to 10 years?"

Professor Schuler: It has increased two and a half times in the last ten years, but not in real dollars and it's probably, actually, declined a little bit in terms of the fraction of the costs of operating Cornell that

the income from that sustains. So, again, it's an example. It's grown, but not as fast as other things and, in particular, the real costs of running a university."

Associate Professor Ann Lemley, Textiles and Apparel: "I would urge the committee not to underestimate the spousal problem. We took a big leap there when we had people leaving for perhaps more urban centers and so forth and I think that social scientists among us would say that we can't really show cause and effect and that it's really important that we look at the married situation of people leaving and the entire situation and I suspect it could have some significant budgetary consequences depending on what you did about it. So, I don't view that as a minor issue. I suspect in the future that's going to become a fairly significant issue."

Speaker Martin: "There's an important item left on the agenda so perhaps we'd better move along for now. The Chair next calls on Provost Nesheim for the Report on Library Expansion."

9. REPORT ON LIBRARY EXPANSION

Provost Malden C. Nesheim: "I wanted to give you a very quick update, Mr. Speaker, and I will take as short a time as possible. As you recall, the Board of Trustees last spring, authorized us to proceed with planning for an addition to Olin Library. We were authorized to plan an addition in a continuous fashion to the library. That is an addition that would be next to the library and would make the library continue to function as one building. That was considered a very important feature of an expansion of the library by the library, by the Users Board, the Olin users, by the Library Board, the Olin Users Board, and the College of Arts and Sciences faculty. All felt that this was an overriding consideration as we continue to plan an addition to the library. The other issue that was dealt with a great deal was whether a technological fix has sort of come along so that we'll read all our books on computers and we won't need a library in the future. I think that, again, the decision was that we did have to make provision for expansion of the library that would handle the growth of the collection over a period of time.

"A decision was made to site the library in what we considered almost the only available site that really responded to those concerns which was in the area between Stimson Hall and Goldwin Smith. The library was to be completely underground in that site and so given those instructions from the Trustees we have proceeded. An architect has been hired from Shepley Bullfinch, a firm that was the architect for the Law Library, and has been making preliminary plans for the library. At the same time we've been looking at the construction problems of such a library. Currently where we are is that we think that we can build a library that has an upper limit on

costs of 25 million dollars that will be placed completely underground, so that the site will be restored essentially as it is before the library is being built. That is to replace the basic contour of the land, very modest provisions for light to come from the surface into the library with the ability to replace much of the vegetation if not exactly the same vegetation on top of the library. That process is continuing.

"What I want to alert you about is that the construction planned for the library is a very ambitious one. We would start the construction of the library by doing some utilities movement, removing trees, shoring up Goldwin Smith and Stimson, and then the actual excavation of the site would take place after the 1st of June next summer and, hopefully, it would be completed by the end of the summer, by the first of September or shortly after. It's an enormous excavation project. It will take something like 100,000 cubic yards to remove out of that site, most of which is going to be rock. So there is going to be a very difficult time on the campus during that relatively short, hopefully, excavation period when we will excavate the library. The plan is, if the excavation can be completed by the end of the summer, we will build the library in the hole and it will be filled up again and grassed and it will be ready for graduation the next spring. So graduation should, in fact, be able to take place on top of the library both before and, on top of the site, before and after the library construction is done, but we have to remove the rock. It will have to be done by blasting. It'll have to be hauled out of the campus by large, big trucks that'll roar up and down Tower Road. It's going to be a difficult period next summer. Those of you who are in buildings right around there are going to have to be made aware of this. I'm alerting to you this right now. We're going to give you a lot more information about it as it comes along, but I think our colleagues who have urged us to proceed with this solution to the library will also join us in urging you to be tolerant of how we're going to go about this construction. So I want to alert you of that and we'll give you a lot more information later. Thank you."

Speaker Martin: "Thank you very much Malden. It's now my privilege to call on President Rhodes who will first of all recognize the Distinguished Teaching Award Recipients and then give us his State of the University Address. President Rhodes."

10. DISTINGUISHED TEACHING AWARDS

President Frank H. T. Rhodes introduced the distinguished teaching award recipients (Appendix F, attached), and congratulated each of them.

11. STATE OF THE UNIVERSITY

President Rhodes: "I want to thank Dick Schuler for presenting, I thought, so comprehensively and lucidly, some of the challenges we face. And I want to talk about some of those and I'm very grateful for his introduction. But I want also to balance what are some problems we face with what I think has been the record of an impressively successful year and for that we have to thank all of you. Let me just talk very briefly about your accomplishments during this past year.

"It's been a year in which we have received another MacArthur Genius Award and Professor Margaret Rossiter, Visiting Professor in the Program of History and Philosophy of Science and Technology, was the recipient. We received six Guggenheim fellowships in fields as different as communication in whales, to history, to astronomy. In one year, we welcomed seven faculty colleagues who were initiated as new members of the National Academy of Engineering, almost doubling our representation in that category, one new member of the National Academy of Sciences and one new member of the American Academy of Arts and Sciences. No fewer than eleven faculty colleagues received Presidential Young Investigator Awards, and I recollect that that puts us number one in the nation along with Berkeley and Illinois in those prestigious awards. Two Sloan fellowships were received and the list goes on clearly across the board in research. The dedication and the achievement of you members of the faculty have been recognized. But it's not only in research, but the past year has been memorable for recognition. I want to congratulate again all those of you who received awards today. I also note in passing that Professor Pollock, who was honored today, also received a national award from the National Electrical Engineering Honorary last year. Just to mention others not in our own list but who also received national awards: Ted Lowi received the gold medal as Professor of the Year from CASE, the Council for the Advancement and Support of Education; Dick Warner in Animal Science received the Distinguished Teaching Award from the American Society of Animal Science; and Barclay Jones received the Public Service Award from the U.S. Department of Interior in recognition of his contributions over the years to national and cultural preservation.

"All that represents a major benefit not only for the institution, but for our students. And so it's not surprising that applications for admission continue strong, not quite as strong as a year ago. We have a decline of something around 7% in the total number of applications of the freshman class, but we have in the class of 93 the strongest class, academically, and the most diverse class in terms of geographic and ethnic origins in recent years and we're delighted. That kind of achievement is characteristic, not just in precollege years, but also post college years and I was gratified to note that Cornell ranked number one amongst private institutions this year in the number of graduates who went on to receive Ph.D.'s. Thanks in large

measure to the generosity of alumni we also ranked well up, number three as a matter of fact, in the level of giving during the past year, behind only Stanford and Harvard. I want to draw your attention to one particular campaign which is noticeable to your generosity and involvement. The Johnson Graduate School of Management just a week ago celebrated in New York the completion of its campaign for 46.5 million dollars and every member of the faculty, every single member of the faculty in the Johnson School, contributed to that particular campaign. That's the kind of commitment that tells, as far as the outside world is concerned, and as we begin to celebrate next year the 125th anniversary of the university. We do so from a basis of remarkable strength, not simply in national rankings that I just talked about, but in the range of breadth and achievements of the faculty, staff, students, and the support of alumni and friends.

"There is, however, a major paradox and not because that happens at a time when the assignment for higher education seems to me to be more unfriendly than I remember it being for the last 20 years or so. I say that because public concern about the quality, costs, the content, the value of higher education has now reached a level that is something relatively new for those of us who follow the sequence. It's not just a provocative best selling book like Charles Sykes *ProfScam*, which I hope some of you have read, but also almost any recent issue of a *Chronicle of Higher Education*, *The New York Times*, *Time Magazine*, *Business Week*, will have something about productivity and satisfaction of quality in higher education. It was the schools, five years ago, and now it's the colleges and universities, that are up for review and certainly. if one judges by our press, there is dissatisfaction. We could itemize what the dissatisfaction involves. I want to share with you what I think are the three major components of this topic of concern."

"First of all there is the accusation leveled against us that the cost of the whole enterprise is simply excessive. The fact that tuition rates have increased more rapidly than the consumer price index and we have been resistant as institutions. Both individually and collectively, we've been resistant to the kind of economies that have characterized every other area of our national life. We've simply said that efficiency and effectiveness are things we cannot talk about when it comes to cost.

"A second criticism that's made against us is, that although it's admitted that the academic reward system is closely linked to research achievement, it's argued by many that that dilutes our interest in undergraduate teaching, in particular. It's argued by some that little work of real significance is going on in the universities in comparison with the number of faculty involved. I want to come back to that in a moment and say a

little more about it, but it's argued that research is not really contributing as it should, as we might expect it to, to our national life or even to the quality of research and teaching linked to it on the campus.

"And then the third charge that's leveled against us is that we have simply become indifferent to teaching in the research universities, perhaps even incapable of taking undergraduate teaching seriously. It's argued that we're so concerned about research that we've no time for it, that the curriculum has become fragmented by faculty professionalism and vocationalism, it has become politicized in some cases by our own political agendas left, right, center and that it's been weakened by the fact that we have collectively refused to take any kind of step on values or goals or directions in undergraduate education. Now those criticisms, I think, are far removed from the day-to-day experience of most of us on this campus. Everything that Cornell is, everything it stands for, everything it's been historically, tends to negate that kind of view. And yet that public skepticism is certainly abroad. It's not only abroad amongst those that we would regard as lacking in sensitivity and understanding to the significance of what we do, it's also abroad in our own graduates, people who are on the staff of these committees on Capitol Hill who write the legislation for us. It's abroad amongst our own alumni to whom we turn for financial support. Therefore, in our own interests we have to look at Cornell and address those issues, not simply with a knee jerk defensive reaction to it, but for two reasons. First of all to assure our friends as well as our critics that we have listened and taken them seriously and second because, at least as important, I want to suggest to you today that the universities which will prosper in the next decade or the next century are going to be the ones who recognize the writing on the wall now and act in a forthright way to deal with the challenges that confront us. If we don't do that, we shall certainly survive. It's not a question of surviving, but we need to prosper and to flourish. And, I believe, the secret for our prosperity in the future is to recognize the challenges we face now.

"Charge number one, if I can deal briefly with these, the cost of a college education. The Justice Department, as you know, is investigating alleged collusion on financial aid and tuition. Even as Dick put that slide on the board I wasn't sure that all of us weren't guilty, collectively, in some kind of illegal comparison. And there's a chill now across meetings between people from different campuses as to what the implication of that really is. It's too early, of course, to know where that is going to lead, but certainly the consequences, not just from that particular inquiry from the Department of Justice, but from associated civil actions against us by third parties and class actions. Those could be considerable. We have to take them seriously. There's also a concern not just about the level of tuition but whether it's really worth the cost, whether people paying \$14,040 a year are getting their value, getting their money's worth in terms of tuition.

"College costs nationally and here at Cornell have been increasing for various reasons and we could all itemize them. One of those is the pressure that Dick described a moment ago for new space for both teaching and research. New research space is now averaging something around \$287 a square foot. And so we've got to be frugal in the kind of demands that we place on one another. You on us in most cases for new space because simply arguing for more space than we can profitably use poses a continuing drain upon the operating budget of the university, as well as capital drain. Second, of course under that heading of space, there are central facilities that we need to expand and renew. Mal talked a moment ago about the library and we have listened carefully to you and the managers of Social Sciences in being told that that must be immediately adjacent to the present Olin Library. That's a very expensive specification and the building we're creating, in which we're going to build all kinds of disruption to campus transport could certainly be built much less expensively in another location, but your specification is important to us and, therefore, we're building that building. But we have to be able to justify that outside the campus as well as inside.

"But when you look at the cost of equipping incoming faculty members in the lab sciences, the costs are very substantial on an individual basis. It's not always something like \$150,000 per newly appointed faculty member to provide appropriate facilities and support for each new person. That's an average figure. And if you're not up there, I emphasize it's an average figure. If you're well beyond it, you'll know you've done very well and in some places you have to add to that something like \$100,000 for additional equipment that we have to provide.

"The third category, having talked about facilities and start up costs for the new faculty, the third category that is really squeezing us very seriously is indirect costs. This is something that never goes away and you're probably as weary hearing about it as I am talking about it now. But we receive from sponsors of research on the campus only 70 - 75% of the indirect costs of doing research. The heat and the lights, the cleaning, the maintenance, the library facilities, computer support, the administrative costs and all the rest that undergo the research we do. For every one million dollars that we fail to collect in research support in indirect costs on an annual basis, we have one of two choices. We can either build up an endowment of something like 28 million dollars, which at present rate payout will support that one million dollars a year on an annual basis, or we can add another \$125 to each student's tuition. And both of those are very difficult choices for us. And so the question that we have to share with you is this one: Is a particular piece of research for which we don't receive indirect costs so pressing, so vital to your work

and the university's work that we can afford to offload the indirect costs either into fundraising or into student tuition because we have very few additional sources.

"There's a fourth question that was raised in the discussion earlier on and that's faculty recruitment. It's going to be a fact of life that about 1/5 of our faculty will retire during the next decade, many of those during the early part of it. And faculty in many fields, as you'll know from the latest survey by Bill Bowen and Julie Ann Sosa, are going to be very limited in numbers. They're also going to be expensive for that reason and the challenge of finding jobs for spouses makes that an additional difficulty. Faculty recruitment and support is going to be a growing cost for us as we turn over faculty.

"Then, of course, there's the determination to keep Cornell affordable to all students. To have need-blind admissions is something that is very costly. I mentioned this year we've got the most diverse class in our history, certainly of the last decade. And yet financial aid is out of whack by about a million dollars and we have to make up that shortfall in a budget that was already increased about twice the rate of increasing tuition. And so those will be continuing problems and the point I want to make to you is that there will always be excellent reasons for adding another faculty member in your own department. Reasons that are irrefutable in terms of covering a growing curriculum. There will always be a very strong case that can be made for renovating that research lab or that teaching space. It will always be possible to argue very forcibly that we should increase student support services in a whole range of ways that we're invited to do. It will always be possible to look at the figures that we were shown a moment ago and to argue that our financial aid package is less good than competing institutions. But all of these, in turn, are going to be competing with everything else. And they're going to be competing as you saw with an endowment which is a relatively limited one as far as our competitors go. We rank 75th in terms of endowment per student even though we come in the top fifteen in terms of overall endowment.

"So, how do we respond? That's the dilemma for today. What are we to do about it? The corporate world looks at universities and says, 'Why don't you follow our example? Why don't you downsize? Why don't you bring in automated means of teaching?' And of course we know that's much too simple and we could all talk about string quartets and appendectomies and explain the reasons that we have to be close to the student who's our pupil. But while the corporate approach certainly isn't the model that we have to follow, we do have to make better use of what we have. We do have to be tough minded about closing programs or phasing out specialties in favor of new ones that are more urgent and we are going to have to do that together during the coming year. I don't think there's any simple answer to this,

but we shall need your help in developing not by accretion, but by substitution. Bob Barker, Mal Nesheim, your own deans, your department chairs, are all going to be talking about this in months ahead. We must take it seriously because the only way we can get back into the top of the pack of that faculty salary chart is, in fact, to refuse to go on adding, especially if we're not going to grow in student numbers. And, I know, it will be desirable to add this field or that field or this particular specialty. We shall have to resist the temptation because it's much better, as Keith Kennedy used to say, 'to have nine horses who are well fed than to have ten who are starving.'

"We have to support you, not just in terms of salaries and overall compensation, but in library facilities and computer support, in secretarial services and travel and other flexible support. We can only prosper if we have a faculty that's content in its professional life and is well supported. That's probably going to mean fewer faculty. If you want to see how many, I don't yet know. Maybe 3%, maybe 5%. Not by getting rid of people, not by dismissing people, but by a mix of substitution and replacement. We shall have to rethink that. That, of course, is the way we shall get our salaries up. And it's not just that we have to do that to satisfy donors, or federal government, it's that we have to do that in our own interests if we're to have a strongly motivated and well supported faculty. I believe we have an obligation to help ourselves and I was glad that Dick Schuler talked about the fact that even if we raise a billion dollars, if we go on growing at the rate that we've been growing for the last ten years, we shall have used it all up by the end of the next ten-year period. So we have work to do together in getting ahold of the particular pattern of growth. I think, as I look at the overall situation, that the bad news is that higher education is in very much the same position that the hospitals were ten or so years ago. Do you remember the debate? If you were involved with medical school you would. The debate when the proportion of the Gross National Product devoted to health care approached 10% and there was, just like a four minute mile, a barrier there and everyone said we could afford 10% perhaps, but no more. We're now almost at 12% of the GNP used up for health care costs and it's not at all clear that we have better health care. But what has happened is that the unthinkable has taken place. Health care is so fundamental to individual existence, so precious to life itself, such a personal matter between physician and patient. Of course, it's unthinkable that the federal government or third party insurers, or companies, or unions, or anyone else should become involved. What's happened is that others have moved in. All those people and have begun to regulate health care. If we read the situation carefully, I believe we have to avoid that kind of external intervention and we can do it best by regulating ourselves.

"The universities that prosper in the next century will be those who have the foresight to act with determination now and that's what we have to urge each other to do in the months ahead. Specifically, during this coming year, I've asked Bob Barker to work with you and to work with me in three particular strategic areas concerned with cost. And I'll mention two more things later on. First of all to get with your agreement and cooperation a strategic plan of student enrollment that gives us agreed numbers, not just at the undergraduate level, but at each phase of the graduate level and professional level also and some kind of agreement as to what the mix of financial aid is going to be to support that. It's not clear that we can simply go on recruiting indefinitely with just a hazy notion of what the total is going to be every year. We need to take as careful a look as we can at that, bearing in mind the carrying capacity of the campus as a whole and the ability of professional and technical staff to cater for the numbers involved."

"Challenge number two: We want to seek your help in getting rid of overlap, duplication, and inefficiency and it would be pleasant to say that's true of other things, but not Cornell. Of course, it's not. We know that those things exist and we need your help in simplifying, of giving people responsibility at the grass roots level in order to get things done and streamlining procedures between the department and colleges and centers and the central administration. There's a lot of work that we can do, not simply to get rid of surplus layers, but in fact to improve the efficiency at the same time that we're doing it. We want to delay and simplify our procedures and organization. And the third thing we're asking you to do as partners in this cooperation, is to look at the whole question of faculty and staff support. What is it that is most important for us to provide for members of the faculty and staff? Once we know that, how do we do it? What sort of numbers should we involve? What are we going to do about the uncapping of retirement of January 1, 1994? We're going to work with the FCR Committee, but how precisely are we going to go about that? What are the conditions of service that we shall have under those new arrangements? Those three financial things all have academic implications and we want to seek your help in looking carefully at those.

"There's a second charge that's leveled against us and that is that research is a kind of academic trivial pursuit having little relationship in the real world and done only to satisfy a personal curiosity or to interest members of one's narrow academic field; I find it difficult to make that charge when the federal government decides to commit \$62 billion dollars a year to research and development, but it's one that's now being made by such people as Chester Finn, former Assistant Secretary of Education under Mr. Bennett's department. I simply reject the kind of glib statistics that Mr. Finn quoted the other day in saying that of 850,000 faculty members nationwide, fewer than 10%, do research of any significance at all. I don't know where

he got his figures. I believe a substantial proportion of those happen to be at Cornell and I'm angered by that kind of loose and easy cheap criticism. Research matters and it has changed the lives and enlarged the horizons of thousands of citizens in this and other nations. In our own university, it's largely because of research in the College of Agriculture and Life Sciences that developing countries now have bumper crops of rice and wheat. It's because of research in the medical college, by the late Professor George Papanicolaou, that women all over the world now have the possibility of detection of cervical cancer at an early stage when it's still considered most easily treatable. It's as a result of work of our own Astronomy Department, including Yervant Terzian and Carl Sagan, that Viking and Voyager planetary missions were so spectacularly successful. It's largely through the work of Urie Brofenbrenner that Head Start exists at all and has had such a profound impact upon the youngsters in our nation and it's largely through the continuing work of Neil Zaslaw and Malcolm Bilson that we're now able to hear Mozart's symphonies and concertos performed as they were doing during his own time and we're supported by a wealth of scholarship to assist our understanding of them. These really have not only benefited us in a direct physical sense but have enriched and enlarged the kind of lives that are possible for so many people to lead and, therefore, it's cheap to pretend that research doesn't matter. It does matter and this university has been a pioneer and a proud leader in that venture."

"On the other hand, we do need to take seriously the fact that there are new challenges approaching us. We have not done, for example, we haven't begun to do for the inner cities what we did a century ago for the agricultural areas and the wonderful developments that formed from the early extension group. And so the fourth challenge in front of us this year, and one where Dr. Barker and I hope to be meeting with you and working with you, is one which redesigns a new model for the Cornell Land-Grant role. What is the land-grant institution to look like in the closing years of the century and how do we develop a model here without adding to costs which is flexible enough to respond to urban as well as to rural challenges, adaptable and ready to meet the needs of this new generation? I'm arguing for research as though the only beneficiaries of research are the people beyond the campus and, of course, it's true that they are beneficiaries. But it would be wrong to overlook the fact that some of the most direct beneficiaries of research are our own students on the campus. We had a wonderful dedication on Saturday of the new alumni auditorium in the College of Ag and Life Sciences and one of the things that pleased me most was that Dan Sisler was being honored and he dedicated a seat in the auditorium. All the seats were sold out some of them several times, (laughing), and Dan's seat was dedicated, quite simply, 'to those who listened.' It's worth noting that Dan Sisler just a few weeks ago received a national prize for service to American and world agriculture and specifically noted in the citation there was his role as 'a master teacher of undergraduates.' And so you can go on

with people I just talked about. Urie Brofenbrenner, Yervant Terzian, Carl Sagan, Neil Zaslav, Malcolm Bilson, so many more of these creative and needing researchers are the most creative and popular teachers that we also have. And the very notion of research and parry and kind of creativity that goes with it is something that permeates the life of this institution and students are enriched by it."

"And so it comes as a blow that the third charge is leveled against us that we really don't care about teaching. That we're either indifferent to it or that, perhaps, that we're not even capable of taking undergraduate education seriously. No one seems to complain very much about graduate education. It's been for so many of us for so long almost an article of faith that research and teaching are mutually reinforcing. That each has something to do to invigorate and inform the other and members of the faculty have certainly devoted a great deal of time in the last few years to the improvement of undergraduate programs. One thinks of things like Common Learning. One thinks of the complete revamping of the Freshman Writing Program. One thinks of things like Faculty-in-Residence and Faculty Fellows to which so many of you have given generously of your time. I think of the several dozen new programs that we've started with the President's Fund for Educational Initiatives and one can only marvel at the energy and foresight that's gone into those. That's going to continue not just in the sense of those programs we just talked about, but in a more collective sense. But there's still the complaint that we hear from our own alumni that they scarcely knew one Cornell professor by the time they graduated. This is a problem because professors are not able to hound students down, in short, in order to force their interests upon them. You remember Yogi Berra's comment when the Yankees were not drawing particularly big crowds, he said, 'If people don't want to come out to the park, nobody's going to stop them.' But they do argue, these students who, and they're a small number but they're a significant number, at the end of their four years they tell me they know no one who could even write a recommendation. They do care. They came here to stand with Nobel Laureates and Pulitzer Prize winners and they've been disappointed because life throws so many teaching curves in freshman and sophomore years. There's a lovely quotation in the Deskbook this year which says 'What is Cornell?' and it goes on to reply 'Cornell is a place where you have to study a foreign language to understand your T.A. in economics.' There's a certain measure of cruel truth in some of those accusations. Briefly put, we have to do better at helping and supporting our T.A.'s. A T.A. is a great way to learn, but we have to do a better job as a faculty in supporting them and helping them get started on the venture of teaching. There's a wonderful new program for which I salute numbers of you in this room that will be working over the next three years that is going to provide T.A. instruction and another wonderful program that's going to provide instruction and help in English as a language of instruction for those T.A.'s who need it. Jascha Heifetz recently left the world of the concert hall to become a professor of music at UCLA and soon after he made

that decision, but before he took up the appointment, he was asked by a reporter why he made that change when he triumphed in every concert stage in the world, why he suddenly decided to hide himself in UCLA and he answered, 'I thought about it carefully and decided that violin playing is a perishable art. It must be passed on as a personal skill otherwise it's lost.' And then he added, 'I remember my old violin teacher in Russia once saying to me that one day I would be good enough to teach.' And we have prospered at Cornell.

"We have devoted alumni because we have faculty researchers who are good enough to teach and you provided that kind of influence and that kind of inspiration. There is almost on this campus a sense of ministry about teaching, a sense of vocation about it and for that I want to salute you and thank you because I know that that kind of exemplary teaching makes its mark. My question is how are we going to encourage that and nurture it so that it's true of 100% of the faculty and not of 90 something percent, whatever it is now. How do we build the kind of support system that's going to recognize that early in our academic career, when it comes to tenure positions, when it comes to the first appointment? How do we recognize it as people continue through the academic professional years? Claude Allegre, the well known geochemist who was here recently as A.D. White Professor-at-Large and in his spare time is Deputy Administrator of Education in France described in one of his public lectures a fascinating scheme in which over a period of a couple of years he secured a 25% increase in salary for all French academics. The French do things on a national scale in these situations and he's done that in an intriguing way. Nobody will get less than 25%, but the exact amount everybody gets will depend upon an individual contract that they make with the dean of their college. Such and such a teaching load, such and such a research objective, such and such an administrative responsibility. We have a much looser system here. A much more competitive system, in fact. Maybe the time has come to look at the way we support and nurture that kind of commitment to teaching and so I'm asking, Bob Barker, if he will, at these meetings to think about that as a way of nurturing teaching. I had a letter just a few days ago from Bill Phillips, who's a member of our Board of Trustees, and who's the Executive in Residence this year in the Johnson Graduate School of Management. It was written in red ink on both sides of a single sheet of paper and he said, 'I've got an idea. What a wonderful thing it would be if we invited the staff around us to sit in on some of our lectures occasionally.' He suggested one a month. I don't want to legislate about it. But what a wonderful thing it would be if the inspiration of your teaching, a sense of excitement and involvement in what we're doing was something that you're secretary would be invited to sit in on occasionally, or the janitor, or the technician, or perhaps a colleague. Do you remember Daniel Coyt Gilman being asked upon the stage what it was that made John Hopkins such a remarkable university and he said, 'I'll tell you. We went to each other's

lectures.' I think that's something where we could set the sense of infectious enthusiasm we have for teaching as something that would permeate the life of this university and we'd be enriched by it.

"Well, there's a related concern, of course, about what is being taught and I don't tonight need to get into the whole question of the curriculum. That's one on it's own, but I am asking that this year you would work with Bob Barker, with the dean's, with your department chairs, to look at the whole undergraduate experience and what we can do to reinforce it and support it. I'm delighted, in that sense, at the new initiative by the faculty decision in the College of Arts and Sciences recently, to strengthen the intercultural component of the economies for graduation and the college.

"Therefore, we have much to do and we look forward to working in this coming year and doing it with you. In what ways can we enrich the undergraduate experience? In what ways should we be looking at the whole question of student numbers and student mix? In what ways can we look at the whole teaching profession? Do we need alternative tracks or models? In what ways can we administer our operation in such a way that we cut out duplication and overlap and simplify and delayer the whole system? That's the agenda that I want to invite you to share with us this year. Henry James once said, 'It's a complex fate being an American.' And in times like these it's a complex fate to be a member of the Cornell faculty. But let me close by saying one more thing clearly. I think rough waters lie ahead. I think the mood of national criticism that we're now hearing is not going to go away. And I think we need to reply to it not only to answer our critics, but also because if we do we shall in fact set ourselves in a strong, powerful, and unassailable position to enter the next century as the model for the rest of the educational world. It's in that venture that we seek your support. Thank you."

Speaker Martin: "Thank you very much, Mr. President. Is there further business to come before the body? If not, we are adjourned."

Adjourned 6:15 p.m.

Mary Morrison
Secretary

REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS
SLATE OF CANDIDATES FOR COMMITTEE ON AFFIRMATIVE ACTION
(all terms commence immediately following election)

FOUR FACULTY SEATS: THREE 3-YEAR TERMS; ONE 2-YEAR TERM

Robert L. Harris, Jr., Associate Professor and Director, Africana Studies
and Research Center
Francine A. Herman, Professor Emerita, Hotel Administration
Paul M. Kintner, Associate Professor, Electrical Engineering
Robert A. Plane, Professor and Director, Agricultural Experiment Station, Geneva
Daniel Usner, Associate Professor, History
John H. Weiss, Associate Professor, History
Robin Williams, Henry Scarborough Professor of Social Science Emeritus
Jerome M. Ziegler, Professor, Human Service Studies

ONE NON-TENURED SEAT: 1-YEAR TERM

Shelley Feldman, Assistant Professor, Rural Sociology
Sang J. Shin, Associate Professor, Microbiology
Eileen Trzcinski, Assistant Professor, Consumer Economics and Housing

TWO FCR SEATS: ONE 2-YEAR TERM; ONE 1-YEAR TERM

James W. Gillett, Professor, Natural Resources, and Director, Institute for Comparative
and Environmental Toxicology
William H. Kaven, Professor, Hotel Administration
Lee C. Lee, Associate Professor, Human Development and Family Studies, and
Director, Asian-American Studies Program
Mary Beth Norton, Mary Donlon Alger Professor of American History
Steven H. Shiffrin, Professor, law

REPORT OF FCR ELECTIONS

Spring 1989

ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY - 2 seats, 37 ballots cast

John F. Burton, Jr.
Joanne E. Fortune

ACADEMIC PROGRAMS AND POLICIES COMMITTEE - 2 seats, 39 ballots cast

Ann T. Lemley
Steven H. Shiffrin

EXECUTIVE COMMITTEE OF THE FCR - 3 seats, 38 ballots cast

Frederick M. Ahl
Sidney Saltzman
George F. Scheele

EXECUTIVE COMMITTEE OF THE FCR - 1 non-tenured seat, 37 ballots cast

Shirley R. Samuels

FACULTY ADVISORY COMMITTEE ON ATHLETICS AND PHYSICAL EDUCATION - 2 seats, 34 ballots cast

Kathy A. Beck
Joseph Laquatra, Jr.

COMMITTEE ON FINANCIAL POLICIES - 3 seats, 37 ballots cast

William H. Kaven
Richard E. Schuler
David B. Wilson

RESEARCH POLICIES COMMITTEE - 1 seat, 35 ballots cast

Claudia Lazzaro

CORNELL UNIVERSITY
ITHACA, NEW YORK 14853

CHAIRMAN OF THE BOARD
1729 H STREET N.W.
WASHINGTON D.C. 20006

June 7, 1989

RECEIVED

JUN 9 1989

DEAN OF FACULTY

Professor Walter R. Lynn
Dean of the Faculty
Cornell University
315 Day Hall
Ithaca, NY 14853

Dear Walter:

I enclose the minute of the Executive Committee regarding the Faculty Council of Representatives' resolution on divestment. The decision of the Committee was reported to the full Board.

I am satisfied that a careful assessment of the situation has been made and that the conclusion reached is correct.

Please be good enough to communicate the views of the Trustees to the Faculty Council of Representatives with our thanks.

Sincerely,

Austin K. Lipman
Kip

(over)

Presented by Chairman Schaenen to the Board on May 27, 1989

Faculty Resolution on Divestment - The Committee received a report from the President and the Dean of the Faculty that the Faculty Council of Representatives had adopted a resolution (~~Appendix~~) calling upon the Board to reopen the divestment issue "considering that continued investments in companies doing business in South Africa is further undermining the possibility of improving race relations on campus and is exacerbating relations between the Administration and concerned campus constituencies."

The Executive Committee concluded that the issues raised by the FCR had been fully considered in January and voted unanimously not to reopen the issue at this time. This does not mean that the issue is closed forever. At any time the Proxy Review and Investment Committees think it appropriate, they may take up the matter again. The Executive Committee shares the desire of the FCR to see race relations improved on the campus and would support administrative efforts to see that happen, notwithstanding the disagreement on the divestment matter.

FACULTY COUNCIL OF REPRESENTATIVES

RESOLUTION ON DIVESTMENT

WHEREAS, the state of race relations on the campus remains a salient issue, and considering that President Rhodes recently has spoken out strongly on the importance of improving race relations on campus, and

WHEREAS, thirty-four Black faculty have expressed their outrage at the decision by the Board of Trustees in January, 1989, not to divest from companies doing business in South Africa and have publicly embarked on a strategy of selective non-cooperation with the Cornell administration especially on matters pertaining to Africa and peoples of African descent, and

WHEREAS, other faculty groups and individuals have also condemned the Board of Trustees decision, and

WHEREAS, the Cornell faculty has voted for divestment on two different occasions in recent years, and considering further that the issue of divestment has remained unresolved and festering for over two decades, and

WHEREAS, the failure to divest will continue to retard the possibility of improving race relations on campus and will compromise the credibility of the administration's leadership,

THEREFORE, BE IT RESOLVED, that the Faculty Council of Representatives calls upon the President and the Dean of the Faculty to take the divestment question back before the Board of Trustees for the matter to be reopened, considering that continued investments in companies doing business in South Africa is further undermining the possibility of improving race relations on campus and is exacerbating relations between the administration and concerned campus constituencies.

Approved May 10, 1989

(52 for; 5 against)

9/6/89

COMMITTEE ON RESEARCH ON HUMAN SUBJECTS
(additions underlined, deletions in brackets)

Charge to the Committee

- A. The Committee has responsibility at the University level for review of [the] proposed procedures [in conducting research and teaching] involving human subjects in research and teaching and for [a] [determination] determining [of] their acceptability.
- B. In carrying out this responsibility the Committee shall operate under the following guidelines and procedures.
1. In [conducting] research and teaching involving human subjects, the primary responsibility for the well-being of the subject, for ethical behavior and for [avoiding] meeting legal [difficulties] requirements lies with the scientific investigator(s).
 2. Each proposal submitted to UCHS will be reviewed [by two members of the Committee appointed by the Chair or the Executive Secretary, supplemented by one or more ad hoc consultants, as needed] in accordance with the responsibilities and procedures described in Cornell's federally approved Assurance of compliance with the Department of Health and Human Services regulations. The review shall involve [an independent] determination of the acceptability of the proposal, with [consideration of:] respect to the rights and welfare of the individual or individuals involved; and the risks and potential benefits.
 3. Regular meetings of the UCHS shall be held monthly, at which time decisions and recommendations made by subcommittees in the preceding period will be reported for informational purposes to the entire Committee, and can be discussed in the interest of applying consistent policy guidelines.
 4. The UCHS and the subcommittee shall maintain minutes of all meetings and shall record their findings and recommendations as part of these minutes. These records shall be maintained in the Office of Sponsored Programs. The UCHS shall make an annual report to the President on its activities for the year and shall make its report available to the Faculty Council of Representatives.
 5. The UCHS operates under an approved Assurance from the Department of Health and Human Services [effective 2/1/84 which will expire January 31, 1989] which is subject to periodic renewal.
 6. The Office of Sponsored Programs supplies the administrative support for UCHS and initial contact with the Committee should be made through that office.

Composition of the Committee

The Committee shall consist of twelve members: nine members of the University faculty, with one of the nine from the Faculty of Law; two physicians representing the University Health Services; and one member not otherwise affiliated with Cornell University. All members shall be appointed by the President upon recommendation of the Dean of the Faculty. Members will serve three-year terms 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 Faculty. The Chair will serve for a term of one year after which time the Dean of Faculty will make a recommendation to the President concerning the appointment of a new Chair or the reappointment of the present Chair. [One member should be from the Faculty of Law and two should be physicians representing the University Health Services.]

Approved by the FCR Committee on Review and Procedures on 9/6/89

Table 1

CORNELL TYPICAL STUDENT SELF-HELP LEVELS
 RELATIVE TO THE MEAN TYPICAL SELF-HELP
 LEVELS ACROSS COFHE* INSTITUTIONS

<u>1989-90</u>	5020/4325	<u>1.161</u>
<u>1988-89</u>	4820/4169	<u>1.156</u>
<u>1987-88</u>	4820/4068	<u>1.185</u>
<u>1986-87</u>	4820/3879	<u>1.242</u>
<u>1985-86</u>	4650/3728	<u>1.247</u>

Table 2

ENDOWED CORNELL TUITION AND MANDATORY FEES
 RELATIVE TO THE MEAN OF TUITION AND MANDATORY
 FEES ACROSS COFHE* INSTITUTIONS

<u>1989-90</u>	14040/13956	<u>1.006</u>
<u>198808</u>	13140/12848	<u>1.023</u>
<u>1987-88</u>	12300/11964	<u>1.028</u>
<u>1986-87</u>	11500/11126	<u>1.034</u>
<u>1985-86</u>	10500/10263	<u>1.023</u>

Table 3

Appendix K

ENDOWMENT PER FULL-TIME STUDENT AT SELECTED PUBLIC AND PRIVATE INSTITUTIONS 1986-87 AND 1987-88

<u>Institution</u>	<u>1986-87</u>	<u>1987-88</u>
Princeton	365,759	364,241
Harvard	246,142	254,409
Rice	241,460	222,175
Yale	203,629	191,685
Stanford	148,626	151,362
MIT	126,719	125,259
Dartmouth	113,853	106,518
University of Chicago	110,465	105,338
Washington University	114,029	104,959
Emory	106,119	99,994
Columbia	102,140	98,712
Johns Hopkins	97,231	88,928
Rochester	81,539	75,633
Northwestern	61,820	59,872
Vanderbilt	56,704	55,732
University of Texas System	51,553	48,051
CORNELL ^a	40,001	38,652
University of Pennsylvania	36,949	37,345
University of California	35,666	32,777

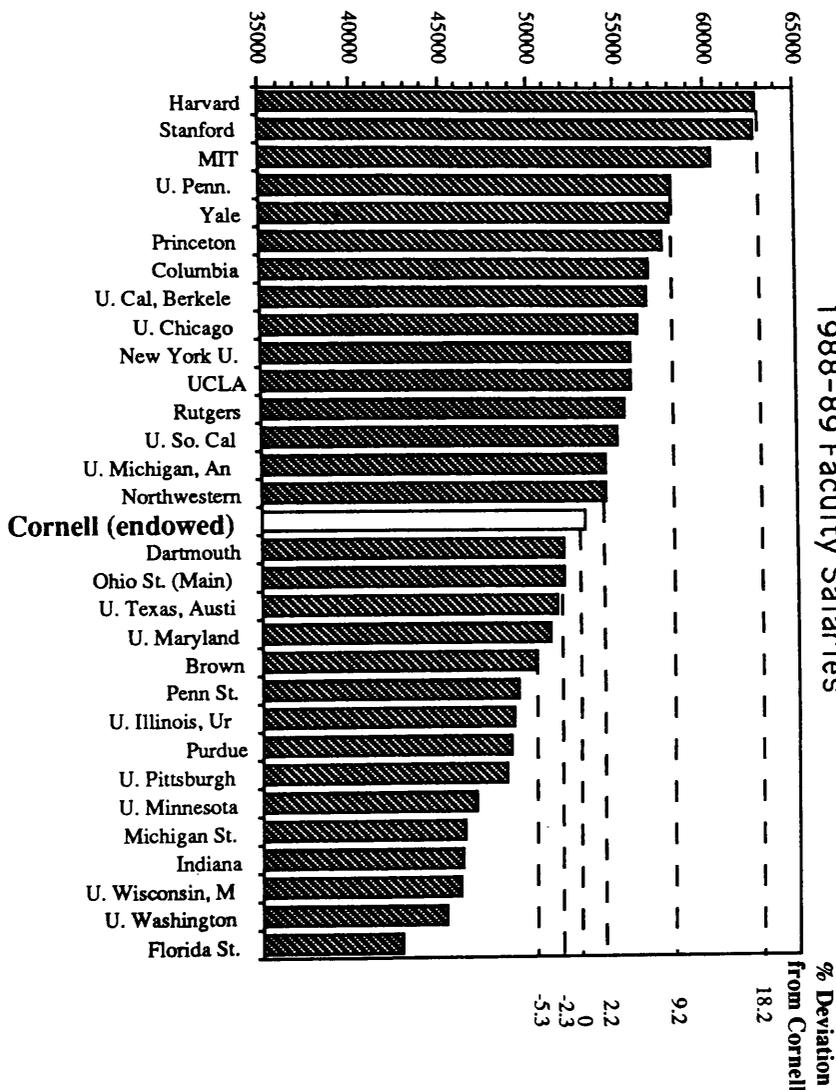
^a Figures for Cornell are based on total full-time enrollment for all divisions (Endowed Ithaca, Statutory, and Medical). Adjusting for Endowed Ithaca and Medical college enrollment only (by eliminating enrollment in statutory colleges) increases each figure by about \$8,000.

General Notes: • Institutions are ranked in descending order of 1987-88 endowment per full-time student.
• Endowments include true endowments and funds functioning as endowments, but exclude living trusts.

Source: Institutional Planning & Research
Cornell University

Date: May 1989

AVERAGE SALARY (Weighted by Cornell Distribution of Ranks)



Cross University Comparison of Average
1988-89 Faculty Salaries

Figure 1

1988-89

DISTINGUISHED TEACHING AWARDS GIVEN BY CORNELL

<u>COLLEGE</u>	<u>RECIPIENT</u>	<u>AWARD</u>
Agriculture and Life Sciences	Professor of Entomology Edgar M. Raffensperger	Chancellor's Award for Excellence in Teaching - by the State University of New York
	Professor of Ornamental Horticulture Robert G. Mower	Edgerton Career Teaching Award - by the State College of Agriculture and Life Sciences
	Lecturer, Department of Agricultural Economics Margaret J. Hubbert	Professor of Merit Award - by the State College of Agriculture and Life Sciences, Cornell, given by Ho-Nun-De Kah (Agricultural Honor Society)
Architecture, Art and Planning	Associate Professor of Art *M. Zevi Blum	John Hartell Distinguished Teaching Award
Arts and Sciences	Associate Professor of English *Debra Fried	The Clark Award
	Walter R. Read Professor of Engineering, Computer Science *Juris W. Hartmanis	The Clark Award
	Professor of Ecology and Systematics and History of Science *William B. Provine	The Clark Award
	Lecturer, Dept. of Modern Languages and Linguistics Suzanne Sweet	The Clark Award

<u>COLLEGE</u>	<u>RECIPIENT</u>	<u>AWARD</u>
Engineering	Assistant Professor of Structural Engineering Mary J. Sansalone	Excellence in Teaching Award - by Cornell Society of Engineers and Engineering Tau Beta Pi
	Assistant Professor of Chemical Engineering Brad Anton	Dean's Prize for Excellence in Teaching
	Professor of Structural Engineering Anthony R. Ingraffea	Dean's Prize for Excellence in Teaching
	Associate Professor of Electrical Engineering *Clifford R. Pollock	Dean's Prize for Excellence in Teaching
	Professor of Theoretical and Applied Mechanics *Wolfgang H. Sachse	Dean's Prize for Excellence in Teaching
	Associate Professor of Mechanical and Aerospace Engineering Dean L. Taylor	Dean's Prize for Excellence in Teaching

<u>COLLEGE</u>	<u>RECIPIENT</u>	<u>AWARD</u>
Human Ecology	Associate Professor of Human Service Studies Constance H. Shapiro	Distinguished Teaching Award - by the College's Alumni Association and Omicron Nu Honor Society
Veterinary Medicine	Professor of Pharmacology *Wayne S. Schwark	Norden Distinguished Teacher Award

*Will not be able to attend October 11, 1989 Faculty/FCR meeting.

Meeting of the Faculty Council of Representatives
November 8, 1989

The Speaker, Professor Emeritus Russell Martin, called the meeting to order. He called on the Dean of the Faculty for remarks.

1. REMARKS BY THE DEAN

Walter Lynn, Dean of the Faculty: "As you know, the principal business for this meeting today is to receive a report from the Committee on Financial Policies which is the final matter on the agenda. I do have a few announcements to make. First of all, the election of the Affirmative Action Committee is completed and the elected members are on the white sheet that has already been distributed to you (Appendix A, attached). It's an excellent committee and I'm sure it will conduct its work in a way that we all expect it to do.

"I'd also like to announce to you that the FCR Executive Committee has established a subcommittee on retirement (Appendix B, attached). On January 1, 1994 the Age Discrimination in Employment Act will eliminate mandatory retirement at age 65 or 70 unless there is some monumental change either in state or federal legislation, and that appears to be unlikely at the moment. The retirement question is one of great importance to all members of this faculty - those who are facing or considering retirement and the younger members of the faculty who will be affected by matters of faculty members either retiring or considering retirement. The Executive Committee believed that this matter was of such pressing importance that it sought to continue the work of a committee that had existed under the Financial Policies Committee. The Subcommittee on Retirement is to now operate under the aegis of the Executive Committee itself, to work with the administration in both looking at retirement plans, planning, and advice and information to retirees as well as younger faculty members who perhaps will begin to consider these issues earlier as they conceive of a retirement date. The operative phrase is that, everybody, following January 1, 1994, will retire early, since mandatory retirement will no longer exist as the law is currently conceived.

"Also included in the agenda that was sent to you is a call for nominations for Professors-at-Large. I remind you and ask you to encourage your colleagues to consider making nominations to these prestigious professorships. It's been an outstanding program at Cornell, and has contributed a great deal. That committee is eager to continue to receive nominations and a letter from Urie Bronfenbrenner describes that as well.

"Finally, there is a brief memorandum on a yellow sheet. You know, we've gone to this rainbow advertising, with all the announcements that we have.

We haven't discovered that there's any significance to the color yet, but if we do, we'll let you know. There is a notice from Mr. Gurowitz which talks about crisis problems. Some of us made an attempt this year to do something logical, which it was difficult to do because of timing, and that is to include within the front cover of the Cornell Staff Directory a list of emergency numbers, rather than advertisements. As you know, on the inside cover of the Cornell Directory there are four or five advertisements. We were told that it was too late this year, but next year we've been promised a set of Cornell-related numbers - the Safety Division, Psychological Services - would appear, so that when a set of circumstances arise related to the crises of students, fellow faculty members, staff members, the numbers will be easy to locate. So, this is the last year that we'll have a supplementary sheet; from now on, we'll be able to tell you that it's in the staff directory. Mr. Speaker, I thank you."

Speaker Martin: "Are there any questions for the Dean? Do we have a quorum yet? Any FCR members who have not signed in? We'll have to skip over the items requiring a vote, and move on to the next item, which will be a presentation from Professor June Fessenden MacDonald, Chair of the Executive Committee, for a resolution establishing the Community and Rural Development Institute. This will be open for discussion. Hopefully, in the meantime, we will have enough to make a quorum so that we can vote."

2. RESOLUTION TO ESTABLISH A COMMUNITY AND RURAL DEVELOPMENT INSTITUTE

Professor Fessenden MacDonald, Biochemistry, Molecular and Cell Biology: "You have in your call to the meeting, on one of the pink sheets, a description of this Community and Rural Development Institute. It's been studied and reviewed and discussed and approved by the Committee on Academic Programs and Policies, and in the absence of the chair, Ann Lemley, I want to present this resolution to you to establish a Community and Rural Development Institute.

"It's my understanding that there are people here from the Colleges of Human Ecology and Agriculture and Life Sciences who will discuss this with you."

Professor David L. Brown, Rural Sociology: "My name is David Brown. I'm Associate Director for Research in the College of Agriculture. My particular responsibility within the Office for Research is to give special attention to the social science programs in the college. One of the major responsibilities that we have in our college and in the College of Human Ecology is to work with local communities throughout the state, as well as in the northeast region of the United States. We are particularly concerned with issues such as local economic development, delivery of human services, protection of the natural environment, and the capacity of local institutions. It occurred to us about a year ago that we had a lot of

activities going on in both colleges that focussed on these issues, but we didn't have a nexus through which these activities came together in any effective way, to bring together both the research and extension programs in the colleges on a consistent basis. Members of the faculties from both the colleges began talking about how we might organize ourselves in an effective way to do this. The charter that you have in front of you is the result of the deliberations of a committee of about twenty faculty members from both colleges. Basically, they are very straightforward objectives. One is to increase communication and collaboration among existing community and rural development research and extension programs here at the University. Second, is to serve as a point of entry to Cornell for policymakers, practitioners, and research and extension personnel at other institutions interested in community and rural development. Third, is to track emerging rural needs and issues, and to facilitate development of funding for new research and extension programs, and finally, to monitor important rural trends and, should funding be acquired from extramural sources, to sponsor a grants program for research and extension on high-priority issues. That's basically what we have in mind. I'm here, Dean Call is here, Carol Anderson is here, and we'll be happy to entertain any questions you might have about what we have in mind, and how we expect to organize this activity."

Speaker Martin: "The floor is now open for questions and discussion. All FCR members have signed in, correct? Thank you. We'll have to--Provost? Senior Provost?"

Senior Provost Robert Barker: "Part of the resolution states that if passed it should be sent to the Board of Trustees. I want to make it clear that what will happen is that it will go to the Academic Affairs Committee of the Board of Trustees for their review, because that's the vehicle for taking academic recommendations to the Board. That may mean that it may take more than one session of the Board before we can get to it, since the Academic Affairs Committee meets at the same time as the Board. There would be, I think, at least the possibility that the Board will not get to act on it until the spring, hopefully early spring."

Speaker Martin: "Are there further questions or discussion? We'll move along to the next item, which is a report from the Committee on Admissions and Financial Aid. Professor Kaven."

3. REPORT FROM COMMITTEE ON ADMISSIONS AND FINANCIAL AID

Professor William Kaven, Hotel Administration: "Every time I get up here, it's not good news. The shortfall this year is over a million dollars, and next year probably at least the same, if not more. We've been looking at possible ways to try and improve the funding so that we can at least begin to break even, but as we reported in here at the last meeting, there is a

constantly rising pressure on financial aid. We've looked at ways to try and improve, and to cover the shortfall for this year, and we've come up with some ideas, and if you permit me about a minute and a half to just review these: First, to try and encourage more students to earn more in their third and fourth years, so that the demands on the University are not so great. That's estimated to be about \$135,000. To raise the pay for students working at various institutions in the school--we're not talking about TA's, we're talking about raising pay of people working in schools--from \$4.25 to \$5.00 per hour. This comes from non-financial-aid sources. This is potentially more than \$600,000. We looked also at the possibility of Summer School, summer session funding, and if we would find some way for the COSEP tuition (COSEP aid) to be paid by Summer Session, rather than by the general purpose fund, there is a potential savings there, if you just raise the tuition a little, of another quarter of a million. And with non-COSEP summer students on accelerated schedules, we could probably pick up at least \$50,000 a year. If, in some magic way we could encourage students to hold the number of semesters to eight, where possible--you can't force them, but try--we could probably come up with another \$90,000. In the very short-run behavior, penalize more heavily the late applications, try and speed that up. That's a potential there of \$90,000. It comes in total to about \$1,250,000. We've tried to be conservative, but the needs are great, and these are just kinds of ways of tightening the system up a little better. Are there any questions?"

Speaker Martin: "Questions for Professor Kaven?"

Professor Kaven: "Thank you."

Speaker Martin: "The Chair next calls on Professor Richard Schuler, Chair of the Financial Policies Committee, for a report and recommendations."

4. REPORT AND RECOMMENDATIONS FROM FINANCIAL POLICIES COMMITTEE

Professor Richard Schuler, Civil and Environmental Engineering and Economics: "So that we can appeal to two senses at once, there is a yellow, dark yellow handout, and Dean Lynn will be happy to distribute them to any of you who may not have received them."

"Just a reminder. The report and recommendations I'm going to make are part of a revised process that was designed, I suspect in part, by Walter Lynn to try and generate quorums at all of the fall meetings of the FCR. Well, we see how successful that ploy was, Walter! Back to the drawing board. Also, as a reminder, that process really has three steps to it. Last time I spoke to you about the overall goals and some assessment of how

the university has been doing in relation to those goals of the committee. Today my responsibility is to convey the committee's recommendations with respect to budgetary targets and at the December 13 meeting of the FCR, members of the administration will come and give their response to these recommendations. I'm sure that by that time they'll have a better overall budgetary picture themselves that they would like to convey to you. Those goals we laid out last time were four, and had very much an apple-pie ring to them, virtually indisputable (Appendix C, attached). You might debate endlessly which priorities came first, but essentially who could fault the objective of pursuing excellence, of trying to provide a heterogeneous and diverse student body, and faculty and staff here. The third was perhaps a little more controversial, to try to maintain some non-urban ambience here on campus, that is, provide and sustain that which is unique at Cornell. And the fourth was to continue to try and insulate us from external shocks and variations, both in financial markets, alumni giving, and political kinds of disturbances such as greater or lesser funding and variations of programs. President Rhodes gave a very exciting picture of the continued successes we've had here at Cornell, and they are many in terms of faculty, student and alumni achievements and awards, and also, our successes this year in enrolling two hundred more minorities than has been our average experience. As Bill Kaven just reported, that has created some financial difficulties, and what I'll describe to you is that if we hope that success continues, it will create more financial pressures in the future.

"Nonetheless, I find it difficult to come and talk about difficult budgetary choices in a generally expansive, successful environment, which it seems to me has been the achievement at Cornell over the past many years. Nevertheless, our committee has five concerns. Three of them are longer-run, continuous concerns. One is the low, or modest, level of endowment per student here, as compared with other universities, and that appears in a table in the handouts. It shows us at an endowment per student levels of roughly a tenth of some of those universities and peer institutions that are in the lead, and that does make it far more difficult to insulate our activities against variations in external forces. The second is the end of mandatory retirement by 1994. Dean Lynn pointed out the steps that the Executive Committee has taken to reactivate a committee. The administration is also studying those financial options. And the third concern that the committee has is what we detect is still not an integrated planning process within the University that evaluates demands for more space, the planning, management, and construction of additional space, on sort of an even keel with the other financial demands that go on in the University, in part because the budgetary process is somewhat different.

"All three of those are important, and I think imply a long-run environment that will help or retard the financial picture of Cornell, but those are not the kind of things that we're going to resolve within the current budgetary year. Those are issues that the committee will take up and

explore in greater detail in the spring, and in subsequent years. The two concerns that are important for the current financial year are, one, the erosion of faculty salaries here vis-a-vis in comparison to our peer institutions, and I might add, there are two closely related sub-issues. So for issue one, subissue A, is the problem of joint professional spouse placement, because obviously there are some possible interactions between salary level and ability to attract people where there are joint spouses, and the second subissue is the level of graduate student stipends, because after all, those are the faculty members-to-be.

"The second immediate concern we have is the apparent mounting external pressure in the public relations arena about the ever-rising cost of tuition here, tuition rate increases that continually exceed inflation, even though inflation rates have doubled. There's been a lot in the popular press, some of it seems to be that it's just a shift of attention away from the medical profession and hospitals, that we are the next designee of that degree of public attention. In my view, unfortunately, that public debate is unfortunate, because it tends to focus only on one of the many outputs that a university provides. It is primarily the teaching output that it focuses on, the costs per student, and it begs the larger question of the research success at the university, and underlying that, who should be conducting a large fraction of the research in the United States? How should that be supported? And ironically, to me, is the fact that this comes at the same time that we have a broad debate about the climbing U.S. industrial expansion, when in fact, R&D provides, as we all know, a large amount of the basis for increased technological advance. Nevertheless, that public perception does exist, and our committee's feeling is that it does put a bound on what we can do, how rapidly we can allow tuition to expand in order to resolve the University's budget. That adds at least one guideline that tuition probably shouldn't rise more rapidly than the inflation rate, plus some average increase in the rate of productivity in the U.S. economy, the idea being that that's what students come for, to be educated, to learn how to be contributors to the increased productivity in the economy. That is sort of a measure of the value of the output that the University provides, and that provides some sort of bounding notion, of how, an upper bound, of how rapidly tuition ought to be able, and allowed to, rise.

"Well, that brings us back, then, to the issues on the cost side. One, faculty salaries, and if I might, let me test my expertise with technology and see whether I can ... This is a graph that I presented last time, and it shows Cornell salary levels, the white bar, falling somewhat in the middle of a wide range of peer institutions. Now, the administration has kept data like this for over a twenty-year period, and there are two points to make. Our position last year, which is a rank of fifteenth, is about at the lowest that it's been over that twenty-year period. It's been that low before, but generally it's been somewhere to the left (higher), and it was

as high as eighth position. What is different about this distribution of salary from before is that it looks like there is a separation that's beginning to take, a slip, if you will, that we are straddling right now, and that most of the institutions that we normally think of as those that are most attractive to our faculty and attract our faculty away, are unfortunately the ones to the left, with the higher salaries, and fewer of the acts of departure seem to be taking place to those universities on the right. So, admittedly, while many of the universities to the left in large urban areas, the ones to the right in rural, and one could do cost-of-living adjustments or attempt that, there are still many difficult variables, and I think the most pronounced impact this creates is, again, this separation. Not only is our position falling relatively, but we do seem to be straddling a sort of precipice that seems to be emerging.

"Well, if we want to make progress against our peers on the left, how do we accomplish it? It would look that we could probably move ourselves back half-way in this group, and this distribution is relatively flat at the mid-point, so it's very difficult to say precisely how far you have to go to get to the mid-point, but it looks like four to five percent would put, of a real increase against a salary increase in those other groups, would put us midway in that group. But of course, those institutions aren't standing still, either, and over the past five years, the average rate of salary increase for those institutions that have been experiencing the most rapid rate of salary increase, and that isn't necessarily all of these institutions, has been a little over eight percent. As a matter of fact, the leader of the pack over the past five years has been the University of Texas at Austin. They still haven't gotten into that upper group. They've been averaging over ten percent a year over the past five years. Nevertheless, the average of the group that has been growing most rapidly has been a little bit over eight percent. So, our sense is that if one wanted to try and get somewhere up well into that group, not quite half way, it would take a four percent real increase above that eight percent, and our recommendation is that we not try and bite that off in one chomp, but that we try and establish a target of going for a ten percent increase, that is, two percent above the average of that rapidly moving higher group in each of the next two years, and then take stock of where we are and begin to make a commitment to begin to match then the rest of our peers in years beyond that.

"So, recommendation one: a ten percent increase. Well, that sounds good. Let's look at some of the more difficult questions. Actually, a second recommendation of the committee is certainly to continue our financial aid policies as they have existed in the past. That is also going to impose additional costs on the expenditure side, because of our real success in the past year of attracting additional minorities, slightly over two hundred, but that is also going to increase the number of aid recipients. That, and rising tuition rates, and a decline in the proportion of the aid

budget met by the federal government have all resulted in an increase in the number of aid recipients by over three hundred. We're projecting as an objective that that kind of additional aid expansion will be incurred in each and every of the subsequent years, because even to maintain a new long-term steady state with the number of minorities that we just introduced in the freshman class, means that we'll have a bump in each of the next three years as new freshman classes enter. So we, at the very least, would like to see that sustained.

"Well, that's the easy part. Those are the 'we would likes.' The hard part is, where's the money going to come from? And, at the risk of drowning some of you, I'd like to give just a very brief primer on the University's budget, because although we hear about the total level of expenditures at Cornell which exceeds \$700 million a year, they come from some very different and separate budgets. Most of them are highly restricted in terms of where the money can go, and there turns out to be only one budget that provides the University with discretionary flexibility. It turns out the kinds of additional expenditures we've been describing here all have to come out of that general purpose budget, and unfortunately, the largest source of income into that general purpose budget is tuition, the item which is receiving this high degree of pressure.

"Here is a, still a projection, because it's for the current academic year, is a picture, a summary picture, of the current general purpose budget. It may contain some numbers that I'm not even sure all members of the administration have seen, because we have included numbers that the budget director provided to allow for the higher level of financial aid expenditures that are required because of our unbudgeted success in bringing more minorities. And if you look at the top half, which is the revenue side, you'll see right away that sixty percent comes from tuition and related fees and accessory instruction. So, there isn't a great deal of other places that we can get added revenue from. The indirect cost recovery is related to the research activity. The investment and unrestricted gifts--again, that is exogenous and determined by longer-run factors. We come down on the expenditure side, and again, we see that the bulk of the expenditures are on the faculty and staff: compensation, 55%. I'd like to focus attention on undergraduate financial aid, which, although it represents a much smaller fraction of expenditures, it has been the most rapidly growing component of expenditures in the general purpose budget. If one went back six years ago, that was funded largely out of these restricted fund budgets. It came either from earmarked endowments, and the income from it, but notice, earmarked: they couldn't be used for other purposes. They all went to aid, and it came from federal contributions. But again, those were earmarked funds, so they didn't appear in the general purpose budget, and it's only as those sources of support of financial aid have not kept pace with the cost and the demands. The University has made

a conscious decision to continue our policies of full aid, and that meant that the money had to come from somewhere, and the only place it could come from was the general purpose budget.

"Our projection is, or I should say, the budget people's projection is that if we meet this kind of success on aid over the next four years, then this will have risen to represent about a little over ten percent of the general purpose budget four years from now. So, in summary we've got this sort of tripartite, key decision-making process. The revenues by and large have to come from tuition. The expenditures are largely faculty, staff compensation. And this sort of highly leveraged role, a growing role, that undergraduate financial aid is to play. Well, so that means that if we're now going to accelerate the rate of increase of faculty compensation to ten percent per year over two years, and we're going to continue the acceleration on financial aid, but we've got some limit on how high tuition can grow; where is the money to come from? That leaves us with a hard choice--that it's got to come out of productivity, somewhere in the University, and productivity usually translates into meaning, you do more with somewhat fewer people, or do the same amount with fewer people. So that supports the very difficult recommendation that the committee is making to you today, that is, to strive selectively, and let me underline and emphasize, selectively, for a reduction in the number of faculty and staff of two percent for each of the next two years. Two percent reduction per year in the number, not as a long-run solution to the University's budget problems, but to try and meet the short-run attempts to bring us up into a more competitive position with our peer institutions, so that we don't wind up with a hemorrhage of faculty, in any event, but a voluntary hemorrhage as they are attracted away to other universities. It is our calculation that a two percent reduction in numbers would, in fact, allow us to balance the budget with tuition rate increases that were within the guidelines that I mentioned before. But again, I want to emphasize that one of our overall goals for the University is to enhance the quality of the University, that those reductions cannot be across-the-board reductions. I personally would not be here making that recommendation if I thought it was going to wind up being a ten percent increase in faculty salaries offset by two percent in the way that it actually wound up being administered was just an effective eight percent salary increase for individual faculty members. It seems to me that that has to be selective. Again, I find this very difficult to say, because I've worked in a range of institutions--private industry, government, as well as the University--and I must say that my own sense is that nowhere are there more efficient programs, by and large, than exist in the University. We're lean and mean, and get a tremendous payoff for modest dollars. What, then, is the problem? Well, my suspicion is we may just plain try and do too much. Every time we take on an exciting new program, I think we're sometimes reluctant to make the difficult choice of what are we going to drop or reduce in emphasis as we take on these exciting new opportunities. My

sense is, given the financial pressures that will face the University in the future, we're just going to have to think about, every time we seize new opportunities, what may have become somewhat less important, and what therefore may have to be reduced. It is our committee's recommendation that those kinds of difficult evaluations be the ones that we undertake in the coming years.

"So, again, in summary, our recommendations, our budget recommendations, are three: Hold on to the current aid policy and continue aggressive recruitment of minorities. Two, increase the competitiveness of the faculty by attempting to increase their real salary levels at ten percent per year for at least two years. Three, hold inflation, our tuition increases, to inflation plus some average rate of productivity increase in the U.S. economy, and four, selectively reduce the number of faculty and staff positions by two percent for each of the next two years. Those are our recommendations. I hope you will all pencil in the December 13th meeting, when members of the administration will be here to comment and provide the updates on the budget. I'll be happy to answer any questions you may have."

Professor Steven Shiffrin, Law: "I think the failure to take the cost of living into account on the faculty salaries chart is a serious omission. I believe that if one looks at schools to the left on the chart, that many of them are in very serious trouble, and have to raise their salaries because of increases in housing costs. If you take that into account, schools like NYU, Berkeley, UCLA, for that matter, Harvard, Stanford, Rutgers, Southern California, most of those schools, I believe, are in worse positions from the standpoint of cost of living, if you take into account what the salary really is, and they were vis-a-vis Cornell than they were five years ago. So that I question the importance of raising salaries by ten percent, or, assuming that I am here, I would be very happy with seven, any percent, but I question the importance, from an institutional perspective, of raising that versus what you described. You have some strong metaphorical language; you talk about us standing on a precipice, you worry about hemorrhaging of the faculty. If you were concerned about hemorrhaging of the faculty, when you talk about the two percent reduction in faculty each year over a two-year period, when you say that you don't want it to be across-the-board cuts, you invite people to think, well, it won't happen to me, but the fact is, it will happen to people in departments across the colleges, across the University. There will be winners, and there will be losers. I would like to guess what's more likely to cause faculty to leave the institution, losing battles in which they not only can't replace people that have left, and they feel that their department is falling behind and they can go to another place that doesn't have that kind of policy, versus the increasing salaries that you describe. I think the two percent cut is more likely to cause people to leave than the failure to increase salaries as much as you were describing."

Speaker Martin: "Professor Ehrenberg?"

Ronald Ehrenberg, Irving M. Ives Professor of Industrial and Labor Relations: "Most of the increase in housing prices in the areas that we're talking about occurred in the past. In fact, in the last three or four years, it's quite arguable that housing prices have gone up more rapidly in Ithaca than they have in places such as New York, or Boston, or San Francisco, or anything like that, but prices in the urban areas are flatter. They're actually declining. They're not increasing. The fact that we've fallen behind in the last few years indicates a real worsening in our faculty's economic position. The second point to make is that there are lots of faculty members in these large urban areas sitting with massive capital gains, with latent increased wealth which those of us in the Ithaca area have never been able to take advantage of. The increased housing, higher housing prices in other areas are realized that part of the compensation of faculty of these other areas are their increased wealth. Those of us who live in Ithaca are involved in a flat housing market and have never taken advantage of that, so I think we're actually in a worse position now in a relative sense than we were five years ago."

Professor Schuler: "(The study) will illustrate how difficult it is to come up with a cost-of-living adjustment in Ithaca that most people would agree to. Undeniably your point (i.e. Professor Shiffrin) is correct. On the other hand, you can look at the cost of living in Ithaca compared to neighboring institutions, Syracuse as an example. The numbers that I chose, I certainly admit, are subject to that criticism."

Provost Nesheim: "I'm not going to get into this particular debate at this time, but I did want to clarify one of the things that you were mentioning. I think you're putting too much emphasis on the effect that minority students have on the financial aid problem. We do have a financial aid problem that is growing to a great deal, and to the extent that we have more students who require financial aid in the population of students that we admit, we have put upward pressure on financial aid, but one of the real problems of financial aid that we've faced over the last several years is that the streams that support students coming to Cornell have not all grown at the same rate. The federal government, for example, has only increased the contribution toward that financial aid budget for our students something like ten percent in the last ten years, whereas the Cornell contribution has gone up over 250 percent. So, one of the main problems is that the payers in that stream that support our students have not all gone up at the same rate. I'd hate to have you go away with the impression that it is only because of our minority programs that we have a financial aid problem."

Professor Frederick Ahl, Classics: "I am just concerned about one point that was raised, on page 3 of the yellow handout. You mentioned ways in

which average salaries of faculty are derived, which means that administrators give you the data, but there is also the danger that we will have the kinds of problems that have occurred in the Division of Modern Languages where instead of faculty you have employees, large numbers of lecturers, people who are paid, let's say, about a quarter of what faculty are paid, so there's a danger in the sense of a replacement of faculty by non-faculty positions."

Professor Schuler: "I think that's a real danger. I think one of the tensions of the committee--it seems to me that there are so many debatable points here. That one; a second one is, notice that I mentioned a two percent reduction in faculty and staff, the idea being that if we're going to reduce, if we were to reduce the number of faculty, well then, there might be a pro rata reduction in number of support staff. In fact, it might make sense, as a matter of policy, to try and make the faculty more productive and increase staff members, but there again it becomes important about the particulars, what kind of staff are they? Are they staff that directly support the faculty in their research activities, or are they duplicate admissions officers among the various units on campus, as an example. It seems to me those are exactly the sorts of debates that we should have."

Professor Robert Zall, Food Science: "I would think it would be a much more meaningful chart to include the groups of people that the averages represent. I think there should be a distribution in rank with salary and rank and how we compare with our peers. I know those data have been accumulated over the years and the question is why haven't they been distributed? I think those kinds of data would make a more meaningful review than using one or two percent changes overall. We may be attacking the wrong end of the log. So, I think these kinds of data reply in a meaningful way. I think we need a little bit more data for your discussion."

Professor David Brown, Rural Sociology: "One of our most difficult problems in attracting and retaining faculty is providing adequate opportunities for spouses, and I think that reducing the size of the faculty over time would really reduce our degrees of freedom in attracting and retaining new faculty."

Associate Professor Richard Galik, Physics: "I would like to reply to some of the things that were said, particularly the two percent reduction in the faculty over a number of years. You can certainly find, particularly in physics, that you get very good researchers to come, and one of the questions is, can I hire an assistant professor to help me, etc.? Certainly this does not lend itself to that sort of flexibility, especially in those departments that are trying to attract top-level people, that they want to form a group as a nucleus. Second, I'd like to emphasize that we

also are concerned about the lack of government dollars and I think that we should make it very clear to the administration and faculty as individuals that we need to put whatever pressure we can on the government bodies that if they wish to maintain our abilities to support students, they'd better come up with some more dollars, and continue to do that. And third, I have a question about the staff, which are supposed to help bear the brunt of having more productivity, but we have not asked for their salaries to increase. We asked for a 10% faculty salary increase, with a two percent reduction in faculty but proposed a two percent staff reduction, and more productivity from the staff, and have not recommended that we increase their salaries."

Professor Schuler: "Let me just take the last. There is a projection here. We began with a standard projection that the administration uses, and there is an increase in the projection for staff salaries as well here, not as high a rate as we were proposing for the faculty, but again, that's primarily because of our perceived need to make some substantial short-run adjustment."

Professor MacDonald: "I think it's important that the body of the FCR supports the Financial Policies Committee in their work and recommendations since they are dealing with the administration. At this time I'd like to move that

The FCR endorse the recommendations of the Financial Policies Committee statement as presented on page four of your handout." (Appendix D, attached)

Speaker Martin: "Is there a second? Seconded? [inaudible] All right, Dean Streett and then Dean Call. The floor is now open for discussion."

Dean William B. Streett, College of Engineering: I'd like to make a point about the tuition income. If you break that down between undergraduates and graduate students, and look at the fraction of income that comes from undergraduate tuition, it's out of proportion to the numbers of students. If we support very generously a large number of graduate students as teaching assistants, that's in my view a bare subsidy to graduate education from undergraduate tuition. On the other hand, we have about a thousand graduate students on reduced tuition. They pay something like the fee portion, but they pay no tuition. That, I think, is a grossly unfair subsidy to graduate education that's loaded on to the costs, loaded on to undergraduate tuition. I think we need to take a very careful look at that, and if you raise or reduce tuition, something like half of the full tuition, over a period of several years, you would increase the income to the University in today's dollars by something like \$6 or \$7 million."

Dean David L. Call, College of Agriculture and Life Sciences: "The deans are ganging up on you. In any macro-analysis one has to look at individual

colleges. In the statutory colleges we do not have the flexibility of taking the dollars from the reduction in number of faculty and automatically putting it back into salaries. That's much too simplistic. Our funds are restricted by personal service funds; other than personal service, we have some flexibility in moving funds back and forth. If you're talking about the endowed colleges [interjection: Yes], then you're talking about the three endowed colleges that are not 'TUBS', then I think you ought to make that clear, because the *Sun* or somebody else is going to pick up that resolution and say it's the whole University; you're really talking about three colleges."

Professor Schuler: "That's right. It's Arts and Sciences, Architecture, Engineering, as well as the central administration. Those are the units that are covered within the General Purpose budget. Thank you."

Associate Professor Hector Abruna, Chemistry: "Two points: one is the salaries and the way they are presented here, I believe with respect that they should be presented in terms of rank, particularly since in order to attract people, we can't really be offering, you know, substandard salaries. This raises the point of salary levels of people who are already here, and that creates a lot of dissatisfaction in seeing people who are coming after you, getting a higher salary just so that he or she can be attracted here. The second one concerns a point of tuition that was raised by Dean Streett. It is true that some students do get reduced tuition after their fourth year in graduate school here, but we should also mention that almost none of those students take any courses here, and so being charged full tuition for taking absolutely no courses I think is really overstating the issue, especially if you have money that is coming out of research grants, which puts even more pressure on trying to raise that kind of money which comes out of direct cost expenditures."

Professor David Wilson, Biochemistry, Molecular and Cell Biology: "I'd like to reinforce that point, because I believe that basically that most of the students that are on reduced tuition are in fact assisting the faculty in their research, and so by raising this tuition cost you're actually, you know, cutting back on benefits to the faculty because it'll cost them more to try and support their research. Since these students aren't taking courses, I personally would be very opposed to that approach."

Professor Ahl: "I was just wondering if, to get back to my earlier anxiety, namely that the decrease in faculty size, which the committee has recommended, plus the increase in funds for faculty salaries, would in fact lead to the increasing use of non-faculty members to teach. This is a linear problem in certain colleges of Arts and Sciences, and I would be happy, I guess, if it might be possible to accept an amendment ..."

Speaker Martin: "I have to consult my friendly neighborhood parliamentarian about that."

Professor Ahl: ".. about a provision specifically mentioning this detail, so that this be mentioned as something to be talked about again."

Speaker Martin: "The motion on the floor is to adopt the four recommendations as presented. Do you wish to offer an amendment?"

Professor Ahl: "I do wish to offer an amendment."

Speaker Martin: "Ok. Your amendment?"

Professor Ahl: "The amendment is that in the event that this motion be accepted, that the two percent cut in faculty size recommended and the ten percent annual increase in faculty salaries not be achieved by replacing faculty by non-faculty teaching staff at lower salaries."

Speaker Martin: "Do you understand the amendment? Is there a second? It has been seconded. On the floor for discussion now is the amendment only. Dean Lynn."

Dean Lynn: "With due respect to Professor Ahl's concerns, and I agree with that, I'd like to suggest that it really is inappropriate. In addition to presenting four general proposals for the administration's consideration in preparing its budget representation for the endowed units, in deference to Dean Call, it attempts to identify all of the elaborate detail, which has to be included in devising how a budget is carried out, but it seems to me that we would end up with an endless list of caveats and recommendations. Accordingly, this debate will be part of the minutes. The administration is present. That sentiment has been expressed; it is recognized; it is part of the legislative history, if in fact this party chooses to make that point, that is to approve these recommendations, and I think that's sufficient."

Speaker Martin: "I've noticed you're nodding your head, Professor Ahl. Does that signify that you wish to withdraw this amendment, or do you wish to put it to a vote?"

Professor Ahl: "I would like to put it to a vote."

Speaker Martin: "All right. Further discussion on the amendment? You all understand it? All in favor of Professor Ahl's amendment, say aye [Aye.]. Opposed, no. [No.] It is defeated. We're now back to the four recommendations. Are you prepared to vote? Yes."

Professor John Burton, Industrial and Labor Relations: "Well, I'm not prepared to vote. I think there are so many complexities here that I would hope we could defer a vote on this particular set of recommendations. I, for one, would find it useful to get the administration's response to these proposals before I would like to vote on them, because we're talking about fairly fundamental changes in the structure of the University. Let me just mention one other detail that hasn't been raised yet, which I feel would be relevant to this discussion before we could vote. It's hard to note that during the five years during which the salaries have deteriorated, the University has been engaged in a massive construction project. The campus has been rebuilt. I would at least like to know whether these funds are fungible? Is it the case that benefactors only will give money if their name is on a building as opposed to endowed scholarships or something, or a professorship? I see that the Senior Provost has already given me his answer, but it's the kind of thing that I would certainly want to have before me before I'd like to vote on something as complex as this."

Senior Provost Barker: "You saw the answer. Generally speaking, these funds are not fungible. I can't deny that there is an interaction between the creation of a new building and the general corporate budget, but the funds for building a building are funds to build a building, in most cases. It's the same on the statutory side. The funds which will be available to improve Catherwood Library will not be ever available to the administration to improve salaries. So I think a rough generality is that that's the case. The other question that you raised is, is it possible to redirect donors? To some degree, yes. I think, that as we looked at priorities and knew what was going on, the highest priorities are to try to get funds for endowed professorships, not to add new professors, but to support the ones we have, because then you've got the flexibility to address the very problem that we're discussing here. And as we get more into our thinking about campaigns, then establishing what those priorities are, trying to make sure we're all pursuing the same one, is a very important part. Does that help at all?"

Professor Burton: "It helps, and it makes me, I think, even more convinced that I don't want to vote on this today."

Speaker Martin: "The chair would remind you, we do now have a quorum, but we are beginning to get down to that line again. It's very important since we have one that we can proceed to take action on it. Yes."

Professor Shiffrin: "Before taking action, I would like to see the committee make some attempt to take cost of living into account in making this comparison. It was said from the back of the room that salaries, that housing prices have flattened out in places like San Francisco. They have flattened out at a level that is enormously higher than in Ithaca. It was stated that Ithaca prices have been going up. Yes, they have. But for

example, at the University of California's Hastings College of the Law, somebody on the faculty tells me there that any new person hired is commuting some seventy minutes. UCLA has set a goal of being able to have faculty commute within thirty miles of the campus. There is simply no comparison, when one takes cost of living into account, with those major urban areas, even given some flattening out at various points. I would like to see the committee take whatever standard it picks, and rank these schools according to that, and I think we'd get a very different picture."

Speaker Martin: "Before we move on to our next speaker, it sounds as though there's a motion out there to postpone this to our next regular meeting. Am I correct?"

Speaker Martin: "This is a motion to postpone to our next regular meeting. We cannot postpone it beyond; laying it on the table is a risky move because we may never get a motion to bring it off. That's always the risk with that motion. The motion is then that it be postponed to our next regular meeting. I have received a second. Do you wish to speak to that, whether or not to postpone? Dean Lynn?"

Dean Lynn: "Mr. Speaker, I would hope that we would not have that kind of consequence to deal with. In spite of the fact that there is some uncertainty on the part of individuals as to the recommendations of the committee which have been worked on strenuously, I will assure you of that, whether you agree with them or not is your privilege and you may vote that way. The timing for the University budget apparently requires that the endowed budget will effectively be established by December. If there are to be any recommendations of this body, they need to be made now, and effectively if you can choose not to act now, we will not act at all."

Speaker Martin: "Is there further discussion for or against the motion to postpone to our next meeting? Any discussion? We shall then proceed to vote on the motion to postpone to our next regular meeting. All in favor, say aye. [Aye.] Opposed, no. [No.] The motion is defeated. We are now back. You have the floor."

Professor John Abowd, I&LR: "I wanted to speak to the issue of how to do faculty comparisons and I wanted to ask Professor Schuler if he's done some other analyses here, quickly. We know that we should be looking at total compensation and almost all of the universities to the left of Cornell have a housing policy that recruits by total compensation. Some component of mortgage and housing support. They picked that up, because they won't tell you about it on a case-by-case basis. But I know that Harvard, Stanford, MIT, Penn, Princeton, Berkeley, and UCLA have such things, and I wouldn't be surprised to discover that NYU and Southern Cal do as well. I doubt if NYU does, but at any rate, absent that, you're never going to get a standard cost of living adjustment, so I would urge you if you have

statistics about how many departments have had failed searches over the last several years, how many departments have lost senior people to one of the universities to the left because of salary level, you should bring that information forth now if you have it, and if you don't have it, I would like to see."

Professor Schuler: "That data actually, the various FCR committees did collect that data for a number of years, but they haven't in the last several years, to my knowledge. The kind of data of, the rate of turnover, is it increasing, or is it decreasing? I thank you for pointing out a couple of the difficulties in dealing with the real cost-of-living differential, but the fact is that there are no cost-of-living indices that exist for places like Ithaca, Hanover, New Hampshire, Princeton, New Jersey--you might say that they are closely related and the budget, I think, some people in the administration have tried to normalize the cost-of-living by lowest, the nearest metropolitan area, they use Binghamton, for Ithaca. I know that the housing costs are substantially lower in Binghamton. They tried to adjust that by artificially saying, take Binghamton and add ten percent to it. But you get into that dilemma. Then there's the question of tax differentials, so ok, so there's been an attempt made to adjust by different tax rates--income tax rates among states, municipal income tax rates, but what about sales taxes? What about property taxes? And the list goes on, endlessly. But more difficult is the fact that to build up a coherent set of those data over time, because after all, that's the real important dimension, is to look at, how is our position, our real compensation, varying over time. That, I just think is an impossible task at this stage for either our committee and certainly for the administration as well. That's why we reluctantly fell back on just looking at what's happening to our relative position in gross salaries. Admittedly, in terms of a sense of absolute well-being, it's highly faulty. I suspect that's why you and I are here, rather than Los Angeles or New York City. But, nevertheless, our relative position does appear to be declining, and declining fairly substantially."

Professor Donald Holcomb, Physics: "I would just like to say that one thing that I think is important to get in front and that is that there is a coupling here which one does not want to forget between faculty numbers and many other pieces of budget. The administration, I don't think, particularly likes to build buildings. Buildings get built because faculty and deans pound on the Provost's desk, not because donors give money, fundamentally. Donors may give money for something which is of their particular interest. Basically, buildings get built in response to faculty demands. It is clear that if the faculty is smaller, our building requirements will be changed. We're talking here about long-range solutions. There are lots of couplings between faculty numbers and many other things. The Committee, I think, does plan to try to look in the longer range at a number of other things that are related, such as student

services. What has happened to the cost of student services, have we gone over the edge to a level of student services which are really not demanded but rather are responding to the one percent of the students with some particular squeaky wheel need? The Committee hopes to look at the question of maintenance costs and administrative costs of building construction just to reinforce the point that many things are coupled with faculty and staff size. In the long range, I don't think there's any other way to control the budget in the long range than to control the single most important driving feature, how many people are putting demands on the system."

Professor Schuler: "There are two observations I neglected to make. One is that the normal turnover rate of faculty at Cornell is approximately five percent a year, so that the reduction that we're talking about could be accomplished well within the normal rate of turnover. We're not talking about any forced reduction. And the second is, that there's been a substantial growth in the number of faculty here over the past five years, even though we've supposedly been in a no-growth scenario. Two hundred and fourteen additional faculty in the past [interjection--That's faculty and non-faculty...] So that would include a number of the lecturers then that Professor Ahl was talking about."

Speaker Martin: "Hopefully, someone will ... The question has been moved. Thank you, Professor Lemley. I was just going to lock the doors. We are now down to a quorum. I don't want to lose any more. If there are no objections, we shall proceed to vote. There being none, all in favor of the recommendations, of adopting the four recommendations, may please say aye. [Interjection: Endorsed.] Endorsing the recommendation. Thank you. My parliamentarian is right on the ball. Thank you, Tobe. All in favor, please say aye. [Aye.] Opposed, no. [No.] It is carried. Thank you.

"We now have ... hold it, wait a minute; lock the doors! Lock the doors, please! We have two other matters that we must vote on now that we have a quorum. Are you gentlemen with the FCR? No? Thank you; you may go. All right. Number one--he is not an FCR member. Pardon? We've lost one FCR member. Deputize someone. In that group? Go get him! (inaudible discussion) You do now. Will the FCR member--this I'm sorry we have to do it, but rules are rules. I am calling for a quorum. That's my responsibility as speaker to see that we have a quorum before we take a vote, and that's what I'm doing. All in favor--all FCR members, please rise. The Secretary and the Dean will take a count. What do you make it, Mary? [Interjection: How many do we need? Forty-nine.]

Secretary Mary Morrison: "I have forty-nine."

Speaker Martin: "We have a quorum. [applause] We have two other items."

5. APPROVAL OF SUMMARY MINUTES OF OCTOBER 11 FCR/UNIVERSITY FACULTY MEETING

Speaker Martin: "Are there any corrections to those minutes?"

Professor Locksley Edmondson, Africana Studies and Research Center: "I would like to suggest just perhaps a different wording if possible. The part, the sentence just before 'There being no further discussion.' It reads: 'Comments by others expressed ...' I would like to change that to read: 'Another faculty member expressed concern,' because only one person did make that point. That's the main thing. I wondered, too, if because of the political resolution if we could include that the resolution passed forty-seven to two."

Speaker Martin: "All right. No problem. With those corrections, are there other objections to approving these minutes? If not, they stand approved as corrected and distributed."

"This second item goes back to the resolution concerning the Community and Rural Development Institute. Is there further discussion before we vote on that matter? If not, all in favor--this is item number three--do you wish to speak any further, Professor Lemley, on this?"

Associate Professor Ann T. Lemley, Textiles and Apparel: "No, I think there has been enough said. I understand that they did a good job."

Speaker Martin: "It has been discussed. All in favor of the resolution concerning the establishment of the Community and Rural Development Institute, please say aye. [Aye.] Opposed, no. It is carried (Appendix E, attached)."

"Is there further business to come before the body?"

Dean Lynn: "I'd like to ask all of the members of the FCR to encourage your fellow FCR members--if we had a hundred members, then some people could actually go to the bathroom. So I want to express my thanks for staying with it, and you've done some very important business today."

Speaker Martin adjourned the meeting at 5:45 p.m.

Mary A. Morrison, Secretary

REPORT ON UNIVERSITY FACULTY AND FCR ELECTION

COMMITTEE ON AFFIRMATIVE ACTION Fall 1989

UNIVERSITY FACULTY - 4 Seats, 590 ballots cast

Robert L. Harris, Jr., Associate Professor and Director, Africana Studies
and Research Center

Robert A. Plane, Professor and Director, NYS Agricultural Experiment
Station, Geneva

Robin Williams, Henry Scarborough Professor of Social Science, Emeritus

Jerome M. Ziegler, Professor, Human Service Studies

UNIVERSITY FACULTY - 1 Non-tenured Seat, 543 ballots cast

Shelley Feldman, Assistant Professor, Rural Sociology

FCR - 2 Seats, 63 ballots cast

Mary Beth Norton, Mary Donlon Alger Professor of American History

Steven H. Shiffrin, Professor, Law

Subcommittee on Retirement

A subcommittee of the FCR Executive Committee

Charge:

The subcommittee [having received a report containing analysis, and recommendations from the FCR Financial Policies Committee] shall continue to examine and make recommendations to the FCR Executive Committee concerning issues and considerations pertaining to retirement. In order to accomplish this, the subcommittee shall:

1. Consider the effects of uncapping of mandatory retirement as well as its impact upon the faculty and upon the ability of the university to best fulfill its obligations to students, research sponsors, etc.
2. Continue to obtain and analyze Cornell data with regard to retirement issues.
3. Consider and recommend retirement policies that are appropriate for endowed and statutory members of the University Faculty.
4. Advise and inform the FCR Executive Committee and the FCR Committee on Financial Policies on matters pertaining to retirement.

Composition:

The subcommittee shall consist of 9 members from the endowed and statutory units representing various ages and professorial ranks who will deal with the institutional and personal concerns associated with retirement issues. Four members shall be appointed by the Chair of the FCR Executive Committee upon the recommendation of the Dean of the Faculty and five shall be selected and appointed by the Chair of the FCR Executive Committee. Members shall be appointed for one-year renewable terms. Of the nine members at least one shall be a member of the FCR Executive Committee and at least one a member of the FCR Financial Policies Committee. The chair shall be elected by the members of the subcommittee.

Approved by the Executive Committee of the FCR, October 25, 1989.

Summary of Report by the Financial Policies Committee

To the FCR

On October 11, 1989

Last spring the Committee approved and the FCR endorsed a new, more formal mode of operation. This process is intended to increase the accountability of the faculty as it engages in discussions with the administration about budgetary matters. Together with the administration, we are to establish budgetary goals or targets early in the fall, and the Committee will report on "how close we are to meeting our goals" and on "the economic and academic tradeoffs to be weighed." Those steps, reported to the FCR at the October 11 meeting, are summarized here. Then in November the Committee will present its recommendations on budgetary targets and priorities to the FCR for its approval and in December the Provost will meet with the faculty to review the administrations's plans and discuss how "they relate to the faculty's recommendations."

As a context for setting budget priorities, evaluating tradeoffs and establishing targets, the Committee will focus on the following broad long-range goals for Cornell over the next decade:

1. Pursue excellence in terms of the quality of research and teaching (per faculty and per student).
2. Provide diverse enrichment through the heterogeneous composition of students, faculty and staff (ethnic, racial, geographic and socio-economic).
3. Maintain a non-urban ambiance on campus.
4. Insulate achievement of these goals from effects of large external perturbations (federal and state policies; financial market conditions).

While we would all be delighted to improve Cornell's position in each of these areas, realistically given the existing budgetary pressure and public climate, holding our own in items one through three will be a major task, necessarily involving expansion in some areas but contractions in others.

Recent actions which we support are (1) sustaining the full financial aid policy (a prerequisite for accomplishing goals one and two), and (2) adjusting the payout rate on the endowment to a sustainable level (although accomplishing that adjustment all in one particularly tight budget year imposed some real costs). We are also pleased that current tuition levels remain near the middle of the list of our peer private institutions. In comparison with these other institutions over the past five years, Table 1 shows that the level of self help in our financial aid packages has declined, despite the decrease in federal aid levels, and Table 2 shows Cornell's tuition level falling to the average of the group.

Matters of great concern to our Committee are (1) Cornell's relatively low level of endowment per student as shown in Table 3 (militates against achievement of our fourth goal and, therefore, the first three), (2) the future cost burden imposed on the University by the recent building boom on campus -- a boom which occurred without, we suspect, a systematic process in place to assess space demands in competition with other resource needs, and (3) the falling level of Cornell faculty salaries in comparison with peer institutions (a real threat to achievement of the first goal). Figure 1 illustrates our relative position last year, showing Cornell's average faculty salaries to be at a pivotal point; whereas in the previous decade, our salary rank placed us among the group of universities to Cornell's left in the figure that have substantially higher salaries. We are also concerned that salary levels in the statutory units remain competitive and comparable to those in the endowed colleges.

Our conclusion is that hard choices have to be made: improved salaries will require increased productivity (fewer faculty, employees and/or buildings) unless we wish to have our financial aid policy or tuition position erode. To be sure, a substantial addition to our endowment per student (a doubling, as an example) that is available for general purposes will greatly increase Cornell's budgetary flexibility in the short run. But in the long term, if our costs continue to rise at a rate substantially in excess of inflation (two percent per year over the past three years despite tight budgets), any budgetary benefits derived from a successful doubling of endowment per student will have been entirely eroded within the next seven to ten years. Therefore, hard decisions about tradeoffs need to be made.

The Committee feels strongly that several items need continued attention. Some of these -- affirmative action, adequate graduate student support, maintaining full fringe benefits for incoming faculty, adequate employment opportunities for professional spouses -- flow out of the four, broad long-range goals stated previously. Efficient provision of administrative support is a matter of permanent concern. One important unknown looming on the horizon is the effect of the end of mandatory faculty

retirement in 1994. Appropriate faculty representatives need to work with the administration in trying to forecast the consequences of this change and in formulating a set of alternative options for faculty that are consistent with the four major goals.

This is our Committee's agenda for the coming year, barring the inevitable surprises. Proposed budget policies and targets to reach these goals, together with their revenue implications, will be presented to the FCR for consideration at the November 8 FCR meeting.

Table 1

CORNELL TYPICAL STUDENT SELF-HELP LEVELS
RELATIVE TO THE MEAN TYPICAL SELF-HELP
LEVELS ACROSS COFHE* INSTITUTIONS

<u>1989-90</u>	5020/4325	<u>1.161</u>
<u>1988-89</u>	4820/4169	<u>1.156</u>
<u>1987-88</u>	4820/4068	<u>1.185</u>
<u>1986-87</u>	4820/3879	<u>1.242</u>
<u>1985-86</u>	4650/3728	<u>1.247</u>

Table 2

ENDOWED CORNELL TUITION AND MANDATORY FEES
RELATIVE TO THE MEAN OF TUITION AND MANDATORY
FEES ACROSS COFHE* INSTITUTIONS

<u>1989-90</u>	14040/13956	<u>1.006</u>
<u>198808</u>	13140/12848	<u>1.023</u>
<u>1987-88</u>	12300/11964	<u>1.028</u>
<u>1986-87</u>	11500/11126	<u>1.034</u>
<u>1985-86</u>	10500/10263	<u>1.023</u>

* Consortium on Financing Higher Education

Table 3

Appendix K

ENDOWMENT PER FULL-TIME STUDENT AT SELECTED PUBLIC AND PRIVATE INSTITUTIONS 1986-87 AND 1987-88

<u>Institution</u>	<u>1986-87</u>	<u>1987-88</u>
Princeton	365,759	364,241
Harvard	246,142	254,409
Rice	241,460	222,175
Yale	203,629	191,685
Stanford	148,626	151,362
MIT	126,719	125,259
Dartmouth	113,853	106,518
University of Chicago	110,465	105,338
Washington University	114,029	104,959
Emory	106,119	99,994
Columbia	102,140	98,712
Johns Hopkins	97,231	88,928
Rochester	81,539	75,633
Northwestern	61,820	59,872
Vanderbilt	56,704	55,732
University of Texas System	51,553	48,051
CORNELL ^a	40,001	38,652
University of Pennsylvania	36,949	37,345
University of California	35,666	32,777

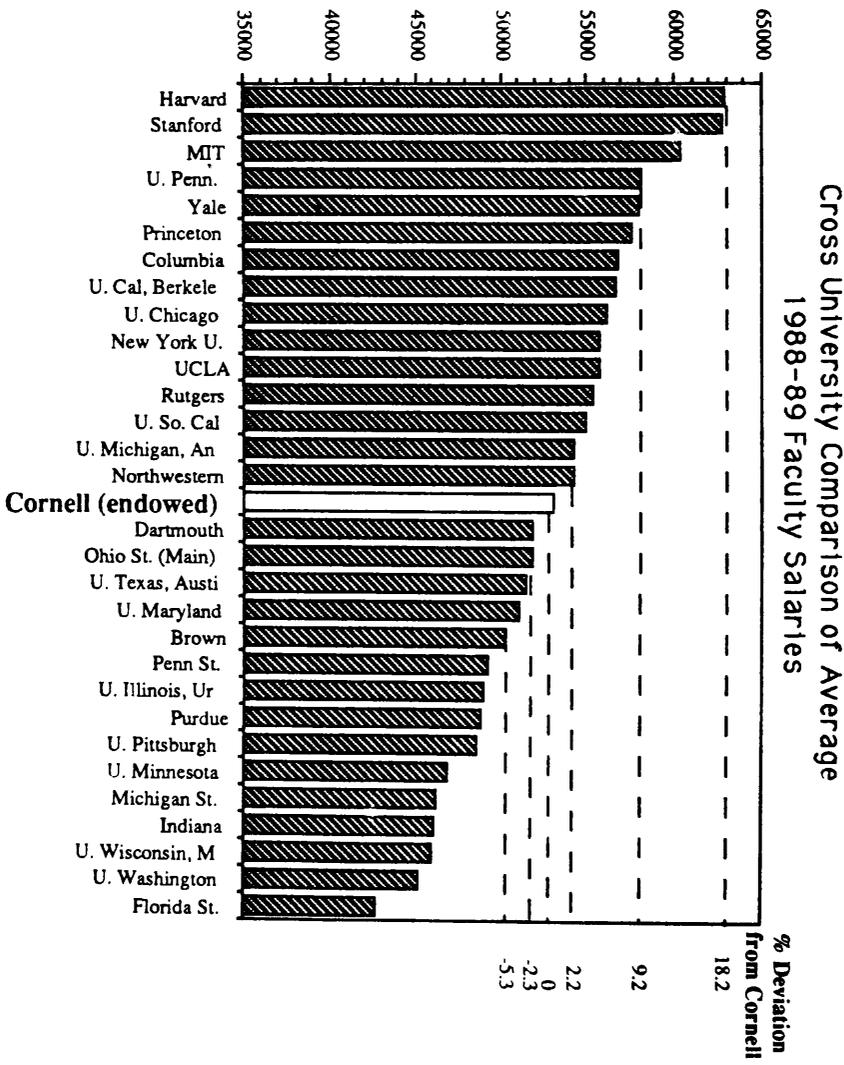
^a Figures for Cornell are based on total full-time enrollment for all divisions (Endowed Ithaca, Statutory, and Medical). Adjusting for Endowed Ithaca and Medical college enrollment only (by eliminating enrollment in statutory colleges) increases each figure by about \$8,000.

General Notes: • Institutions are ranked in descending order of 1987-88 endowment per full-time student.
• Endowments include true endowments and funds functioning as endowments, but exclude living trusts.

Source: Institutional Planning & Research
Cornell University

Date: May 1989

AVERAGE SALARY (Weighted by Cornell Distribution of Ranks)



FCR - FINANCIAL POLICIES COMMITTEE

**BUDGETARY RECOMMENDATIONS FOR
1990-91**

November 8, 1989

As President Rhodes emphasized last month, the state of the university has rarely been so strong in terms of the achievements of Cornell's faculty, students and alumni; yet, we face increasing public scrutiny, in large part because of continual increases in tuition above the rate of inflation. We have been successful this year in recruiting a diverse freshman class that represents a larger number of minorities than ever before, but that success has required substantially more financial aid than in the past while the federally supported portion of aid dwindles and New York State's budgetary stringency increases. We have made progress in terms of all four goals for Cornell we described in our October 11, 1989 report, yet we have five substantial concerns.

Three of those concerns--the modest level of Cornell's endowment per student, the consequences of ending mandatory retirement in 1994 and the planning for and management of space on campus in equal competition with other resource demands--are long term and will receive the committee's attention this spring and beyond. Our greatest concerns for the upcoming budget year are: one, the eroding competitive position of Cornell's salary structure for faculty (closely related issues are satisfactory employment opportunities for professional spouses and graduate student stipends), and two, the mounting pressure in the public arena against continual tuition increases in excess of inflation. This public concern generally relates rising university costs to only one of the services the university provides, teaching. It begs the larger question of who is to continue to provide the bulk of basic research in the United States and how it is to be supported, but that is a much broader national public policy

(over)

question (which nevertheless is essential for continued economic vitality in the U.S.). This public concern does influence, however, our shorter term budgetary recommendations by stressing the importance of keeping tuition increases on average within the bounds of overall productivity increases in the U.S. (worldwide?) while raising graduate student stipends to a level that is sufficiently attractive for domestic students to pursue academic careers and contribute to the nation's R&D.

This leaves us with the matter of faculty salaries. As shown on the attached **Figure 1**, the average level of faculty salaries is perched at a precipice with most of our peer institutions (and therefore those that compete most effectively for our faculty) falling to the left with substantially higher salaries. Furthermore, our relative ranking of fifteenth places us as low as we have been over the past twenty years (six years ago we were eighth). What is required is a short-run spurt in faculty salaries that would move us toward the middle of our group of peers, and then a commitment to keep pace with those peers in subsequent years. The average rate of increase of faculty salary pools for the ten universities whose salaries grew most rapidly over the past five years was approximately eight percent annually; therefore, we recommend a ten percent increase in the salary pool available for Cornell faculty over each of the next two years in an attempt to improve our competitive position. We also recommend that graduate student stipends be increased at similar rates.

Since at the same time, we are also recommending the continuation of our current full, need-based financial aid policy, where is the money to come from? Tuition will (and should) surely rise to reflect the increasing value of educational services provided, but that is not adequate to support the projected increase in expenses at Cornell. The problem is compounded by our increased (and we hope continued) success in attracting minority students, a large fraction of whom require aid. Over half of Cornell's total expenditures are funded by revenues that are restricted for particular

purposes (e.g. funded research, student support services like housing and dining, and financial aid supported by government or earmarked endowments). When those restricted revenues do not meet the needs of their targeted expenditures (e.g. government and endowment supported financial aid do not cover our full aid policy), the remainder must come out of the general purpose budget. Tuition is the major source of revenue for the general purpose budget (an updated plan for 1989-90 is attached as Table 1), and faculty and staff compensation, general operating expense, and financial aid are the major components of expenditure. In the short run, if we want to maintain our aid policy and have faculty salaries rise while keeping tuition increases within bound, the only alternative seems to lie in improving efficiency of operations, both on the administrative and academic sides (reduced growth in general operating, faculty and staff salary and wage expenses). If wage rates and average salary per faculty are to rise, this means that administrative duplication and less essential academic activities must be eliminated.

This sort of belt-tightening within an overall atmosphere of success is not usual within the university, particularly when so many academic activities are already lean; yet if we are to continue to seize new intellectual opportunities in an environment of finite resources, it means that growth in some areas requires declining emphasis in others. Our recommendation is that in order to support an effort to raise faculty salaries to a more competitive level that an average annual two percent reduction in positions be the target over the next two years (since the average annual turnover in faculty numbers is five percent, these reductions can be accomplished through attrition, if selectively applied). We emphasize the importance in implementing these reductions on a selective, rather than an across the board, basis if the overall goal of increased quality is to be achieved. Similar reductions in administrative staff should also be considered.

Thus, in summary our recommendations are to undertake a program to promote selective success by:

- 1. Maintaining our current financial aid policies.**

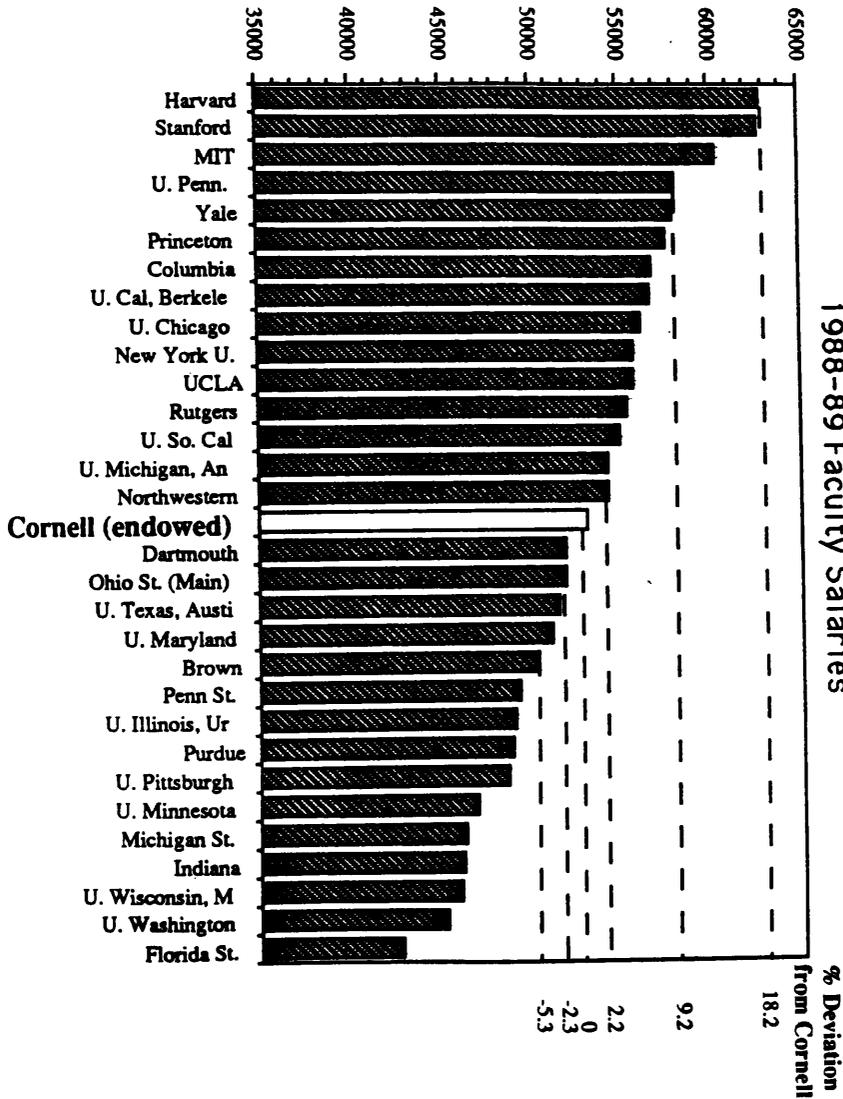
- 2. Increasing the competitiveness of faculty salaries by increasing their levels by 10 percent over each of the next two years (graduate student stipends should rise at similar rates).**

- 3. Holding tuition increases, on average, within inflation plus long term U.S. productivity increase rates.**

- 4. Selectively reducing faculty and staff positions by up to two percent in each of the next two years.**

We look forward to hearing the administrations's response to these recommended budgetary targets at the December 13, 1989 FCR meeting.

AVERAGE SALARY (Weighted by Cornell Distribution of Ranks)



Cross University Comparison of Average
1988-89 Faculty Salaries

Figure 1

General Purpose Budget

TABLE 1. Endowed Colleges, Research Centers and Support Services

at Ithaca

Plan 1989-90

REVENUES

Tuition and Fees:	
1. Tuition	127,133
2. Fees	2,358
3. Accessory Instruction	8,491
4. Investment Income	19,520
5. Unrestricted Gifts	4,118
Indirect Cost Recoveries:	
6. Sponsored Programs	29,106
7. Tuition Retainage	22,095
8. All Other	9,923
9. State Appropriations	4,449
10. Other Sources	3,052
11. TOTAL REVENUES	230,245

EXPENDITURES (by object of expense)

Faculty & Staff Compensation:	
12. Faculty Salaries	37,820
13. Staff Salaries & Wages	61,610
14. Employee Benefits	27,237
15. General Operating Expense	22,991
16. Utilities	12,991
17. Plant Repairs & Maintenance	6,528
18. Library Acquisitions	4,260
Student Support:	
19. Student Wages	1,200
20. Teaching Assistant Stipends	5,737
21. Teaching Assistant Scholarships	10,794
22. Undergraduate Financial Aid	19,000
23. Graduate Fellowships	6,354
24. Debt Service	4,507
25. Intrafund Transactions	6,729
26. Undistributed	1,487
27. TOTAL EXPENDITURES	229,245

28. NET BEFORE TRANSFERS 1,000

TRANSFERS (to and from other funds)

29. Transfers to Plant Funds	(1,000)
30. Other Adjustments	0
27. TOTAL TRANSFERS	(1,000)

31. NET CHANGE FROM OPERATION 0

RESOLUTION TO ESTABLISH A COMMUNITY AND RURAL DEVELOPMENT INSTITUTE

WHEREAS, there is a recognized need at Cornell for applied research and extension to be more responsive to a wider array of social and economic issues, and

WHEREAS, the Fleming Commission on the future of Cornell Cooperative Extension recommended to President Rhodes that Extension should involve a broader range of faculty and focus on a wider range of both agricultural and non-agricultural issues, and

WHEREAS, no present University organization accommodates the close interaction of mission-oriented research and extension intrinsic to the objectives of the Community and Rural Development Institute, and

WHEREAS, over one hundred faculty members at Cornell have shown sustained interest in the Institute,

THEREFORE, BE IT RESOLVED, that the Committee on Academic Programs and Policies unanimously recommends to the Faculty Council of Representatives the approval of the Community and Rural Development Institute, and

BE IT FURTHER RESOLVED, that following approval by the Faculty Council of Representatives, the Dean of Faculty will forward the proposal to the President of the University so that it may be placed on the agenda of an early meeting of the Board of Trustees for their approval.

10/25/89

October 1989

COMMUNITY AND RURAL DEVELOPMENT INSTITUTE

PREAMBLE

The Issue: Rural People, Communities and
Regions in Advanced Industrial Societies

The United States is a highly urbanized and industrialized nation, but rural people, communities and regions continue to represent an important segment of society as they do in other advanced, industrialized nations. America's rural economy, like that of other advanced, industrial economies, is undergoing profound restructuring. This broad-based transformation is resulting in an erosion of rural employment and income gains and a widening of the gap between rural and urban areas. Today, the poverty rate in United States rural areas is similar to that in the nation's inner cities. Rural community stress, especially in areas with a heavy dependence on agriculture, mining and energy, forestry and manufacturing is reflected in slow job growth and much higher than average unemployment, out-migration, underdeveloped human resources, and inadequate institutional capacity to manage social and economic change and related environmental externalities. This contrasts sharply with the 1970's when widespread economic growth and community vitality were dominant themes in rural America.

Attention to rural issues, and the development of policies and programs for rural people and places, requires recognition of persisting differences between urban and rural areas, as well as their social, economic and environmental interdependencies. Thus, a cross-cutting concept of rural-urban differentiation and integration will set the analytical framework for the Institute. Four types of resources--human, economic, environmental and institutional--have major (and interrelated) effects on the economic, social and cultural vitality of communities and rural areas. These four resource

areas, in conjunction with the comparative urban-rural framework, can be used to help identify high priority issues for Institute programming.

Rural areas in the United States are part of a global economy and political order. Hence, the impacts of global trends and changes on the economic and social viability of rural areas, and the role of rural areas in national and world economies also will be a focus of Institute activities. In recognition of the social, economic, and cultural diversity that characterizes rural areas, the Institute will promote comparative studies of rural issues across New York, the United States, and internationally.

The Need for an Institute at Cornell

Land-grant universities are characterized by a close interdependence between applied mission-oriented research and Cooperative Extension. This organizational model enhances the university's ability to bring knowledge to bear on a broad spectrum of public issues. At Cornell there is a recognized need for applied research and extension to be more responsive to a wider array of social and economic issues. The Fleming Commission on the Future of the Cornell Cooperative Extension System recommended to President Rhodes that Extension should involve a broader range of faculty and focus on a wider range of both agricultural and non-agricultural issues.

The Institute outlined here presents an opportunity to further the philosophy of university-wide involvement in community and rural development outreach activities. Given the Land-Grant tradition, it is appropriate that the Colleges of Agriculture and Life Sciences and Human Ecology take the lead in sponsoring the Institute, which will involve both research and extension faculty from a broad range of disciplines and colleges throughout the University. No present University organization

comfortably accommodates the close interaction of mission-oriented research and extension which is intrinsic to accomplishing the Community and Rural Development Institute's objectives.

There is an increasing awareness of the need for more integration of research and extension activities in the rural development field. Such collaboration is presently limited at Cornell by the absence of a forum for multidisciplinary discussion of community and rural development research and extension. Furthermore, insufficient communication between practitioners, policy makers, extension agents and researchers has limited the process of creative, pro-active development of new research and extension programs. The research-extension feedback loop so critical to the promotion of cutting edge research has not been well nurtured in the community and rural development area. Lack of integrated structural mechanisms for feedback from field agents has resulted in insufficient attention to the applied research needs of extension programs. If Cornell is to respond to priority issues for the future by filling gaps in existing research and extension programs, the University must support a broader, more critical dialogue among researchers themselves, and between them and field-based actors. The Community and Rural Development Institute is designed to address these needs.

Faculty Interest

Community and rural development covers a breadth of issues and therefore requires an integrated, multi-disciplinary approach. Among Cornell faculty there has been for many years breadth, depth and diversity of expertise in this issue area. This interest and competence is broadly distributed in many departments of the College of Agriculture and Life

Sciences, the College of Human Ecology, the School of Industrial and Labor Relations, and in the Department of City and Regional Planning. The Law School, the School of Hotel Administration, the College of Arts and Sciences, the College of Engineering, the Johnson Graduate School of Management, and the Division of Nutritional Sciences also include individuals with interests and competence in community and rural development. One hundred and forty Cornell faculty and academic staff members have indicated an interest in affiliating with the Institute (list attached).

Building upon Cornell's strong tradition of international development, and in collaboration with other state and regional institutions and Cornell Cooperative Extension's extensive network of county offices, the Community and Rural Development Institute will strengthen Cornell's role as a leader in responding to current and emerging needs at the local, state, national, and international levels. It will provide an integrating framework that promotes dialogue and inter-disciplinary collaboration among faculty and staff who conduct research and extension on community and rural issues and problems. The Institute will not intrude on the preserve of any present department or program. Instead, it will supplement and enrich them.

Audiences

The Institute will respond to the needs of state and federal-level agencies that develop social, economic and environmental policies for rural areas, and design and administer rural programs. The Institute also will work with numerous community-based organizations, small business associations, planning agencies and associations of local government officials located throughout the State's rural communities. Input from

these diverse audiences will play an important role in defining key community and rural development needs and issues for University programming. Expanding relationships with these new clientele groups is an important part of renegotiating the social contract between the Land-Grant University system and the broader community. By reaching out to broader audiences, the Institute will be in a unique position to test rural development theories and strengthen University outreach.

CHARTER

Cornell University hereby establishes the COMMUNITY AND RURAL DEVELOPMENT INSTITUTE (CRDI) to serve as a campus-wide interdisciplinary unit.

Objectives

The Institute will benefit communities at the state, regional and national levels, individual Cornell faculty, staff and students, by accomplishing the following objectives:

- o Increase communication and collaboration among existing community and rural development research and extension programs at Cornell.
- o Serve as a point of entry to Cornell for policy makers, practitioners and research and extension personnel at other institutions interested in community development.
- o Track emerging rural needs and issues to facilitate the development and funding of new research and extension programs.
- o Monitor important rural trends and sponsor an intramural grants program of research and extension on high priority issues.

Organizational Structure

The Institute will report to the Vice President for Research and Advanced Studies. The Institute will be managed by a director in consultation with a Governing Board, an External Advisory Committee, and a Steering Committee. Principal sponsorship of the Institute is by the College of Agriculture and Life Sciences and the College of Human Ecology. These two colleges will provide office space and core financial support.

Governing Board: The Governing Board will be composed of the Dean of the College of Agriculture and Life Sciences, the Dean of the College of

Human Ecology, the Director of Cornell Cooperative Extension, the Director of the Cornell Agricultural Experiment Station, the chair of the Institute's Program Committee, and two other faculty representatives from the colleges represented among Institute members. Since principal sponsorship of the Institute is by the College of Agriculture and Life Sciences and the College of Human Ecology, the Deans of these colleges will co-chair the Governing Board. The Governing Board will meet at least once a year to review and approve Institute program direction and budget, and provide guidance on new program development and on funding. The Governing Board will prepare and submit an annual report to the Vice President for Research and Advanced Studies.

Director: The Director of CRDI shall be a faculty member or a member of the senior academic staff (senior research associate, senior extension associate, senior lecturer). The Director will be appointed by the Vice President for Research and Advanced Studies based on the recommendation of the Governing Board for a term of three years, and may be reappointed for additional terms. The Director will:

1. report directly to the co-chairs of the Governing Board and be responsible for implementing the policies and directives of the board;
2. be responsible for the day-to-day administrative direction and operation of CRDI, and the overall organization of CRDI's activities;
3. prepare and submit plans, reports, and budgets to the Governing Board; and
4. work cooperatively with the Steering Committee to develop the Institute's short- and longer-term programs.

External Advisory Committee: The External Advisory Committee will be appointed by the Governing Board. It will be composed of not more than 20

leading policy makers and practitioners with interests in community and rural development at the state and regional level. This committee will meet at least once a year to provide the Institute with insights on emerging needs and trends, provide legitimacy for the Institute, serve as a sounding board--"reality testing"--and provide liaison into publics outside of Cornell. Membership would include the Director of the New York State Office for Rural Affairs; a representative of the New York State Legislative Commission on Rural Resources or equivalent entity; representatives from state agencies dealing with issues such as environment, health, social services, agriculture, economic development, labor, and education; business and labor leaders; local community leaders; and other key non-governmental community and rural development actors in the region. It may also be appropriate to include representatives of foundations, regional universities and programs such as the Northeast Center for Rural Development or the New York State Centers for Advanced Technology.

Steering Committee: The Steering Committee will consist of no more than 8 members selected from affiliated faculty and academic staff. The Steering Committee will meet monthly with the Director to develop the Institute's short- and longer-term programs, discuss resource allocation issues, generate strategies for fund raising, and give advice on the Institute's day-to-day operations.

Affiliation

Institute affiliation will be inclusionary, not exclusionary. All faculty, academic staff, graduate students and field-based extension agents with an interest in and commitment to community and rural development may associate with the Institute. The Institute will supplement and enrich

present departments and programs by creating a network of affiliated scholars interested in the problems of rural people and communities. Affiliation will be on an individual basis only. Organized programs (Local Government, Land Use, etc.) are represented indirectly through individual Institute affiliates. The Institute will maintain collaborative working relationships with current inter-disciplinary programs (including CISER, Waste Management Institute, Water Resources Institute, Center for International Studies, American Indian Program, Program on Ethics and Public Life, etc.) No Cornell faculty member will be appointed directly to CRDI. They will hold appointments in various departments of the Statutory or Endowed colleges at Cornell. Most affiliated academic staff will also hold appointments in various departments and other academic units. The Institute will have the authority to appoint non-tenure-track academic staff to provide services in support of programs of the Institute, including projects conducted directly by the Institute.

Institute affiliation carries no specific obligations. Affiliates are encouraged to participate in Institute activities of interest, and to assume leadership responsibilities where desirable and appropriate. All affiliates will have access to any services provided by the Institute. They will be informed of Institute-sponsored activities through a newsletter and other appropriate communication strategies. All affiliates may vote on issues brought before the entire body.

Where appropriate, program priorities will be broken into smaller task areas to be addressed by ad hoc groups. Such ad hoc groups could be formed to carry out multi-disciplinary research, prepare extension education materials in key issue areas, or coordinate collaborative agent-faculty

field research projects. In this way Institute activities will be defined and carried out by faculty and staff currently active in the community and rural development field.

COMMUNITY AND RURAL DEVELOPMENT

Adleman, Marvin I., Landscape Arch. 230 E. Roberts	5-1801
Allen, Josephine A., Human Serv. Studies, N135 MVR-1973	5-1973
Armstrong, Debbie, Coop. Ext., Tioga Cty., 56 Main St., Owego 13827	607-687-4020
Babcock, Robert, J. Human Serv. Studies, 141 MVR	5-1974
Bail, Joe, P. Education, 302 Roberts Hall	5-9270
Barnaba, Eugenia, CER/CLEARs, 452 Hollister	5-0800
Barr, Donald, Human Serv. Studies, 248 MVR	5-7766
Beck, Sam, FISP, Hum. Ecol., 170 MVR	5-6579
Bills, Nelson, Agr. Econ., 455 Warren	5-7734
Boisvert, Richard N., Agr. Econ., 447 Warren	5-4545
Bono, Charles, Rur. Schl. Pro., Zone 6, 7th Ave., RD 1, Frankfort 13340	315-894-8815
Boss, Berdell (Del) G., Corp. Rel., Coll. of Eng., 221 Carpenter	5-8971
Bounous, Ruth, Hum. Serv. Studies, 186 MVR	5-2503
Brewer, Mary Lou, Coop. Ext., 4-H, 109 E. Roberts	5-2231
Brink, Muriel, Nut. Sci., 283C MVR	5-7715
Brooks, George, I&LR, 300 Ext. Div.	5-3050
Brown, Doug, HSS, N222 MVR	5-2502
Brown, Warren, CISER, 386 Uris Hall	5-8399
Bruce, Robert, Education, 492 Roberts	5-2015
Brunner, Mike, Diag. Lab., Vet Coll.	3-3900
Bui, Tro V., Animal Science, 250 Morrison	5-4505
Burroughs, David D., Education (RSP), 293 Roberts	5-7756
Buttel, Fred, Rur. Soc., Warren	5-1676
Campbell, Cathy, DNS, 302 MVR	5-2141
Carlson, Ronald S. Act. Exec. Dir., UniPEG, 225 Howard St, Waverly 14892	607-565-2277
Clavel, Pierre, City & Regnl. Plann., 210 W. Sibley	5-6212
Cowan, Tadlock, Rur. Soc., Warren	
Cummings, Barry, Chen. Housing Empower. Pro. 99 N. Broad, Norwich 13815	607-334-3867
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Deming, Anita, Essex Co. Coop.Ext. PO Box 388, Westport 12993	518-962-4810
DeWeese, Gail, TXA, 243 MVR	5-1939
Doolittle, Carol, Media Services, #7 Research Park	5-7660
Donovan, David D., Nat. Res., 102B Fernow	5-6578
Dunn, James, Education, 301 Roberts	5-3097
Embrey, Kay, HDFS/Migrant Pro., Box 181, Alton 14413	315-483-4092
Engman, Herb, HDFS, G-27 MVR	5-2536
Egner, J.R., Education, 492 Roberts	5-9272
Ehrenberg, Ronald, IIR, 256 Ives	5-3026
Fabian, Eileen, Ag & Bio Eng., Riley-Robb	5-2467
Feldman, Shelley, Rur. Soc., Warren Hall	5-1680
Figuroa, Enrique E., Ag. Econ., 40 Warren	5-4580
Fitzgerald, M. Alannah, HDFS & FarmNet Pro., MVR	273-9295
Foster, John, CRP, 219 W. Sibley	5-5179
Foster, Daryle E., Education, 24 Roberts	5-9253
Gardner, Kenneth V., Agr. Econ., 313 Warren	5-5413
Gardner, Ronald, Chem/Pest. Pro., 5123 Comstock	5-1866
Geohring, Larry D., Ag & Bio. Eng., 207 Riley-Robb	5-3156
Gifford, Terry, Coop Ext. Monroe Cty. 249 Highland Ave. Rochester 14620	716-461-1000
Gillespie, Gilbert, Rur.Soc., 219 Warren	5-1675
Glasgow, Nina, Rur. Soc., 134 Warren	5-1689
Goff, Gary, Nat. Res., 104 Fernow	5-2824

Gould, James H., Education, 308 Roberts	5-8025
Green, Judy, Ag.Econ., Farming Alter., 443 Warren	5-9832
Greene, Bill, Animal Science, 126 Morrison	5-2856
Greene, Jennifer, HSS, N136B MVR	5-2506
Harrington, Larry, Ag. Econ., 410 Warren	5-3010
Harrison, Ellen, CER-Waste Mgmt., 468 Hollister	5-8576
Hattery, Michael, Ag. Econ., 351 Warren	5-1593
Hayward, George S., Ag. Econ., 247 Warren	5-3028
Heck, Ramona K.Z., CEH, 133 MVR	5-2591
Henehan, Brian, Ag Econ., 306 Warren	5-8800
Hinrichs, Clare, Rur. Soc., Warren Hall	5-2065
Hirschl, Thomas A., Rur. Soc., 333 Warren	5-1688
Hubbert, Marge, Ag. Econ., 148 Warren	5-1626
Hudkins, Stephen, Coop. Ext., Lower Main St. Hudson Falls 12839	518-747-2861
Irwin, L. H., Dir., Cornell Local Roads Pro., 420 Riley-Robb	5-8033
Jakubson, George, ILR-Labor Econ., 254 Ives	5-4546
Jennings, David L., Coop.Ext., County Court House, Troy 12180	518-270-4000
Kauffman, Jonas, Coop. Ext. 401 N. Main St., Warsaw 14569	716-786-2251
Kay, David, Ag Econ., 351 Warren Hall	5-2123
Kelchner, J. Robert, Coll. of Eng., 221 Carpenter Hall	5-8971
Kelsey, Linda M., Home Ec. Pro., Main St., Mexico 13114	
Kennedy, W. Keith, 3104 Snee Hall	277-2666
Knuth, Barbara, Nat. Res., 114 Fernow	5-2822
Kugelmass, Judy, FIS, 170 MVR	5-6579
Ladue, Vincent R., Coop. Ext., R3, Box 906, Cairo, 12413	518-622-9820
LaGro, James, Nat. Res., 318 N. Titus Ave., Ithaca	277-5601
Levitan, Lois, Nat. Res., 6128 Comstock	5-3198
Lisk, Donald, Toxic Chem. Lab., Tower Rd.	5-4538
Lynn, Walter, Dean of Faculty, 315 Day	5-4843
Mahr, Ruth M., Ith. Coll/Econ., 103 Judd Falls Rd., Ithaca	257-2672
McCarthy, Florence, FIS, 170 MVR	5-6579
McCarty, Jim, DEA, 3M3 MVR	5-1959
McClain, Janet, HSS, N132 MVR	5-8439
McGrath, Margaret, L.I. Hort. Res. Lab., 39 Sound Ave., Riverhead 11901	516-727-3595
McMichael, Philip, Rur. Soc., 437 Warren	5-5495
Miles, Sue, Ext, Admin., N126 MVR	5-2246
Monk, David, Education, 405 Roberts	5-2267
Mount, Tim, Ag. Econ., 109 Warren	5-4512
Mt. Pleasant, Jane, Agron., 151 Emerson	5-1755
Nettleton, John, Ext., 15 E. 26 St., 5th Flr, NY, NY 10010	212-340-2939
Noden, Mary Lee, Biotech/Ext., 167 Biotech	5-4665
Novak, Joe, Education, Roberts	5-2267
Nunno, Michael, HDFS, E-200 MVR	5-7794
Obern, Catheryn, Int. Public Aff., 626 Thurston Ave.	5-4299
Parks, Robin, 289 Brooktondale Rd., Brooktondale 14817	539-6147
Pelletier, David, DNS, Savage	5-8093
Phelan, Bill, Farmnet, 422 Warren	
Pilbeam, Barbara, CIS, 170 Uris	5-6370
Pomerantz, Gerri, Nat. Red., Fernow	5-2829
Posner, George, Education, 402 Roberts	5-9269
Potter, John, Ag & Bio. Eng., 425 Riley-Robb	5-9645
Ranney, Christine, Agr. Econ., 445 Warren	5-3095
Rauschenbach, Barbara, DNS, 301 MVR	5-1354
Raymond, Lyle, Water Res. Inst., 466 Hollister	5-5943

Reyome, Nancy, Fam. Life Dev. Ctr., E-200 MVR	5-7794
Rich, Bob, Ext., Parkside Dr., Ellicottville 14731	716-699-2377
Rounsaville, Ted, An. Sci, 120 Morrison	5-2020
Sahn, David, Food & Nut. Policy Pro. 1400 16th St NW, Wash. DC 20036	202-822-6500
Schoggen, Phil HDFS, MVR	5-0831
Schimke, Eric, Coop. Ext., 99 N. Broad St., Norwich, 13815	334-5841
Schmidt, Fred, Ctr. for Rur. Studies, 207 Morrill Hall, U.Vt., Burlington	05405
	802-656-3021
Schwartz, Don., Communications, 312 Roberts	5-2607
Shapiro, Constance H., HSS, 187 MVR	5-2514
Sienkiewicz, Mary J., Coop.Ext., Co.Rd.48, RD 1, Box 226, Belmont 14813	716-268-7644
Smith, Robert, IIR, 259 Ives	5-7650
Spedding, Polly, HDFS, MVR	5-7610
Stanton, B.F., Agr. Econ., 148 Warren	5-4597
Stern, Robert, IIR, 387 Ives	5-3048
Story, Margaret J., Coop.Est., County Court Hse., Troy 12180	518-270-4000
Stycos, J., Pop. & Dev. Pro., 372 Uris	5-1400
Sutphin, Dean, Education, 302 Roberts	5-2197
Svirsky, Amy, HSS	277-6221
Taber, David W., Nat. Res., 116 Fernow	5-2826
Trumbull, Deborah, Education, 301 Roberts	5-3108
Trzcinski, Eileen, CEH, 108 MVR	5-2263
Uphoff, Norman, Govt., 170 Uris	5-8909
Ververs, Doug., Coop.Ext., 5869 Main St., Mexico 13114	315-963-7286
Wagenet, Linda, TXA, Coop.Ext., 272 MVR	5-1943
Wagenet, Jeff, Agronomy, 235 Emerson	5-5459
Waltman, Bill, Agron., 707 Bradfield	5-7700
Wethington, Elaine, HDFS, G63 MVR	5-2962
White, David, Sea Grant Ext. Pro., 52 Swetman Hall, SUNY-Oswego 13126	315-341-3042
White, Thomas, Agr & Bio Eng., Riley-Robb	5-2035
Whitted, Sandra L., Coop. Ext., 111 Roberts	5-0795
Wilcox, Duane, Agr. Econ., 312 Warren	5-3015
Wilkins, Bruce, Nat. Res., 120 Fernow	5-2162
Willetts, Lois Schertz, Ag. Econ., 40 Warren	5-4489
Williams, Nick, Ag. Econ., 126 No. Sunset Dr., Ithaca 14850	5-5430
Wrona, Anne, Plant Path., 334 Plant Sci.	5-7869
Yohn, Charles P., Coll. of Eng., 227 Carpenter	5-6093

Minutes of Meeting of
Faculty Council of Representatives

December 13, 1989

Speaker, Professor Emeritus Russell Martin, Communication: "The meeting of the FCR will please come to order. We are slightly short of our quorum, but I think we're going to get it. Is there anyone out here, a member of the FCR, who has not signed in yet? We'll proceed with comments, holding off any voting until we get our quorum. The Chair calls first of all on Dean Lynn for remarks."

1. REMARKS BY THE DEAN

Walter R. Lynn, Dean of Faculty: "I'd like to thank you all for showing up on a snowy day. I know you're all eager to hear what the Provost has to say this afternoon. We have one order of business which requires a vote of this faculty, and I'm sure we'll have a quorum by that time. I thought I would make a brief report to you about some of the activities that are going on that you may not be aware of otherwise.

"First of all, the Executive Committee of the FCR decided it would send a subcommittee, or seek to have a dialogue with the Board of Trustees Investment Committee, relative to the two recent votes in the May and October meetings of the FCR on the issue of divestment. It sought a meeting and the chair of the Executive Committee, June Fessenden MacDonald, and FCR Executive Committee members Duane Chapman and George Scheele, met with Trustee Robert Engel, who is chairman of the Investment Committee, and members of that committee on November 27th. I think the way I would characterize that meeting was that the committee's objectives were to seek an opportunity to convey the continuing faculty concern about, and the commitment to, the issues of divestment as reflected in the FCR resolutions passed at the May and October meetings. There's nothing to report to you at this point, that there is some specific outcome as a result of that meeting, but the intent by the chair of the Executive Committee and the members was in fact to insure that we continue to talk with the Investment Committee about that issue and there may be subsequent meetings with that committee.

"I'd also like to announce for your information that the FCR has a Committee on Academic Programs and Policies and at the suggestion of the Executive Committee it has established a subcommittee to consider the impact on the university of the use of academic non-faculty. Academic non-faculty are those persons who carry the title of Lecturer, Senior Lecturer, Instructor. The question was raised at the last FCR meeting when we had the report of the Financial Policies Committee about whether there would in some way be a change in the role of these individuals, an expansion, or what would that

role be. So the Committee on Academic Programs has established a subcommittee to consider the impact on the university of the use of academic non-faculty, and CAPP will hopefully report back to the Executive Committee and then to this body some time this spring.

"Another subcommittee was established within the FCR Executive Committee, and that's a Subcommittee on Retirement. This subcommittee held its first meeting this morning. The subcommittee of the FCR Executive Committee will continue and expand on the work of a predecessor committee which was within the Financial Policies Committee, and it has a relatively full plate. The Executive Committee thought that this issue was of such great importance and with so many decisions to be made in the relatively near term about retirement issues, that it undertook to establish its own subcommittee; that subcommittee is chaired, co-chaired, by former Dean Joseph B. Bugliari, and the Secretary of the Faculty, Mary Morrison, who actually chaired its predecessor committee. Individuals on that committee are of various ages and professorial ranks from both the statutory and the endowed units. The focus of this committee is not to look at direct retirement issues for individuals, but at the impact of retirement policies on the university. This is a matter of sizeable importance to all of us in the university, at all ages and, whether retirement is a pending reality for some of us that is in the short run or not.

"I'll take two more minutes to identify some other topics that are currently under way in the committee structure. The Committee on Academic Freedom and Professional Status of the Faculty is continuing to work on its earlier work on professional ethics and responsibility of the faculty. There was a statement that you've seen circulated as a draft, and it continues to look at that. There are concerns about a federally-initiated possible policy on conflicts of interest which expands and demands more from members of the university community, not Cornell specifically, but all members of the research community in particular, about conflicts of interest that goes beyond what Cornell's existing policy is, and if you're not familiar with that, you ought to be. Cornell does have an established policy on what is referred to as 'conflicts of commitment and conflicts of interest.' The Academic Freedom committee continues to look at that.

"The Financial Policies Committee--you will hear today, a response from the Provost to its earlier recommendations endorsed by this faculty--but it will continue to examine issues associated with the general purpose budget and also will begin to look at issues in the statutory budget. As you know, in the past, that committee has tended to focus its attention almost exclusively on the endowed budget. It now has accepted a larger mandate to begin to examine issues in the statutory budget as well.

"The Research Policies Committee will report today its recommendations on academic misconduct, but it continues to look at the indirect cost policy which is a matter of some concern to the community at large.

"The Committee on Academic Programs and Policies is working on changes on the Code of Academic Integrity, the university calendar, my favorite topic, and the uses of academic non-faculty, as I've reported to you earlier.

"And finally, the Faculty Advisory Committee on Athletics and Physical Education has not been involved in the current material which you've seen in the newspaper. The chairman pro tem is here before you and will answer any questions you have about that. They have not been involved in that issue, but there are things like the NCAA audit in which that committee plays a prominent role. It has done something which I'd like to very briefly call your attention to. That committee has called attention to the faculty, how badly the faculty violate their own rules. We have a standing rule that there are no academic exercises that can be required of students during the period from 4:30 to 7:30 pm. That's undergraduate students. Students have complained to this committee, the music students who are involved in music have complained to my office on occasion, that a variety of academic exams, examinations, academic events, examinations, review sessions, are scheduled during that period, and that's contrary to this faculty's own rules, not the administration's. The object of the rules is to allow students the opportunity to enjoy something else in the university besides their courses. I just remind you of that. There's a large list of courses in which these kinds of violations have occurred, and I'm not going to point that out to you in detail now, but it is a matter that it seems to me the university faculty has to address and confront.

"Finally, last but not least. In people who run for the FCR, there are frequently comments that committee structure is interesting, does some exciting things, and I would just remind you that the canvass for committee memberships for 1990-91 will be sent during the first week of classes. Those interested in participating in these committee activities should indicate either by nominating themselves, or encouraging their colleagues to participate. And if anybody has a great interest in some of the things I've already cited, if they would give my office a call, we're always eager to accommodate people who appear to be interested and involved in those university affairs of concern to us all. Mr. Speaker, I'd be happy to answer any questions."

Speaker Martin: "Are there any questions for the Dean? Yes. Professor MacDonald."

Professor MacDonald: "I'd just like to remind the Dean that he might ask for self-nominations or indications of interest, particularly on the CAPP subcommittee on the use of academic non-faculty."

Dean Lynn: "Thank you. Did everybody hear that? If any of you are interested in the subcommittee on the role of academic non-faculty, I'd like to hear about that, because we're trying to staff that committee in the very near future. Thank you."

2. APPROVAL OF SUMMARY MINUTES OF NOVEMBER 8, 1989

Speaker Martin: "We do have a quorum. The next item of business is the approval of the Summary Minutes of our November 8 FCR meeting. Are there any corrections to those minutes as distributed? There being none, they stand approved. The chair next calls upon Professor David Bates, Chair of the Research Policies Committee, for a resolution to adopt a policy on academic misconduct."

3. RESOLUTION ON ACADEMIC MISCONDUCT POLICY

Professor David Bates, Bailey Hortorium, moved the following: "In the call to today's meeting, a resolution was distributed. It's on this purple sheet, and there are additional copies at the front of the room. I'd like to move the adoption of this resolution:

WHEREAS, on April 9, 1986, the Faculty Council of Representatives adopted the Integrity Policy Statement for dealing with academic misconduct, and

WHEREAS, the National Science Foundation (NSF) and National Institutes of Health (NIH) required more explicit procedures than those contained in the Integrity Policy Statement, and

WHEREAS, NSF and NIH require that we assure them that Cornell University has procedures in place prior to January 1, 1990, to address "academic misconduct" matters, and

WHEREAS, the Committee on Research Policies has reviewed the attached Policy on Academic Misconduct and recommends its adoption,

THEREFORE, BE IT RESOLVED, that the Faculty Council of Representatives adopt the Policy on Academic Misconduct (which supersedes the Integrity Policy Statement) effective immediately.

Speaker Martin: "Since this comes from a committee, it does not need a second, so the resolution is now on the floor for discussion."

Professor Bates: "Before we begin, I might say one or two words about the reason for this particular resolution and its introduction at this time. About three years ago this body passed a resolution dealing with academic integrity, which, like most Cornell resolutions, was phrased in rather

general terms. Since that time, some outside events, particularly in relation to rules and regulations promulgated by the National Institutes of Health and the National Science Foundation, have suggested that those particular rules were inadequate for present situations. And in that sense, our committee and others, the University Counsel, the Dean's office, and the Vice President for Research, have been involved in pulling together a series of regulations, suggestions, and so forth which would codify some of those elements that appear within the agency regulations, but more importantly, would provide certain protections and procedures to members of our own faculty who might become involved in questions of academic misconduct. This is a rather positive move towards codifying what we hope will be reasonable procedures whereby people who have been either accused or are accusing, may be protected and their particular situation may be reviewed in a regularized way. In that sense, the policy stands, but we have had in the interim from our last committee's meeting until this present meeting, two suggestions to amend that resolution, and those suggestions are written on a white sheet at the front of the room, for those of you who haven't seen it, but I will add as accepted friendly amendments by the committee the following items, if this is within the realm of ..."

Speaker Martin: "We don't recognize friendly amendments, only unfriendly amendments [laughter]."

Professor Bates: "The first change occurs on the first page, under the heading 'Academic Misconduct.' In the third line from the bottom, the sentence reads, 'deviate from those that are commonly accepted...' We would like to delete the word 'those' and add in its place 'ethical standards'. Some question was raised in terms of the meaning of the original sentence, and whether it referred also to innovative ways to conduct research rather than deviation of standards alone. So this change is a positive addition to the resolution."

Speaker Martin: "All right. There has been an amendment to delete the word 'those' and insert 'ethical standards.' Is there a second to the amendment? [Seconded]. The floor is now open for discussion of the amendment. Is there a discussion from the floor on the amendment before we vote? I beg your pardon. All right. If there is no discussion, we shall proceed to vote, to eliminate the word 'those' and insert the words 'ethical standards'. All in favor say aye. [Aye.] Opposed, no. It is carried."

Professor Bates: "The second amendment has been put forth by the Committee on Academic Freedom and Professional Status of the Faculty, and they wish to clarify somewhat the definition of to whom this particular policy applies. This also appears on the first page, the second asterisk at the bottom of the page, which deletes the portion 'does not apply to violations of academic integrity as described in the Code of Academic Integrity' and would add to that sentence 'covers undergraduate, graduate or extramural students

only insofar as their actions are not already covered by the Code of Academic Integrity as amended on May 15, 1985."

Speaker Martin: "Is there a second to the amendment? Professor Lee. Thank you. The floor is now open for debate on this amendment. No debate? We shall proceed to vote. All in favor of this amendment--would you like to have it read again? Are you all happy? All in favor of this amendment, say aye. [Aye.] Opposed, no? It is carried. The resolution as amended is now on the floor for further discussion. Dean Lynn."

Dean Lynn: "I've been asked by a faculty member whether, since the Dean of the Faculty--I guess I am the Dean of the Faculty [laughter]--the Dean of the Faculty, a lot of the responsibility falls to the Dean of the Faculty, and will this become such a burdensome thing? Well, I sure hope not! [laughter] But I assure you, that if the caseload that comes before the Dean of the Faculty becomes a major issue, I may be back to you to ask for some modification in the way this is handled. My assumption is that these behavioral issues are aberrations and will occur infrequently. What this resolution does is to act as a reminder to all of us about standards of behavior that are expected of us in the research context, in research and scholarship of all kinds. So, I want to assure Professor Berkey, who is concerned about that, that my assumption is that it will not be a terrible overburden to the Dean's Office, but if it is, we will talk about it again."

Speaker Martin: "Yes. The member in the back, and then down here. Will you please identify yourself for the benefit of the secretary."

Associate Professor Richard Galik, Physics: "This is no reflection on Dean Lynn, but what provisions are made if it is the Dean of Faculty who is in violation of the Policy on Academic Misconduct? [laughter] I don't think it's necessary to have a statement on that."

Professor John Abowd, ILR: "How often has the current university policy has been invoked?"

Professor Bates: "I think you'd have to ask the Dean that question."

Dean Lynn: "Twice, since this past year."

Speaker Martin: "Other questions or comments? Yes."

Associate Professor Hans C. Wien, Vegetable Crops: "There's a small correction in English in the middle of page three on 'Disciplinary Action', second paragraph. 'Should the Dean of the Faculty conclude that discipline is appropriate...' I think discipline is always appropriate, but I think that in this case we mean to say 'Should the Dean of the Faculty conclude that disciplinary action is appropriate...' [laughter]"

Speaker Martin: "You wish to change the word 'discipline' to 'disciplinary action'. Correct?"

Professor Wien responded that he did.

Speaker Martin: "Is there a second to the amendment? [Seconded.] Discussion? All in favor say aye. [Aye.] Opposed no? It is carried. Is there further discussion on the resolution as amended? Professor Mary Beth Norton, then Professor Berkey."

Mary Beth Norton, Mary Donlon Professor of American History: "I would just be interested in having the chair of the committee explain to us what, because we don't have the older policy in front of us, what, I understand that this was motivated by government agencies, but what in general has to be done to our older policy that is a result of this pressure on the policy. I'd just like a brief summary."

Professor Bates: "I'm not sure that I understand the question."

Professor Norton: "Well, I'm asking what the significant changes are. Is it simply an attempt to codify--I understand we have the sheet in front of us, but I'm interested in knowing whether or not what we are doing is simply codifying procedures that have developed over the years in say, the handling of those two cases that did come up, or is this entirely new, or are the specifics being imposed on us from outside. That is, how much of this is a decision that is being made by the Cornell faculty, and how much of it is being determined by what the National Institutes of Health, NSF, and so forth, put forth."

Professor Bates: "I think your point is a good one, and it is quite obvious that as a faculty member and a faculty committee we would resent very highly the thought that we were simply accepting policies that have been promulgated from the outside and bringing them in as our own policy. But it is true that the fact that these policies were put forth by outside agencies tended to move the committee along to respond. We felt rather than have a series of policies that would apply to people in different circumstances, for example, those who don't have grants from either of those agencies would fall under one series of policies, those that did, another, that we would try to create a single unified policy that incorporated the major points that governmental agencies were looking for, and which, no matter what action we would take, would take effect in any event, should an individual be under contract or grant of one of the outside agencies. I think more importantly it was the attempt to bring forth a unified policy, one which actually spelled out both the rights of both an accuser and the accused, which wasn't done in the previous policy. It was done previously very much on an informal basis, and while that in the past has proved to be highly effective, I think we all recognize in this rather litigious environment

that we live in that such procedures probably would not be acceptable at the present time. I think, like most, I'm always a little put off by the apparent formality of this resolution that seems to strike us as a highly legalized document, although I suspect we could have produced with University Counsel's further help, something even more difficult to comprehend. In a sense, then, it was not put forth with the idea that this was to control or introduce more stringent rules than existed in the past, but to try to make existing rules as they were accepted in concept useful to all faculty, and so forth."

Speaker Martin: "All right. Professor Berkey and then Professor Fine."

Professor Arthur L. Berkey, Education: "A few editorial things, on page 3, on D, the second line should be made 'he/she'. Also, we have a policy on Academic Misconduct that we have Academic Misconduct Guidelines. Is there some reason this shouldn't be Academic Misconduct Guidelines? My substance question is this: If you look at the procedure that's going to happen, the investigative procedure, a report is going to come from a dean of a college or whatever administrative unit is responsible for that individual. It comes then to the Dean of the Faculty. The Dean of the Faculty may decide to reject that report and say, in fact, that misconduct has occurred. Then, that dean sends that report back to that same administrator, saying, 'I disagree with you.' Does this mean that the administrator then is forced to impose discipline which is contrary to his own report? I just wondered how you thought that might work."

Professor Bates: "It's an interesting point, and not one that was considered, in fact, but one assumes that we are moving through a series of steps primarily of people of good will, and that as these reports develop and that case develops, that it will be resolved adequately. I can understand your concern. I see where the problem may lie, if the Dean of the Faculty is in serious conflict with the administrative head. I think if we reach that situation, then we are probably in serious trouble which will require more than simple faculty resolution of a problem."

Professor Berkey: "There's nothing here that resolves that, and I wonder if there is something that needs to be added, or whether that needs to be addressed. I raise that point."

Professor Bates: "It's a question I think that the Faculty Research Policies Committee can examine and bring back further recommendations. I think at this point we've covered most of the points that are critical, but we would be very pleased to re-examine this policy in light of your comments."

Speaker Martin: "Professor Fine."

Professor Terrence Fine, Electrical Engineering: "I just wanted to respond a little bit to Professor Norton's question. I think there is a little difference here in terms of taking into account the interests of the sponsoring agencies in terms of informing them. I don't think there was quite this concern in previous legislation, but they could get limited reports at this point. There's a little bit of a reduction, I think, in confidentiality, because of that requirement."

Professor Bates: "Well, I don't think it can be resolved, in the sense that those sponsoring agencies have certain rights, and people accept those rights when they accept the grants or contracts which are inherent to that process, but not insofar as other faculty might be concerned."

Speaker Martin: "Dean Lynn."

Dean Lynn: "Let me offer two responses. Professor Norton, there is a white sheet which compares the differences between the policies (Appendix A, attached). From my view, what has been done in this revised policy is to make the procedures more explicit and bind the Dean of the Faculty and others in terms of how they will carry out these strategies. The previous ones left the Dean to decide how it should be done. In the first case that I dealt with, I had to invent procedures, and I will tell you that my suggestions procedurally were consistent and exacting--I was worried, to whom did I report, was this an arbitrary decision on my part, was I accountable for whatever it is that I did, how would I do that? So I'm relieved in part by having a procedural pattern that obligates me to carry this out.

"Let me answer Professor Berkey's question, if I can. I don't understand what confusion you see in this document. I don't see any confusion. The intent here is two different processes. There's an inquiry; we used that term in our earlier document, and in the current one. The inquiry is in fact equivalent to a grand jury investigation, with the Dean of the Faculty trying to determine whether there is sufficient cause to really undertake a serious investigation, if the allegations have enough substance. It's not to decide whether misconduct has occurred. That is then transmitted to the dean of the college or the appropriate administrator, school, dean, or whatever, as the case may be, and it is suggested that an investigation take place. That's where that occurs. That's the detailed investigation. Partly to insure that there is a degree of uniformity in the way we deal with these, it comes back to the Dean of the Faculty from the Dean of the College so that College A does not impose a standard too lax. It's to inject another level of review, not an appeal, another level of review, that reviews the case and then makes individual comments about an appropriate disciplinary action. Who is the appropriate individual to determine that depends upon the circumstances. It may be, ranging in a dismissal where the only authority that can dismiss a faculty member is the Board of Trustees.

It has a dismissal procedure set forth, explicitly. That's at one extreme. There are a variety of other kinds of actions, in terms of appropriate disciplinary action, and they're all grievable, so if a faculty member says, 'That's an unfair penalty for this circumstance,' we have grievance procedures that are in place. We don't have to repeat those. I believe that the substance of what's conveyed in here is not only a matter of good faith, but in fact is intended to provide a system of checks and balances."

Professor Berkey: "Perhaps, Walter, I didn't hear you correctly. If you look on the top of page 3, under item (7), it says, 'A final written report, including the comments, if any, of the subject, shall be submitted by the Dean or unit head to the Dean of the Faculty.' So that comes to the Dean of the Faculty. Then, down under "D" in the first paragraph, it says, 'The Dean of the Faculty may, in his or her discretion, accept or reject the findings and recommendations contained in the report and prepare findings or recommendations of his/her own.' So you're anticipating that the Dean of the Faculty may well reject and override the objections of the report from the Dean of the College of Agriculture, for example. Then the Dean, under the second paragraph under 'D' forwards those contrary, possibly contrary recommendations back to the Dean of the College of Agriculture, for example, where it is a disciplinary action. Now if you didn't anticipate any conflict at all, then why did we have the section that says the Dean of the Faculty can reject in whole or in part any thing that comes from the Dean of the College of Agriculture, then send it back. That's my concern. I didn't find that your other comments really explained my concern. Perhaps I didn't communicate it very well."

Dean Lynn: "What we've got is an attempt to provide sort of a simulated appeal procedure, in the following sense, that the Dean of the College after that investigation, whether or not that committee comes to some conclusion, makes a set of recommendations. Those recommendations are part of the record, but they do not go anywhere. They're not eliminated. They do not replace that college's recommendations. Let us presume that the Dean of the Faculty comes to a very different conclusion about some of the same elements. That becomes part of the record. Resolution in terms of the appropriate administrator may be the responsibility of the Provost, President or Chair of the Board. If there's an impasse that results, the Dean of the Faculty and the Dean of the College have different views, then there are individuals who are given responsibilities to resolve those. It's a special kind of a difference, all of which provides protection to the faculty members to grieve any actions. The faculty members have to be protected and we've assured ourselves there."

Professor Berkey: "Walter, all discipline is done through the college, I assume. We're not dealing only with faculty members here; we're dealing also with non-academic employees. This covers all Cornell employees, including students who are employed under some NSF grants. I don't want to

take the group's time for this, but I do think the way it is worded, and I'm not prepared to offer an amendment at this time, but it implies that the Dean's action is final, and you've said it requires sending it back to the appropriate administrator for disciplinary action, assuming one overrides the other, but if you assume like the House and the Senate, there's a joint committee getting together to resolve differences, perhaps a sentence in there may be of help."

Professor Bates: "I see your point, and I think it's one that we can consider and resolve. I think at the moment it doesn't represent a serious conflict. It's something that we can, I think, deal with in the future effectively. I recognize the impasse that you've suggested, but I think it would be resolved at some level by an aggressive dean, whether the Dean of the Faculty or the dean of the appropriate college."

Speaker Martin: "Is there further discussion? The question has been called. If there is no further debate, we shall proceed to vote. All in favor of the resolution as amended, say aye. [Aye.] Opposed, no? It is carried (Appendix B, attached).

"The Chair next calls upon Senior Provost Robert Barker, for the administration's response to the Financial Policies Committee proposed Endowed/General Purpose Budget."

4. RESPONSE FROM ADMINISTRATION ON PROPOSED ENDOWED/GENERAL PURPOSE BUDGET

Provost Barker: "The Provost, Malden Nesheim, is at this time the chief budget officer of the institution, but he has a prior engagement, so I'm here to defend his position. I'm more used to it than he is. What I'd like to do before I respond to the four points that were raised and recommended by this body is to give you a brief overview of where the budget stands. I think it might help to put things in context. [Refer to Appendix C for Figures.]

"We're approaching the point at which the total university budget is getting close to a big number (\$949.7 million). This pie chart (Figure 1) is intended to show you that the piece which I'm going to spend most of my time talking about, called the General Purpose Budget (\$227.5 million) represents something around a quarter of the total budget of the institution. Another large chunk is the Medical School (\$211.3 million), which operates independently of us, and at the present time is in good financial condition, and has been for about the last ten years. It's important to understand that it is separate, because medical schools experience quite severe changes in their financial position, and they have to handle that on their own. There isn't a flow of dollars to and from the Medical School. Now, there are flows of dollars around the other part of the diagram, and I'll come to that in just a minute. Included in this shaded portion are the endowed

colleges, including the Graduate School of Management, the Hotel School, and the Law School, and of course, over here are the statutory colleges. The difference between unrestricted and restricted is more or less what it means, that is, if a dollar is in an unrestricted category, it means that in theory it can be used for purposes at the discretion of whoever's budget that's in, whereas restricted dollars are often such things as grants or specific pieces of the endowment, the income from which is for a dedicated purpose and which we cannot change. As a matter of fact, a very large proportion of our endowment is in that kind of category, specified for such things as financial aid, or for the support of a chaired professorship or for particular programs, or what have you.

"So that's the general dimension, and the reason that this general purpose budget is separated off is that it's the piece that I'm going to talk about, and further, it's the piece which actually provides signals and guides to lots of the other budgetary decisions on the Ithaca campus which fall in this part. The reason for that is the following. The general purpose budget, when looked at in a different way, actually consists of two parts, and a little later I'll show you a diagram which gives you the size of the parts. One part is a budget which deals with all of the general costs of the university: such things as roads, health care, heat, light, the police force, student, central student services, et cetera, et cetera, et cetera. Somewhat more than half of this budget is for those kinds of purposes, and the other portion of it is to provide the salaries for the Colleges of Arts and Sciences, Engineering, and Architecture and Art and Planning, so that it's a mixed-purpose budget, if you will. Now the revenues to pay for the heat and light and all of those other supportive things are generated by taxing the rest of the institution. Part of the revenues that come into this budget are tuitions for students in Arts and Sciences, and Engineering, and so forth, are of course available within that budget to pay their fair share of those kinds of what you might call administrative and support costs. But the rest of the institution, including the statutory colleges, pay administrative charges into this General Purpose Budget, and further, are guided by policies that are established in looking at this budget, so there's a lot of connectivity between this budget and the policy decisions that are made to formulate that budget and what happens in the rest of the place. So talking about just that quarter is actually the most useful thing to talk about in terms of those policies.

"This is a somewhat more complicated diagram (Figure 2). It is showing you the portion of the budget which concerns the total budget, not the endowed general purpose only, for the Ithaca campus. You might notice that the total here is about \$750 million. That's the seventy-five percent piece that is here, and the diagram is supposed to show you in a graphic sense that restricted, unrestricted, and general purpose are distributed across a number of different categories when we look at revenues, and this is looking at the revenue side of things. Here it's showing you how much comes out of

tuition and fees, and how it distributes into general purpose and what we call 'other unrestricted.' Now the general purpose is that piece which does fall in the twenty-four percent. The other unrestricted are the tuition revenues, in this case, that are falling in Law, Hotels, etc. They're unrestricted while they're there, but they're not available to the general purpose budget. You don't need to study that for very long before you notice that there's a significant peak, the New York State appropriations. Those are the appropriations for the statutory colleges. There is this one here, which is Grants and Contracts, which you see is all restricted, and therefore not available to the general purpose budget, and the sizes of those towers give you a little sense of the distribution.

"I'm going to come back with some numbers which will reflect that, but here's a different way, then, of looking no longer at the \$750 million piece, but the \$227 million piece which is that endowed general purpose budget (figure 3), and is what I'm going to focus my next comments on. The size of these squares show you the amounts, roughly, and the amounts are given here that fall in different categories. As I showed you, there is roughly a fifty-fifty split between that which we call Indirect Support Costs (\$113.2 million), and as I pointed out, those are things like roads, libraries, et cetera, which are in here. There is a chunk which is the Direct Academic Costs (\$89.8 million) for the three colleges (Arts and Sciences, Engineering, Architecture, Art and Planning), plus some other pieces, the Africana Center, and there's a few other smaller elements which are in this same general category. Another total piece is the expenditures for financial aid. These pieces are embedded in here (Direct Academic Costs) show you that from the statutory colleges, or rather on behalf of the statutory colleges, the state provides some funding that we call 'Accessory Instruction.' It's equal to \$9.8 million and it is distributed into these three colleges in proportion to these squares. You can see that the bulk of it goes into the College of Arts and Sciences, and is in a sense a revenue to support the College of Arts and Sciences. As the College will argue with some justification, it is a revenue which is not adequate to the task at hand, that is, of teaching the students who come with it.

"Financial Aid--it shows you that this represents the total for the university, but it shows you that the statutory colleges pay into the Financial Aid budget \$4.3 million. The statutory colleges pay financial aid for statutory students. It doesn't come out of other revenues, and the designated colleges, and again we're talking here principally about the Hotel School, similarly pay the financial aid for their students. This is called Tuition Retainage here, and that's an interesting designation, because in essence the tuition which the statutory students pay contains in it two major elements, one of which is called Tuition Retainage, and which is payment for services rendered by the endowed general purpose unit, and

among those services is the payment of financial aid, so a big piece of the tuition for the statutory students is in fact a contribution to the financial aid budget.

"When we look over on the other side here (Figure 3, Indirect Support Costs), these pieces embedded in here indicate how much is being paid by these various units, statutory colleges, enterprises and services are things like Residence Life and so forth, which have to pay some of the administrative costs that are paid through this budget. The Medical College pays in a small amount, because indeed it has to support the President's office. After all, he spends a lot of time on their behalf, and a few other things. And these are the designated colleges again, Law, Hotel, and the Graduate School of Management.

"So this demonstrates the linkages that I was talking about before. Now here are some graphs which I think you'll find interesting, and the next thing I'm going to show you are some graphs that show how expenses have grown over the years (Figure 4), and it's interesting to look at the behavior of different revenue streams coming into this endowed General Purpose budget. Tuition and fees have increased, as we're all very well aware of, in a fairly steady fashion. Accessory instruction, this is the amount the state is paying in for tuition in support of the teaching done in the endowed colleges to statutory students. This is the net. One of the reasons that we have a problem in this area is that the flow of students from endowed to statutory has been declining, at the same time that the flow of students from statutory to endowed has increased. And the state has said to us that they believe that about three years ago they were paying about the right amount and that if the statutory students were going to continue to migrate, that they felt that the statutory colleges should begin to bear some of the costs, rather than it being a direct charge to the state. So one of the reasons that this has not grown significantly is that it is now growing in response to the higher education price index, which doesn't grow as fast as our costs are growing. It's interesting to look at investments. These are revenues that are unrestricted, from the endowment, and you'll notice that they have actually decreased. Now the reason for that was a strategic decision made by the Board of Trustees. They started making the decision back here in 1984.

"The investments have been managed cautiously over the last few years and we've generated total returns, if you want to think in those terms, of about twelve percent. If you spent seven percent it meant that your principal grew by five. That isn't good enough to keep up with inflation, at least further back. And if the university back here had been spending at that higher level, and if you did some arithmetic, you could show that not only was part of the failure of our endowment to grow due to that regressive payout, but if we kept it up, the endowment actually somewhere into the third decade of the next century, which isn't so long away, would begin to

come down. The thing which the Board did was to reduce the payout in 1989 to what is considered to be the appropriate level of 4.4 percent, which will allow the endowment to grow at some rate above seven percent, and the actual dollars paid out each year will actually increase at some number like five, six, or seven percent, which is much more in keeping with what the cost of our programs increase. So, while this is tough news in the short term, it's the right strategy for the longer term.

"Unrestricted gifts to the General Purpose fund have been completely flat; at the same time unrestricted gifts to the colleges have gone up. The dilemma that this creates is that the unrestricted gifts to this fund could go to pay the heat, the light, the libraries, the salaries, and so forth. Unrestricted gifts to the colleges are usually used for some other purpose than the General Purpose fund would use them for, and therefore, part of our real success in fund-raising has in fact increased the number of new programs and the new things for which money is spent, while not benefiting the general purposes of the university. Most people feel pretty good about the fact that the money is going to the colleges, but if it continues in that fashion, we're going to have to expect the colleges to spend some of it on the kinds of things which it used to be spent for in its entirety back at about this point here.

"Indirect Cost Recovery from sponsored research, and you'll see that it's leveled off, actually this was the budget estimate here, and it has begun to go up again, and at the moment stands a little above this; it looks as though there's going to be about five percent growth in the present year, which is this year right here.

"Tuition retainage is the increased revenues to the fund I'm talking about, from statutory students, and you see that it's grown at a rate roughly like tuition and fees, and Bundy Aid, which is an amount the state gives us as a sort of head payment on the number of graduates, has been pretty steady. And if you look at the others, this one relates to research, and this one relates to how many friends we have and how they see our needs.

"Here's what's happened to growth of expenses (Figure 5), and just a quick glance at that will tell you that most of them have grown rather significantly. By the way, over the period we're looking at, the Consumer Price Index would have gone about to here; it's about forty-fifty percent over this time. Library acquisitions go up and down mainly in response to when they pay the bills, not how much money they have had to spend. They've had a predictable amount of money with an increasing acquisition budget, so for this last period of time here at inflation plus five percent. But when they pay the bills one year or another has made a difference of how wiggly the line is.

"On the computer costs you see we infused quite a bit up to about 1985 or 1986, and since then have been trying to hold the increase in our expenditures centrally for computing to inflation. What's been happening on the rest of the campus is, of course, a continued very rapid expenditure for computing purposes. The thing I'd like to point to which is really most dramatic is the increase in undergraduate financial aid, which you will see has increased two hundred fifty percent in the time that we're looking at, and it's one of the things I wanted to come back and talk to you about.

"Now, as we wrestle with the budget problem, we have now what I think is a reasonably useful model into which we can plug assumptions about all sorts of variables in the system. This (Figure 6) is sort of a partial listing of all of the variables that have to go in--it's a big one--and currently we're looking at a budget for next year which would be based upon these assumptions and possible policies. Now, first of all, inflation will be about five percent. We're looking at increases in tuition rates and these might fall, as you've read in the newspaper, in this range between \$15,000 and \$15,200. This is a much more aggressive increase in tuition than we've had in the previous two years, when it was in the mid-six-percent range, but given the things that we have to do, this is where we think it will be. There is strong pressure from some quarters to increase the reduced tuition fee for graduate students and a strong counter-pressure to keep it the same, or to leave it where it was. It's been set in one place for quite a long time, and one of the things which has happened is that we've accumulated more and more students in the reduced tuition zone, which obviously has an effect upon revenues. So, these other things I think are fairly straightforward, and you can see as you look down this list on the revenue side, that again there is a mixed bag of expectations with respect to growth and no-growth. On this particular one, 'Unrestricted Gifts', I have made a strong demand of our Development Office that they give close attention to trying to enhance above zero percent increase, which we've been living with for several years, and see if there isn't some way in which we can sell to those who support us the view that really, when they give to this budget, they are giving to such things as financial aid, faculty salaries, and so forth. Many of them have said that that's a priority and I'd like to see if we couldn't see some growth in these.

"As we look at expenditures, these are the numbers, and I begin to get to some of the recommendations that were made by this group, or supported by this group, and made by the FCR committee, with Dick Schuler as chair. And let me talk, then, as you look at this, about what we think should happen. We're in agreement that there should be an aggressive attempt to increase faculty salaries. There is disagreement with the perception that universally faculty salaries are low. That comes in part from deans who, as they look at their situation find that they're able to recruit the top candidates and that they're not losing people, and further, when they look at comparisons with what they think are peer schools, they feel that they're

in quite decent condition. But without a doubt, there are some hot spots, or cold spots, I guess would be a better term, where we really need to do something. However, for all that needs to be done to come from the General Purpose fund is not a possibility, and so we are at present proposing that we would provide from the General Purpose fund something above inflation as a pool, and don't think these are hard numbers; these are numbers for a current model. They will get very hard, however, sometime within the next three or four weeks. We can provide from the general purpose pool funds somewhere above inflation, and we can do that for all salaries, but that within a college, the college should then address the issue of how to redirect and reallocate. The colleges should follow the second piece of advice, which I concur in, and we concur in, from the FCR group, that the only way in which we can come to a solution of the problem is to pursue a reduction in the number of faculty. Now the number of faculty has grown somewhat in some of the schools over the last four or five years. In fact, in the last year or so, there has been some significant growth. Part of that is in response to plans, or to reflections of plans, to try to bridge to some retirements that are expected in the future, to try to change directions in terms of programs, and in addition, to try to insure that we're getting younger people into the system earlier. Therefore, the colleges actually have some opportunity to back off from current numbers, in what in some cases is a planned fashion. In other cases, the colleges, I feel, should have a controlled number of faculty agreed upon with the university that is below the number that they have at the present time, and would be then responsive to what was being proposed by the FCR committee. The FCR put it in terms of two percent a year for two years. Now, that may or may not be possible, because the decisions are going to have to be made that really reflect decisions about program priorities and it may be that the opportunity to change or to reduce numbers will not come as quickly as we would like it to come.

"So, what I'm saying to you on two of the items that the FCR addressed, that is, that we should have an aggressive salary policy, is, we agree with that, although not currently seeing it at the level of across-the-board ten percent, but certainly above inflation and with the particular colleges buying our proposal that they will take some of the weight of doing this then in some areas that could be approaching the ten percent. I'm not sure whether any of them will get there. Some individuals, by all means, should get there. The other piece of that is that we should approach the question of how to reduce and undertake to try to reduce, so that we can afford that kind of allocation.

"Now the next thing that was brought up was financial aid, and I've shown you the graph of financial aid growth, and if you look here at undergraduate financial aid, there's a range of entries from 9.4 to 13.2 percent. Let me remind you of something which I think was said at the last meeting, that is, that this past year we had budgeted for something in the order of a sixteen

percent increase. We were successful with our admissions procedures, and had more students than we expected, and actually had a significantly larger increase than that. In fact, a million dollars more funds were needed this year to support the students than had been computed to be the case, even though the computation was based on a sort of optimistic expectation about our recruitment of students. The 13.2 percent that's shown here, if we expend that much, and it's my sense that we will have to, will actually be eighteen percent above the amount we budgeted for this year, and thirteen percent above the amount expended this year. This gets us to the point that a very significant piece of the new revenues that we would get will go into that particular purpose. Now, one of the recommendations from the FCR is that we should keep financial aid policies as they currently stand. I will tell you what our policy is. Our policy is that we will admit students, need-blind. That means that those who do the admissions, that make the admissions decisions, do not know whether the student needs funds or not. That's the first part of the policy. The second part of the policy is that we will assist students in finding the funds that they need to attend Cornell. It doesn't guarantee that we will provide a grant that will insure that they will come to Cornell, and it would be within the policy, and this may sound sort of too legalistic to you, but it would be within the policy to admit students need-blind, and provide them with all the assistance we can give them for loans, and not provide a grant, and we leave them with the decision about whether they can come on that basis or not. I point out to you that a lot of students who apply for financial aid and think they have a need for it, but when we apply the required formulas, and the formulas are required by federal guidelines, don't get financial aid. They get help with the loans, but they don't get any grants. Our policy is already recognizing that when you include the formula application, but the policy as it is stated and on purpose, does not guarantee that we will meet full need, which would be saying that we will always provide grants if they're needed.

"Now, we've been operating up till this point pretty much to meet full need as we have defined it, and we will keep trying to do that. It's possible that as we get into this now even more rapidly growing cost, there's an interaction which you must understand between tuition and financial aid, and that's that they feed on each other, and we're getting into this steep part of the curve with regard to financial aid, and therefore it seems to me that we will have to acquire a policy as I've just described and that that application might have to start this year. We don't know that yet, and this is a high priority thing not to do it unless that's the way we see it.

"Now, the fourth thing which the FCR committee recommended was, I've already really dealt with it, was holding tuition increases on average within inflation plus long-term U.S. productivity increase rates. I think the proposal that we are operating on for this year goes beyond that, but at the moment, we don't look as though we can close the envelope, if you will, unless we do go beyond that.

"Mr. Chairman, I'll be pleased to stop and respond to questions."

Speaker Martin: "Are there questions for Provost Barker?"

Dean Lynn: "The largest single increase on the expenditure side was 20.7 percent debt service. It is a fractional increase. Can you say something about that?"

Provost Barker: "Well, it's a large percentage increase, and it actually overstates it. At the moment, our discourse with donors about the fieldhouse is in a position where to be conservative we have to continue to carry a significant piece of debt service there. It is my full expectation that that will disappear, and bring that back into something like half of what it is. Some of the growth in debt service over the last few years has come from all of the new construction that goes on. As you look at the actual numbers, note that debt service is not a big piece of the total budget, and we're trying to be very careful not to let it become a big piece of the total budget.

Professor Abowd: "Do you know the projected increase of tuition independent of financial aid?"

Provost Barker: "John, I can't give it to you for this year. I mean, it's something that's known because we've been wondering what the situation was. The only number I remember which relates to your question is what would have been the case if we didn't have financial aid for the period that we're looking at on those graphs, roughly eight, nine years. I mean, if we hadn't had financial aid - it's not something we can contemplate - but if we hadn't, tuition would be about \$11,700. Now, that's taking it all out, and it's my sense that right now, the situation is that what we net from tuition, if you want to look at it that way, is something like 65 cents on the dollar, but I'm not sure that that's purely due to financial aid; there may be other cost factors that go into that figure, because everybody who comes in costs you something that you can't avoid. We wondered about it, not because we can do anything about it, but also as a means of trying to get a sense of what does the financial aid expenditure do to the overall budget."

Professor Abowd: "My point is that we're making statements about the university's upcoming tuition and financial aid policy. I would lead with that percentage, because it gives a much more representative view of what's actually happening to the students' costs of going to school. That takes away some of the public relations heat of a large increase in tuition, if we also show an even larger increase in financial aid, so I would urge you to report that."

Provost Barker: "Well, I want to point out that I'm trying not to make a connection between--there is, obviously, a connection between tuition and financial aid--but what you can say has been happening over the last decade is that we've more and more directed the revenues from our endowment to meet the financial aid costs, and it still somewhat exceeds the financial aid costs. But what that means is that the student who is paying full tuition is paying a higher and higher percentage of the cost of their education, so that instead of having the endowment provide everybody with a grant, it's now providing a smaller and smaller subset of students with a grant. That, I think, is still fair, because the revenues from endowment do exceed expenditures for financial aid, but we're getting to the point where that will be exceeded and then the question is, are we playing Robin Hood, and do we have the right to do that? I think we do, at some level, but I'm not sure what that level is."

Speaker Martin: "Are there other questions? Yes, Professor Chapman?"

Professor L. Duane Chapman, Agricultural Economics: "Can you tell me what percentage of student financial aid is in the form of grants?"

Provost Barker: "I'm going to make a guess, and I wish I didn't have to, it's about a third, or something like that. I didn't bring my analytical people with me, and most of what is done with financial aid is in the form of loans, because the way the system works, which I think you understand, is that you start with what's the full cost of the student that we allow, and what can the student provide, and what can the family provide, what can we do with the loans which are needed, and the grant is the last thing that goes into the package. I wish I could give a more precise answer."

Speaker Martin: "Other questions or comments? Professor Holcomb?"

Professor Donald F. Holcomb, Physics: "I have a couple of comments, not exactly on behalf of the Financial Policies Committee, of which I am a member, but I would like to relate some of the discussions which were in the Financial Policies Committee as they relate to this. The tuition increase. I think perhaps the most useful thing to say is that there was some discussion in the Financial Policies Committee not only about what this number should be, but how it should be arrived at, and unless I am mistaken, this budget is still bound up. You look at what you want to do, decide what it's going to cost, and then at the tag end you set the tuition rate to balance the gap. There is another way to do this, and that is to set up a policy on tuition increases, and then set your expenses to be within that limit. It's more the way in which most of our personal finances go. We're unfortunately not able to adjust our income to meet our expenses. There's a lot of discussion about that within the Financial Policies Committee, that issue wasn't our prerogative, but I think many of us are worried about this still almost essential bottom line."

"The other comment to make, is maybe a couple of things about salaries. I think it's perfectly clear that the ten percent number which came out of the Financial Policies Committee was essentially a statement rather than an accurate number. A few things about them just to remind us all, one, is that that percentage increase in the budgetary costs for faculty salaries does not represent the average faculty salary increase for an individual, that's the total amount. Of course, if we had a state of dynamic equilibrium, that number for faculty salaries could remain at exactly the same number, but everybody would get an increase every year, so that one has to watch that number with respect to what it means about individual faculty salary increases. I remind you that the Financial Policies Committee was really driven by, I suppose mostly by comparison between Cornell and other universities, and of course, there is this endless discussion about whether it is more expensive to live in Ithaca than wherever, and that's really an insolvable question, I think. One thing I would warn, and that is that deans are not necessarily the right place to find the full implications of faculty salary policy. There are questions of morale and energy and dedication on the part of the faculty which are connected to salaries, and when a person at Cornell looks at a, quote, peer institution, and understands that people who by the standards of the profession are in similar situations, but have a salary which is \$10,000 a year more, that person may not in fact be threatened to leave Cornell for one reason or another, but there may well be implications for the health of the institution. But I think I would just warn that deans are not the only people one should look to in deciding whether there are problems with faculty salary structures.

"Let me just make one more thing which is really kind of a brief comment on the Financial Policies Committee. The Financial Policies Committee hopes that it will not go dormant between now and the time that the fire really gets turned up on the griddle, sometime toward the end of next summer. There are many entries which we hope we will be able to investigate which are really hidden in that budget. Just as an example: the so-called enterprise units on campus who may be mandated to operate with no net gain or loss, but the money in there frequently goes around the horn in such a way that there are real costs associated with that. I suppose the simplest one is to look at housing and dining. These so-called enterprise units are not enterprises in the sense that one understands in a free enterprise system. There's basically a captive audience, and the buyer has very few alternate choices. We hope to ask the administration to help us understand about many of the things, enterprise units, student services, many things which have a strong implication on the total cost of doing business. I'm sorry to use this example, but it just sticks out in front of all of us. The Campus Store is a thriving enterprise. Whether in fact the placement of pseudo-Greek porticos on the Campus Store is something which enhances the quality of life for people here, it clearly costs money, and we hope to really try to not just superficially look at that kind of question, but ask

ourselves, have we become accustomed to some kind of standard of living in quotation marks which really is no longer necessary. We hope to continue to interact with the administration."

Provost Barker: "It's the larger policy issues that we should be talking about, and it would be interesting to perhaps present you with a budget that starts with a policy on tuition, because if in fact we follow the prescription that it should be at or close to inflation, I think our sense, my sense, is that it isn't. At the moment we're not doing it all one way or all the other. We're taking the pieces and pushing them back and forth, but it's quite clear we're trying to address perceived needs as we can address what the tuition should be."

Speaker Martin: "The member in the back, please?"

Professor Frederick Ahl, Classics: "As a member of a mostly tenured department, with perhaps a total of two out of the thirteen faculty members making as much as what is listed as the average Cornell salary, I find your remarks somewhat disappointing."?

Provost Barker: "Thank you."

Speaker Martin: "Are there other comments? Yes."

Professor James Gillett, Natural Resources: "How do you build reserves for contingencies like all the losses you hear about law suits?"

Provost Barker: "Well, on some of the things we carry insurance, and on others we've been fairly lucky. I mean, we haven't had a big hit yet. One that is really threatening is the one which is just beginning, and that is the one which involves possibly a class action suit relating to tuition and financial aid. For the most part we have covered those things, but we have a contingency fund each year, and we try to carry a reserve which if it didn't go for those purposes would go into the endowment for reserve as a source of revenue, but not spending the principle. It's about the only thing you can do.

Another question: "What about tuition increases or loss of students?"

Provost Barker: "It would force the complete readjustment of how we function. I mean, I haven't heard anyone do any arithmetic on it, but if you take the suit to proceed as a class action by all the students over the last five years, and if the finding was that we had say overcharged on tuition by something like a thousand dollars, then you multiply that by three, add on to that the costs of the defense and so forth which will go on, it's got an impact. Then if there was a finding with regard to financial aid. Now, my view is that there is no foundation for it. We can

talk to our peer institutions about tuition and financial aid, but in my knowledge of how we set tuition, it's not related to the others except in where they are. We know for sure on the basis of public figures for last year and then looking and seeing, well, if we do this, what will happen. On financial aid we have been trying to be sure that students who get admitted to several places in the Ivy League make the decision without reference to their finances, that is, that the package would be equivalent wherever they went, on the theory that that made the decision academic and not financial. I think the theory of the market place might say that financial aid is a perfectly legitimate variable in the equation, so we'll just have to see how it comes out."

Speaker Martin: "Professor McAdams?"

Associate Professor Alan K. McAdams, JGSM: "If peer institutions raise their average faculty salaries at approximately the same rate as they have over the last several years, it will appear that this faculty increase that has been presented for the faculty salaries could cause Cornell to continue to lose ground. Isn't that right?"

Provost Barker: "Well, Cornell, as I read the data, Alan, and we have to get them back up, and I don't have them here, the relative standing has moved about, it has been up, it has been down. Yes, the answer is possibly that that will happen, particularly if somebody does something aggressive like change some of the fringe benefits, and things like that."

Professor McAdams: "I'm talking about averages, and things like the average of the presentation as made by the committee was about eight and a half percent, which is the rate at which our peer institutions have been raising their salaries over the last several years, and it looks like that would be about the top that would be anticipated here. It would then suggest that with an aggressive attempt here, we at best will hold even."

Provost Barker: "That is possibly correct. Now, that's going to depend upon how much readjustment can be made. We agree with the FCR committee that if you're going to achieve those higher numbers, you're going to have to have more readjustments, and my sense is that we can try to assist in that budget, but it doesn't make good sense for the central administration to be trying to manage inside the colleges how they're going to make those readjustments. I think that what we're saying is that at least in this year, and perhaps in the future, we'll be able to have the general purpose fund get above the inflation rate in terms of the faculty support but that anything that going to be significantly above that is going to have to come from readjusting what we do and how we do it."

Speaker Martin: "Professor deBoer?"

Professor P.C.T. deBoer, Mechanical and Aerospace Engineering: "We get conflicting reports of the impact on sponsored research. Some people claim that that will increase the deficit because the overhead doesn't cover it all, and other people say it brings in extra money. I'd be interested in your reaction on that issue."

Provost Barker: "The recovery of indirect costs for what is classified as sponsored research by expenditure, that is, in the accounting system, things are accounted for as expenditures and categorized as instructional, I'm simplifying, but that's the main split. Whatever gets accounted for research is then seen as contributing to the direct costs of research efforts. We are required, because of the government sponsored research activity, to also look at all those indirect costs, and to spread them between instruction and research on the basis of a whole series of algorithms that have been discussed and agreed to between us and the representatives of the granting institutions. Now then, if I go back to my original point, we currently have expenditures categorized as research, that is, whoever has control of them has spent them for something, and the accounting system counts them as research, that exceed the amount of indirect costs we recover from sponsoring agencies by something of the order of twenty percent. These are expenditures being made from funds which do not have indirect costs associated with them, and that's the sense in which we don't recoup the indirect costs. Those who are paying indirect costs are indeed paying their fair share, and I think there is a communication problem in that, because it's quite proper for me to say we only recover eighty percent. But if you don't understand why that is, or whatever the number is, it's less than eighty at the present time, what that reflects is then a steady increase in gifts, principally, to the institution which then have been spent for research, and because we must be legal and fair in our accounting, are counted as research and which are not carrying the indirect costs with them. Therefore, the federal government says they will pay their fair share but not a penny more, so that the actual effect of those funds, indirect costed expenditures, is that you spread the cost of the indirect cost of research across a broader base and actually keep, if you will, the rates down on the ones which are paying them. But somebody has to pay the ones that aren't being paid, so that's the general purpose fund that's paying them. Does that help you understand? It's a true statement that we don't recover them all, but the individual who is actually paying them at the full rate is paying the fair share. So, I leave it to you--is research paying for itself or not?"

Speaker Martin: "Mr. Dean?"

Dean Lynn: "Mr. Speaker, we're approaching the hour of adjournment, and I thought I would thank the Senior Provost for his comments. As we approach the twenty-third of December, due to the change in the calendar, I ask you all to think about the fact that we started a week later this year. I know

it's a stressful time for everybody, and I thank you all for taking the time to be here today, and we all wish you a happy holiday and a happy New Year."

Speaker Martin: "If there is no further business, we are adjourned. Please sign in, if you did not do so."

The meeting was adjourned at 5:45 p.m.

Mary A. Morrison
Secretary

ACADEMIC FRAUD GUIDELINES

PUBLIC HEALTH SERVICE

1. Violation:

- fabrication, falsification, plagiarism, or other practices that seriously deviate from norms accepted within scientific community for proposing, conducting or reporting research.

NATIONAL SCIENCE FOUNDATION

1. Violation:

- fabrication, falsification, plagiarism or other serious deviation from accepted practices in proposing, carrying out or reporting results from research;
- material failure to comply with Federal requirements for protection of human subjects, public or laboratory animals;
- failure to meet other material legal requirements governing research.

CURRENT UNIVERSITY POLICY

1. Violation:

- plagiarism, falsification, fabrication, forgery of documents, abuse of confidentiality, or assisting another to commit the above.

PROPOSED UNIVERSITY POLICY

1. Violation:

- same as current policy with addition of other practices that seriously deviate from norms commonly accepted for proposing, conducting or reporting research.

2. Inquiry:

- initial information-gathering and fact-finding to determine whether allegation warrants investigation, written report summarizing evidence reviewed and interviews and stating conclusion, maintain documentation for 3 years.

2. Inquiry:

- same as PHS, but:
- no express requirement for written report summarizing review, no 3-year document retention requirement.

2. Inquiry:

- protection of confidentiality.

2. Inquiry:

- protection of confidentiality,
- conduct interviews as necessary,
- written report,
- solicitation of comments of subject.

- 3. Inquiry Time Limit:**
- initiated immediately upon allegation,
 - completed within 60 days of initiation,
 - excess of 60 days requires documentation of reasons for exceeding time limit.

- 3. Inquiry Time Limit:**
- must promptly initiate, complete within 90 days,
 - if limit is exceeded, continued NSF deferral may depend upon submission of progress reports.

- 3. Inquiry Time Limit:**
- not specified.

- 3. Inquiry Time Limit:**
- normally concluded within 60 days of report of violation.

4. Notice to Agency:

- conclusion of inquiry if determined that investigation is warranted,
- notice includes name, general nature of allegations, PHS application or grant numbers involved.
- at any time if facts indicate:
 - PHS funding for individual or ability to ensure appropriate use of Federal funds is impacted, an immediate health hazard,
 - Federal funds or equipment threatened, need to protect interests of persons making allegations or subject to allegations or associates, it is probable that incident will be reported publicly, reasonable indication of criminal violation.

4. Notice to Agency:

- same as PHS, but no specifics on form of notice.
- at any time if:
 - seriousness of misconduct warrants, immediate health hazards are involved,
 - NSF resources or other interests need protecting, Federal action may be required to protect interest of subject or others,
 - scientific community or public should be informed.

4. Notice to Agency:

- not addressed.

4. Notice to Agency:

- notice to agency or sponsor upon conclusion of investigation in event of a finding that academic misconduct has occurred, notice prior to conclusion of investigation where deemed advisable to protect a public or private interest,
- incorporation of all sponsor or agency requirements.

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| <p>5. <u>Commencement of Investigation:</u></p> <ul style="list-style-type: none">- within 30 days of completion of inquiry. | <p>5. <u>Commencement of Investigation:</u></p> <ul style="list-style-type: none">- not specifically addressed, time limits run from prompt initiation of inquiry. | <p>5. <u>Commencement of Investigation:</u></p> <ul style="list-style-type: none">- not specified. | <p>5. <u>Commencement of Investigation:</u></p> <ul style="list-style-type: none">- not specified. |
| <p>6. <u>Investigation:</u></p> <ul style="list-style-type: none">- examination of all documentation, interviews of principals and witnesses summarized and provided to interviewed party for comment or revision, securing appropriate expertise,- documentation made available to agency, report of findings submitted to subject for comment,- similarly, persons raising allegations should be provided portions of report that address their role and opinions, final report submitted to agency. | <p>6. <u>Investigation:</u></p> <ul style="list-style-type: none">- keep NSF informed during investigation, provide NSF with final report of investigation. | <p>6. <u>Investigation:</u></p> <ul style="list-style-type: none">- conducted by dean or unit head- right to representation by legal counsel,- consultation with experts as appropriate. | <p>6. <u>Investigation:</u></p> <ul style="list-style-type: none">- conducted by dean or unit head,- examination of all documentation, interviews with principals and witnesses,- preparation of written summaries of interviews provided to interviewees for comment and/or revision,- written report circulated to subjects for comment,- consultation with experts, written report and recommendation submitted to Dean of Faculty for action. |

- | | | | |
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| <p>7. <u>Investigation Time Limits:</u></p> <ul style="list-style-type: none"> - completed within 120 days of initiation, - may request extension - request to include reasons and an interim progress report. | <p>7. <u>Investigation Time Limits:</u></p> <ul style="list-style-type: none"> - within 180 days, in event of delays beyond 180 days, continued NSF deferral may require periodic progress reports - ordinarily NSF proceeds with own investigation if report not received within 180 days. | <p>7. <u>Investigation Time Limits:</u></p> <ul style="list-style-type: none"> - not specified. | <p>7. <u>Investigation Time Limits:</u></p> <ul style="list-style-type: none"> - normally concluded within 120 days of referral by Dean of the Faculty. |
| <p>8. <u>Agency Rights and Responsibilities:</u></p> <ul style="list-style-type: none"> - oversight and review of institution's conduct under the policy - may intercede and institute investigation of its own, - may take independent steps to impose sanctions against investigators or institution. | <p>8. <u>Agency Rights and Responsibilities:</u></p> <ul style="list-style-type: none"> - essentially same as PHS, may take independent steps to impose sanctions of its own and/or end deferral to institution, regulations outline in detail NSF sanctions and interim actions. | <p>8. <u>Agency Rights and Responsibilities:</u></p> <ul style="list-style-type: none"> - N/A | <p>8. <u>Agency Rights and Responsibilities:</u></p> <ul style="list-style-type: none"> - N/A |
| <p>9. <u>Confidentiality:</u></p> <ul style="list-style-type: none"> - require institution to afford confidentiality to persons reporting incident and other related individuals to maximum extent possible. | <p>9. <u>Confidentiality:</u></p> <ul style="list-style-type: none"> - NSF will treat investigative files maintained by NSF as confidential and exempt from FIA disclosure during course of review, to extent possible, NSF will protect identity of informants. | <p>9. <u>Confidentiality:</u></p> <ul style="list-style-type: none"> - reviewers to do utmost to maintain confidentiality and to protect legitimate interests and rights of accused and accuser. - all reasonable precautions to protect interest and reputation of subject. | <p>9. <u>Confidentiality:</u></p> <ul style="list-style-type: none"> - all reasonable precautions to protect confidentiality and legitimate rights and interests of the subject and the person making the disclosure consistent with the need for complete and comprehensive review. |

10. Sanctions:

- sanctions imposed under institutional policy, agency reserves right to impose additional sanctions.

10. Sanctions:

- similar to PHS, reservation of right to impose own sanctions, however, NSF clarifies its range of sanctions in this regulation ranging from a letter of reprimand to debarment in accordance with debarment procedures.

10. Sanctions:

- reprimand to dismissal.

10. Sanctions:

- reprimand to dismissal.

11. Institutional Assurance:

- must file assurance satisfactory to Secretary of PHS that:
 - a) it has established and administrative process that meets requirements of PHS regulation, and
 - b) will comply with its own administrative process and requirements of PHS regulations.

11. Institutional Assurance:

- is required but not specifically addressed in misconduct regulations.

11. Institutional Assurance:

- N/A.

11. Institutional Assurance:

- N/A.

- | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12. <u>External Reports:</u> | 12. <u>External Reports:</u> | 12. <u>External Reports:</u> | 12. <u>External Reports:</u> |
| <ul style="list-style-type: none">- maintain inquiry file for 3 years,- investigation documentation available to PHS,- submission of report of investigation to PHS, see also provisions under "Notice". | <ul style="list-style-type: none">- submission of report of investigation to NSF, see also provisions under "Notice". | <ul style="list-style-type: none">- not addressed. | <ul style="list-style-type: none">- interim notice as required to protect public or private interests,- if concluded that academic misconduct has occurred, investigative report shared with sponsor upon conclusion of investigation, earlier notice and reporting as required by sponsor regulation. |

POLICY ON ACADEMIC MISCONDUCT*

Preamble

The search for truth underlies our academic values as an educational institution. Members of the Cornell community, whether faculty, graduate and undergraduate students, or staff, are expected to perform their scholarly and scientific activities with scrupulous honesty and to meet the highest ethical standards. In all academic work they must respect the facts, the appropriate standards of evidence and the contributions and scholarship of others. Each member is expected to promote such standards of integrity in interactions with other scholars and to participate in review procedures and disciplinary actions as may be appropriate in the case of reported violations of these standards.**

While taking all reasonable steps to protect the rights and interests of individuals whose work or performance is questioned, the University will vigorously investigate allegations of academic misconduct, for such misconduct on the part of any of its members threatens and subverts the fundamental values of the institution as a whole.

Academic Misconduct

Academic misconduct includes any act that violates the standards of integrity in the conduct of scholarly and scientific research and communication. This includes, but is not limited to, plagiarizing the work of others, i.e., intentionally or knowingly representing their words or ideas as one's own; deliberately falsifying or fabricating data, citations, or information; forging of academic documents; abusing the confidentiality of information obtained from colleagues or other persons; intentionally or knowingly helping another to commit an act of academic misconduct, or otherwise facilitating such acts; or other practices that seriously deviate from ethical standards that are commonly accepted within the scientific and scholarly communities for proposing, conducting, or reporting research. Academic misconduct does not include honest error or honest differences in interpretations or judgments of data.

*This Policy shall supersede the Integrity Policy Statement adopted by the Faculty Council of Representatives on April 9, 1986.

**This Policy covers undergraduate, graduate or extramural students only insofar as their actions are not already covered by the Code of Academic Integrity as amended on May 15, 1985.

Procedures

A. Disclosure of Academic Misconduct

Members of the Cornell University community are obligated to report suspected acts of academic misconduct. The initial report of such an allegation, whether on the part of a faculty member, a member of the staff, a student with a University appointment, or any other person with a University appointment, should be made to the Dean of the Faculty.

B. Inquiry

Upon receiving such a report, the Dean of the Faculty shall conduct a preliminary Inquiry into the allegation or other evidence of possible academic misconduct. The purpose of the Inquiry shall be to gather sufficient information and facts to enable the Dean of the Faculty to determine whether an Investigation is warranted. Such an Inquiry should normally be concluded within sixty days of receipt of the initial report of alleged academic misconduct. In the course of the preliminary Inquiry the Dean of the Faculty shall:

- 1) take all reasonable precautions to protect the interests and the reputation of the individual against whom the allegation was made and the person who made the disclosure;
- 2) conduct interviews with complainant, subject or subjects, and others as necessary or appropriate for purposes of the Inquiry;
- 3) prepare a written report that summarizes the evidence reviewed and interviews conducted and includes the conclusion of the Dean of the Faculty as to whether an Investigation is warranted;
- 4) provide a copy of the report to the subjects of the Inquiry and the complainant for written comment, which comments, if any, together with the report, shall become a part of the record of the Inquiry.

In the event the Dean of the Faculty concludes that further investigation is not warranted, he/she shall terminate the Inquiry. In such case, the report of the Inquiry shall be maintained in the confidential file of the Dean of the Faculty for a period of three years, after which such file will be destroyed.

C. Investigation

Should the allegations, in the judgment of the Dean of the Faculty, warrant further investigation, he/she, within thirty days of the completion of the Inquiry,

shall refer the matter to the Dean of the college or the head of the appropriate administrative unit in which the subject is appointed. The Dean or unit head shall conduct a thorough examination and evaluation of all relevant information to determine if academic misconduct has occurred, and shall advise the Vice President for Research and Advanced Studies and University Counsel of such action. The Dean or unit head may designate an ad hoc committee, a standing committee, or other personnel to assist in the conduct of the Investigation. The Investigation shall include but need not be limited to:

- 1) examination of pertinent documentation including relevant research data and proposals, publications, correspondence, etc.;
- 2) interviews of all principals and witnesses whenever possible;
- 3) preparation of written summaries of interviews to be provided to the interviewed party for comment and/or revision;
- 4) maintenance of documentation and summaries of interviews as part of the investigative file;
- 5) consultation with experts from within or without the University as deemed appropriate;
- 6) preparation of a written report including documentation and findings regarding academic misconduct, recommended administrative actions to repair any damage misconduct may have caused, and recommended disciplinary actions ranging from reprimand to termination; and
- 7) submission of the investigative report to the subject(s) and the complainant for written comments, which comments, if any, together with the report, shall become a part of the record of the Investigation.

A final written report, including the comments, if any, of the subject, shall be submitted by the Dean or unit head to the Dean of the Faculty. The Investigation should normally be completed within one hundred and twenty (120) days after referral by the Dean of the Faculty. If, based upon the report, the Dean of the Faculty concludes that academic misconduct has not occurred the Investigation is terminated. In such case, the report of the Investigation shall be maintained in the confidential file of the Dean of the Faculty for a period of three years, after which such files will be destroyed.

D. Disciplinary Action

Should the Dean of the Faculty, based upon the report, conclude that academic misconduct has occurred, he/she shall recommend such administrative action as may be appropriate to repair any damage the misconduct has caused (notice to publishers, etc.) and such disciplinary penalty as deemed appropriate. Possible penalties range from reprimand to dismissal, depending on the seriousness of the offense. The Dean of the Faculty may, in his or her discretion, accept or reject the findings and recommendations contained in the report and prepare findings or recommendations of his/her own.

Should the Dean of the Faculty conclude that disciplinary action is appropriate, applicable University procedures appropriate to the class of researchers to which the accused belongs will be invoked. For this purpose, he/she shall forward a copy of the report and his/her recommendation to the appropriate University administrator for imposition of discipline. The subject may appeal any disciplinary action using applicable grievance procedures.

E. Confidentiality

Throughout the Inquiry and Investigation of alleged academic misconduct, those conducting the reviews should take all reasonable precautions, consistent with the need for a complete and comprehensive review, to maintain confidentiality and to protect the rights and legitimate interests of both the person making the disclosure and the subject(s) of the reviews.

F. Reporting

1) In order to protect the public interest, the interests of the scientific community, a sponsor, or specified individuals, or to insure the integrity of research, persons heading Investigations under this Policy shall inform the Vice President for Research and Advanced Studies of the progress of such reviews in case sponsor or other interactions are required or advisable prior to completion of the Investigation.

2) In cases where it is concluded that academic misconduct has occurred, the Vice President for Research and Advanced Studies will notify and submit reports to sponsors upon completion of the Investigation, or as required by sponsor regulations.

G. Government Procedures

In cases where academic misconduct is alleged to have occurred in the course of research subject to applicable governmental regulations as, for example, violations which may occur in the course of research sponsored by the National Science Foundation and/or the National Institutes for Health, the requirements of such governmental regulations shall apply and supplement and/or, to the extent inconsistent herewith, supersede, the provisions of this Policy. In that event, applicable governmental time periods for conduct of the review process, reporting procedures and other substantive and procedural requirements will be adhered to.

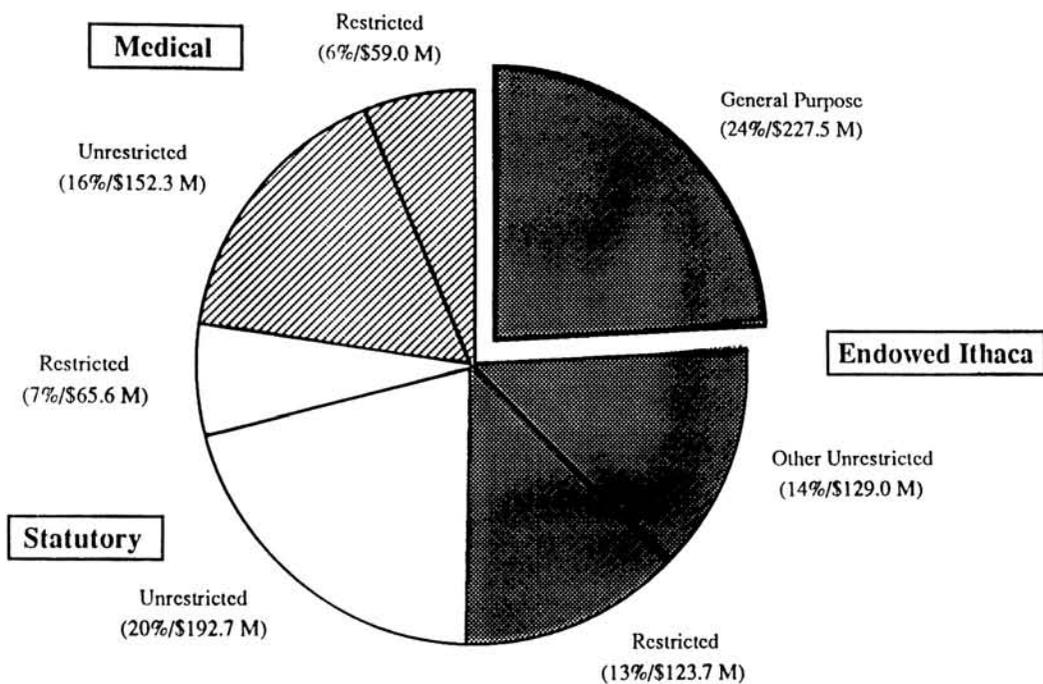
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Cornell University - 1989-90 Financial Plan by Division

\$949.7 M Current Fund Revenue

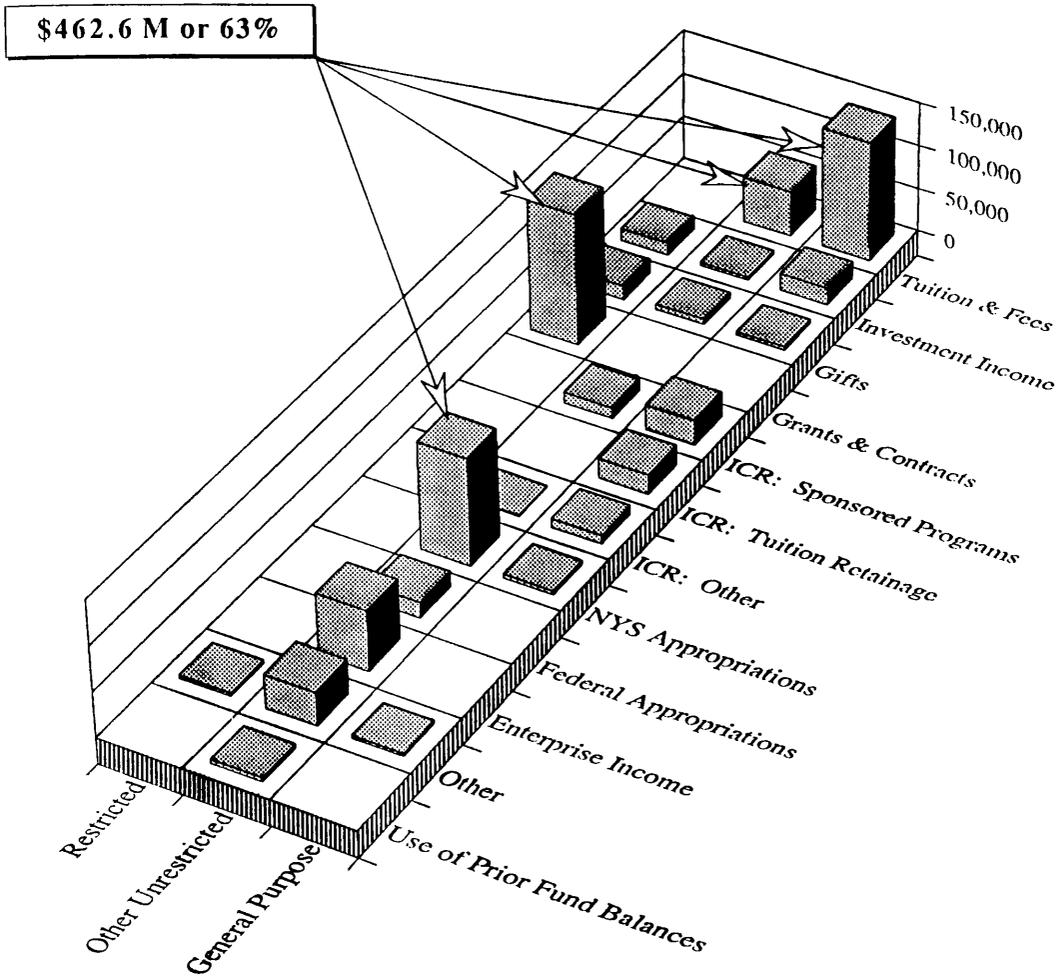
Figure 1

(showing major fund groups)



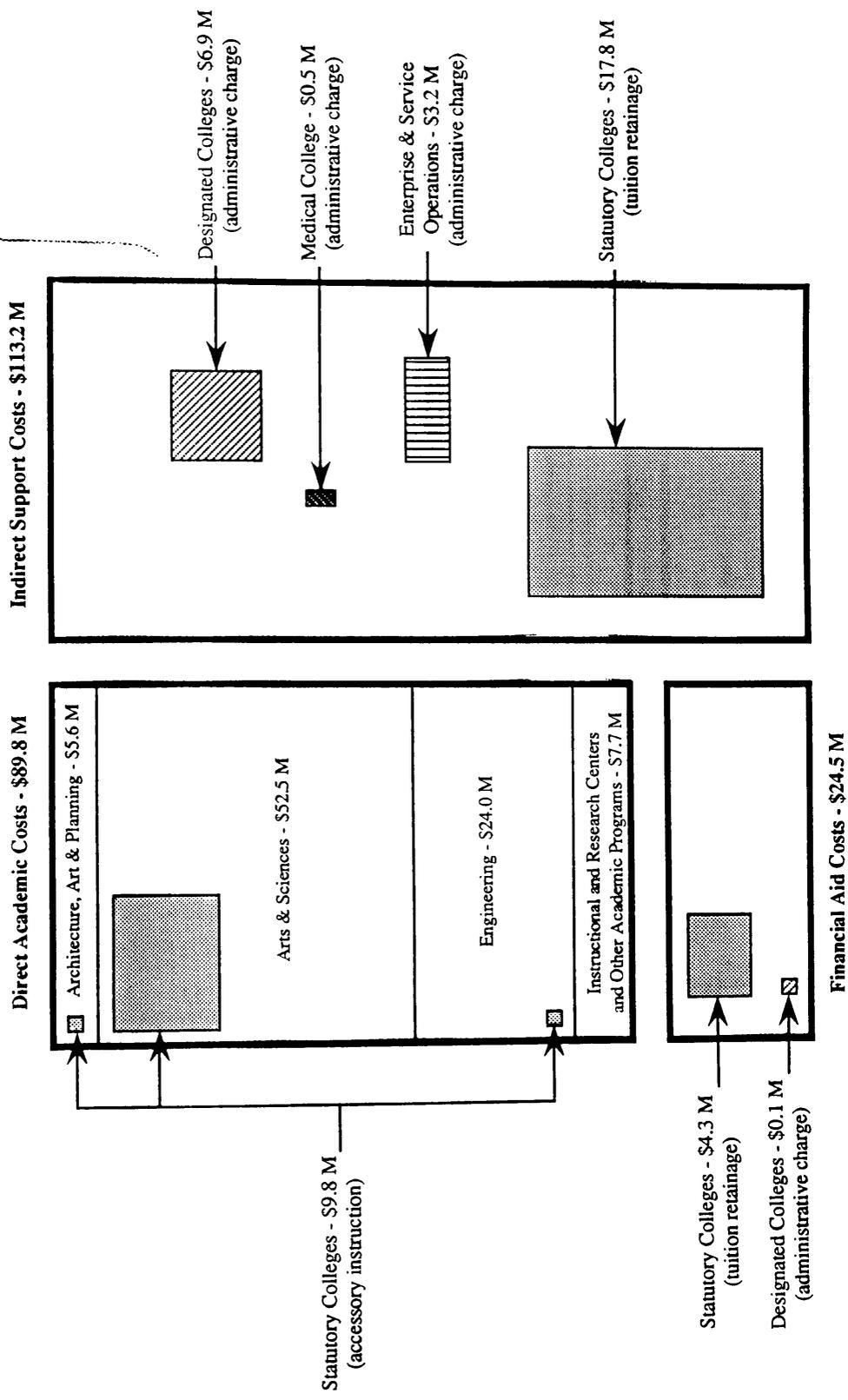
Ithaca Campus - 1989-90 Financial Plan by Source Figure 2

\$738.5 M Current Fund Revenue



Endowed Ithaca General Purpose Budget Multiple Functions = Multiple Ownership 1989-90 Total Budget - \$227.5 M

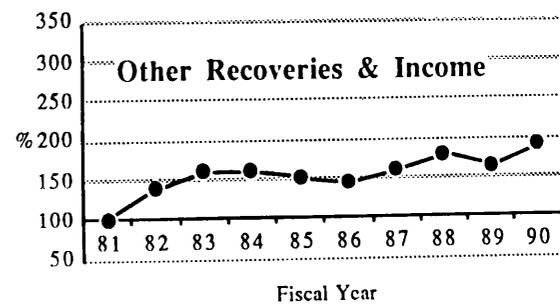
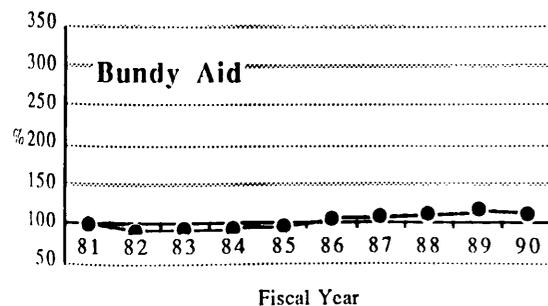
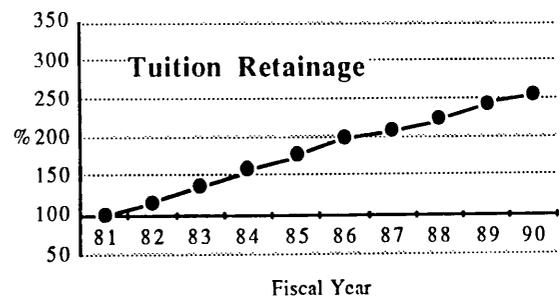
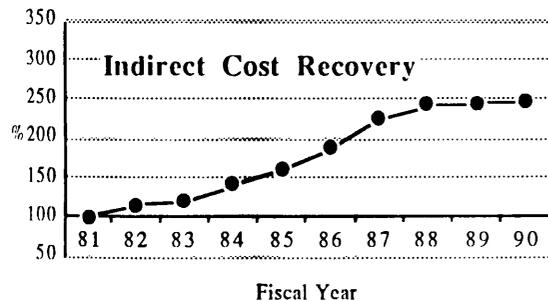
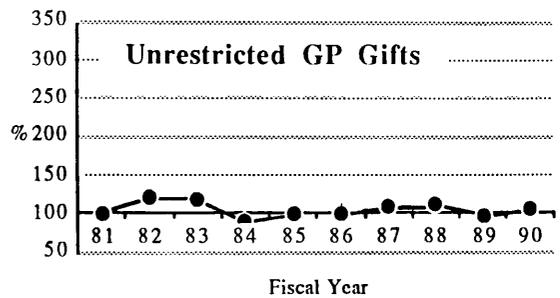
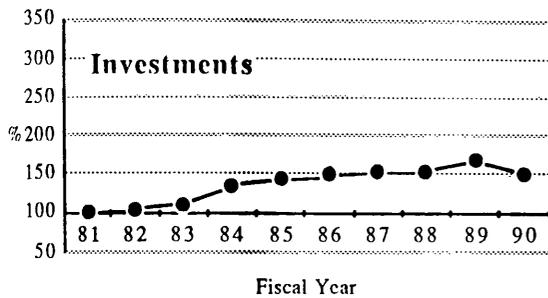
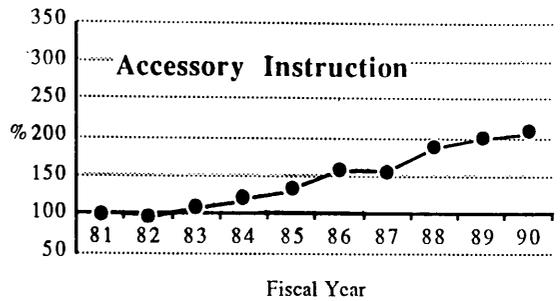
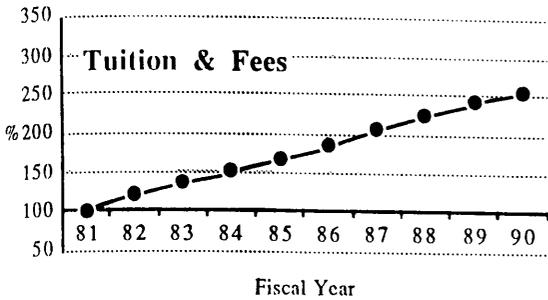
Figure 3



Endowed Ithaca - General Purpose Budget

GROWTH OF INCOME

1980-81 through 1989-90 (1989-90 data are as budgeted)

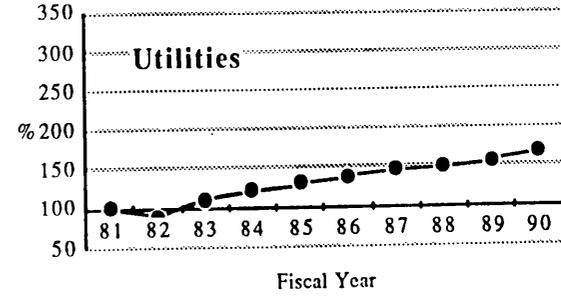
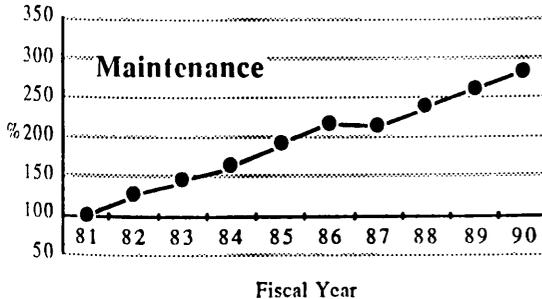
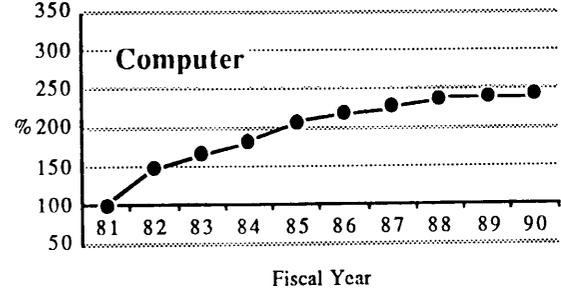
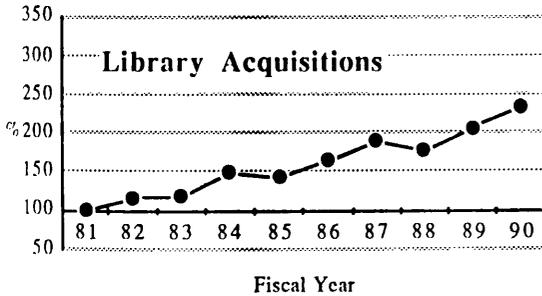
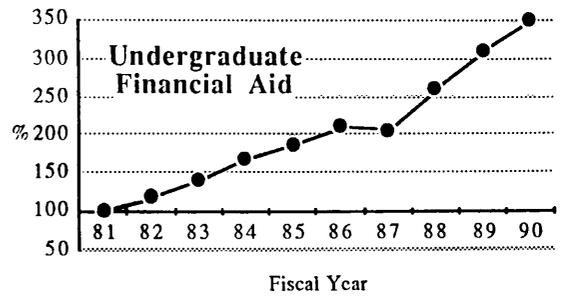
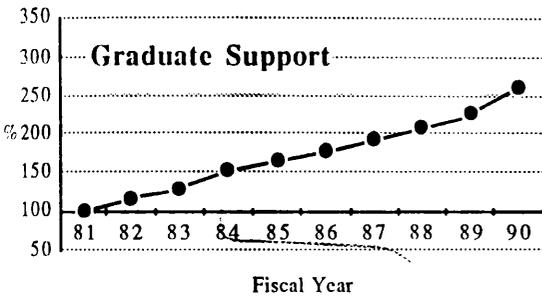
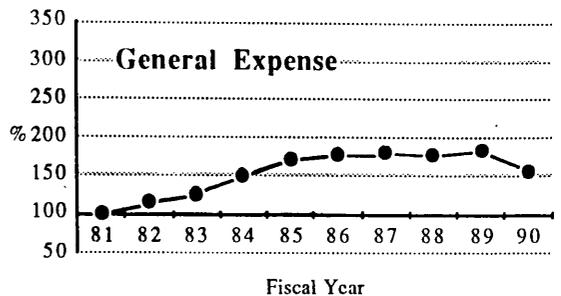
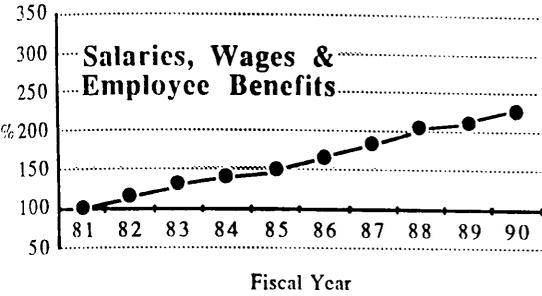


Endowed Ithaca - General Purpose Budget

GROWTH OF EXPENSE

1980-81 through 1989-90 (1989-90 data are as budgeted)

Figure 5



**Endowed Ithaca—1990-91 General Purpose Budget
BASIC BUDGET GROWTH ASSUMPTIONS**

Inflation

Consumer Price Index	5.0%	Estimate for fiscal year 1990-91.
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Revenue

Tuition Rates		
Undergraduate & Graduate Full	7.1-8.6%	From \$14,000 to \$15,000-15,200.
Graduate Reduced	29.0%	From \$3,100 to \$4,000.
Enrollment		
Undergraduate	0.0%	7,033 FTE-paying students (Fall/Spring)
Graduate	0.0%	1,700 full tuition, 750 Endowed reduced, 261 Statutory reduced.
Application Fee Rates	10.0%	Biennial increase in rate = 5% per year.
Accessory Instruction	4.0%	Net of Statutory and Endowed payments.
Investment Rates		
Long Term Pool Payout	5.6%	Planned growth in payout.
Short Term Pool Return	1.4%	Decrease in average monthly balances.
Unrestricted Gifts	0.0%	Mostly composed of Cornell Fund gifts.
NYS Bundy Aid	0.0%	Based on number of degrees awarded.
Indirect Cost Recoveries		
Sponsored Programs	5.0%	5% growth over 1989-90 forecast; 9.1% over 1989-90 budget.
Statutory Tuition Retainage	7.8%	<u>Tentative figure.</u>

Expenditure

Faculty Salaries	6.0-8.0%	May be augmented with other funds.
Non-Faculty Academic Salaries	6.0%	
Staff Salaries	6.0%	1% may be held to address structural adjustments mandated by the reclassification review.
Non-Exempt	6.0%	Includes 1% to pay for increase to grade minima and structural adjustments.
Employee Benefits	2.0%	Non-academic benefit rate to rise from 26% to 26.5%; rising to 27% in 1991-92. Academic benefit rate to rise from 29% to 30%; rising to 30.5% in 1991-92.
Undergraduate Financial Aid	9.4-13.2%	Remainder not covered by students, families, federal and state sources, and endowments.
TA Stipend	8.0%	Minimum 9-month graduate stipend from \$7,500 to \$8,250. Tuition increase for TA stipend budget.
TA Tuition	6.0-8.0%	Equal to tuition increase.
Graduate Fellowships	6.0-8.0%	Equal to tuition increase.
Student Wages	10.0%	Across the board adjustment to wage scale.
Library Acquisitions	10.0%	Consumer Price Index plus 5 points.
Allocated General Expense	3.0%	Consumer Price Index minus 2 points.
Utilities & Maintenance	9.6%	Includes additional \$918 thousand for new and renovated facilities.
Debt Service	20.7%	Includes additional \$733 thousand for new facilities.

Endowed Ithaca—1990-91 General Purpose Budget
POSSIBLE CHANGES IN REVENUE AND EXPENSE
(dollars in thousands)

Figure 7

Revenue	Revised 1989-90 Base Budget	Fraction of 1989-90 Budget	Possible Rate of Change	Incremental & Inflationary Funds	Possible 1990-91 Plan
Tuition (@ 8%) & Fees					
Undergraduate Tuition	98,462	.431	8.0%	7,877	106,339
Graduate Tuition	26,967	.118	10.4%	2,817	29,784
Other Tuition	1,796	.008	4.3%	77	1,873
Fees	2,250	.010	4.8%	109	2,359
Accessory Instruction	8,491	.037	3.8%	326	8,817
Investments	18,546	.081	4.0%	737	19,283
Unrestricted Gifts	3,779	.017	0.0%	1	3,780
Bundy Aid (NYS)	4,451	.019	0.0%	0	4,451
Indirect Cost Recoveries					
Sponsored Programs	28,802	.126	5.0%	1,440	30,242
Tuition Retainage	22,670	.099	7.8%	1,774	24,444
Other Recoveries	9,430	.041	4.9%	458	9,888
Other Revenues	2,658	.012	1.1%	28	2,686
Total Revenue	228,302	1.000	6.9%	15,644	243,946
Expense					
Salaries, Wages & Benefits	127,893	.560	6.6%	8,487	136,380
General Expense	20,418	.089	4.0%	822	21,240
Library Acquisitions	4,260	.019	10.0%	426	4,686
Physical Plant Costs					
Maintenance	7,349	.032	8.6%	632	7,981
Utilities	12,928	.057	10.1%	1,310	14,238
Student Support					
Undergraduate Financial Aid	18,514	.081	13.2%	2,446	20,960
TA Stipend	5,737	.025	8.0%	459	6,196
TA Tuition	10,785	.047	8.0%	866	11,651
Graduate Fellowships	5,752	.025	8.0%	460	6,212
Student Wages	1,184	.005	10.0%	118	1,302
Other	1,016	.004	19.8%	201	1,217
Debt Service	3,551	.016	20.7%	734	4,285
Other Expenditures	8,654	.038	(13.1%)	(1,138)	7,516
Contingency (~0.5% of revenue)	261			939	1,200
Total Expenditures	228,302	1.000	7.3%	16,762	245,064
Net from Operations with Tuition @ 8%					(1,118)
Net from Operations with Tuition @ 7%					(1,834)
Net from Operations with Tuition @ 6%					(2,549)
'Financial Aid-less' Budget (Tuition @ 8%)					(153)

Minutes of a Meeting of the Faculty Council of Representatives

April 11, 1990

The Speaker, Russell D. Martin, called the meeting to order. He indicated that a quorum was lacking, but would proceed with items not requiring a vote. He called on Dean Lynn for remarks.

1. REMARKS BY THE DEAN

Walter R. Lynn, Dean of Faculty: "I'd like to call your attention to something which I hope is already obvious to you. Due to the excellent work of Judy Bower and the members of the staff in the Dean of Faculty's office, we have produced a new volume of the *Faculty Handbook* which should have come in the mail to you. We have the capacity to both amend and keep this volume updated. So if you see any omissions or material that ought to be added, please let us know. Within each dean and department office and in the libraries are volumes that are three-ring punched and they've been produced so that we can keep them updated, and you ought to be aware of the fact that the most current version of this handbook will always be in the department or dean's office or the library.

"The second item is that one of the delightful jobs in the office of the Dean of the Faculty is to produce the five-year calendar. As I pointed out to you last year, this dean, each new dean, learns a lesson about the calendar, which is, 'don't touch it!' But there is an obligation that we have to add a fifth year, and that has now been completed and will be published in the *Chronicle*. If anybody has need of the five-year calendar, which includes the years now through 1994-95, copies are available in our office and in the Information and Referral Center.

"The last item I want to call to your attention relates to an activity of the Committee on Academic Programs and Policies. There has been a suggestion that that committee examine what goes on in the saga of evening prelims at Cornell. In order to initiate this process, the Committee is holding a meeting to hear from all those faculty members and staff who negotiate and arrange for the evening prelim schedule, as well as the associate deans who produce the little memoranda about that matter, in order to get some sense about what Cornell's position is and ought to be about the evening prelim schedule. If any of you have interest in attending, the meeting will be held in the boardroom in Day Hall at 2:45 p.m. on Friday. Mr. Speaker, thank you."

Speaker Martin: "Are there any questions for the Dean? The only other item not requiring a quorum is the issue on Copyright Policy, and the chair will again call on Dean Lynn for a brief chronology of this issue."

2. COPYRIGHT POLICY - CHRONOLOGY

Dean Lynn: "The last time the Copyright Policy appeared before the body, it provoked a great deal of discussion which involved returning the matter to the committee which then examined it in greater detail. There is a long history to the Copyright Policy. It all began in July of 1982 when Don Cooke, who was then the Vice President for Research, produced a so-called third draft of a copyright policy which he sent to the FCR Research Policies Committee. In 1983, there was a discussion with the committee in May, and then in March of 1987 another draft appeared and was considered by the Research Policies Committee. There was an amended version which was sent to the FCR with the committee's approval. It was presented to the FCR at its May meeting, and this body sent it back to the Research Policies Committee and said it was not acceptable, go back and rework it. It was revised in March of 1988 by the Research Policies Committee and approved by the FCR at its April meeting and sent to the Board of Trustees for their approval. In May of 1988 the administration withdrew the approved draft from the Board of Trustees' agenda, and the Executive Committee of the Board of Trustees at that point prepared a resolution which directed the University Counsel to prepare a software policy. It found that existing policy unacceptable, and to consult with the FCR and other groups and return it to the January 1989 meeting. The date now is April 1990, and it has not yet been returned, I believe, to the Executive Committee of the Board of Trustees. The Counsel's office in April of 1989 redrafted a policy. It was discussed with the Research Policies Committee, and the Research Policies Committee again expressed its lack of satisfaction with that version. The draft document you have before you, dated March 14, 1990 is the draft prepared by Senior Provost Barker for the Research Policies Committee to bring to you.

"Now, procedurally, let me explain what was decided. The Research Policies Committee decided that instead of itself beginning to discuss the matter in detail, it would first in effect invite all members of the faculty to consider this issue and to hear statements of concern from the members of the FCR and members of the University Faculty and anyone else who had comments to make about the draft policy. The Committee at this point does not have a position to offer you, but it intends to have a recommendation by the May meeting. It has scheduled a number of committee meetings following in order to turn its attention to that policy. Mr. Speaker, thank you."

Speaker Martin: "The chair next invites Provost Nesheim and Vice President for Information Technologies, Stuart Lynn, to entertain questions and discussion on this issue."

3. COPYRIGHT POLICY - QUESTIONS AND DISCUSSION

Provost Malden C. Nesheim: "Mr. Speaker, I do not have much to offer to the history that Walter has described to you. I would be glad to listen to any of the comments that the body has, and if we can answer any questions, we will be glad to do so."

Speaker Martin: "Thank you. The floor is open for questions and discussion. Will you please identify yourself for the record?"

Professor John F. Booker, Mechanical and Aerospace Engineering: "The question that I have is to request some discussion of the section on page two, at the bottom. The crucial issue there is regarding the total worth and what warrants substantial use. I'm trying to get at the definition which says that substantial use is 'when it entails the use of University resources not ordinarily used by, or available to all, or virtually all, members of the faculty.' Now, I'm trying to figure out what that means in the context of an engineer for which things may be ordinary, but they may well be different for the English Department. That's one aspect I'm confused about. Would anyone care to speak to that? There are a whole bunch of questions in there. The other question has to do with students. I believe that what it really comes down to is details about whether and under what circumstances encoded works developed by a student in his/her own thesis is his or hers. As they say, tell me the rules, I'll play the game."

Stuart Lynn, Vice President for Information Technologies: "The issue which I believe, as well as the crux of the difference between this policy and the previous policy is that the previous policy included the concept of extraordinary use in there. Substantial use is defined where you pointed it out on the bottom of page two, and it is also further defined in the appendix. If I could just pick up the example you used, my own interpretation would be the following: Since every faculty member is entitled to an account (within certain limits), on Cornell A or B or whichever mainframe computer it is, and if it is used within those limits, then that would not be regarded as substantial use. To go to the other extreme, if your use is so great as to go way beyond those limits and use up fifty percent of the computer, then such use might fall in the definition of substantial use. Most faculty members have access to typewriters, secretaries writing books, microcomputers on their desks. Something like eighty percent of our faculty have a microcomputer in their offices. No

one's trying to measure that particular microcomputer and see whether it qualifies or not. That falls in the definition of substantial use.

"With regard to your question about students, this policy fundamentally reflects what was in the previous FCR version. The difference is whether a student is employed in a work-for-hire situation at Cornell. A student working outside or employed on their own, of course, owns the right to work that they produce. On the other hand, if it has ramifications for that graduate dissertation, then that has to be looked at. For example, the university reserves the right to be able to publish that dissertation. If it is work under a grant or extramural sponsorship, then it has to fall under that grant. If it is work for hire for the university, then the copyright would be owned by either the university if it is substantial use, or if it's less than substantial use, to the person for whom they're working would otherwise own it."

Professor Booker: "For an awful lot of students, we're talking about graduate research assistants. Am I correct--well, what I don't understand is what they are doing when they are paid to do it, is that work for hire? For many of us here, we sort of have a feeling that we hire them for eighty hours a week or something like that, and it all gets very blurred. In reality, as I understand it, the point that I'm making and that we may need to look at and understand in this document is that the precision of what exactly is it that they're hired to do when it's only twenty hours that we really technically hire them for. Is that in the statement?"

Vice President Lynn: "That is really the distinction. The same distinction was made in the previous policy."

"I have to say that this policy, whose roots, as Dean Lynn pointed out, goes back many, many years. I'm not sure if it is ethical to answer all questions with absolute precision. I'm sure that special cases are going to arise. I think the overriding problem of the policy is that the university wants to encourage the production of copyright material by the faculty and expects the ownership to be vested in the faculty and in many instances the students, except in certain kinds of areas which the policy attempts to define. One's view varies as to whether you regard those areas as being narrowly defined or broadly defined, but the intent, I think, of the university is to have those narrowly defined."

Professor Robert C. Lind, JGSM: "With regard to the advising and interpretation, obviously at times there are going to be issues in the policy that are going to need interpretation. Will there be an office or someplace that if you have got a question you can call up and get a written answer that says, 'Look, if you use this computer on this project, you're

all right,' or 'If you use this computer on this project, the product belongs to the university,' so that you can resolve these things and go ahead and know what you're doing, as opposed to being in a kind of sea of uncertainty that things will be resolved later."

Vice President Lynn: "That's a good question. The policy points to the Vice President for Research as being the point to which questions get directed. It may well be appropriate to point out the special instances of that, an interface in my office or whatever would facilitate that process. I agree the answers need to be quick and clear to avoid confusion."

Associate Professor Richard S. Galik, Physics: "I have a comment, not a question. I'm afraid that this line, though, in continuing on this example, is forever going to be blurred. I don't know how you'll resolve this, in that one starts on a project and the rules on which you're using the resources could change in the middle of the project and you could have a decision based upon rules that didn't apply at the beginning of the project. What happens by the time the project is complete? The average graduate student will spend three or four years working on a project, and it may be very difficult to keep continuity throughout the long time frame that projects nowadays have to go through. In particular, what may seem extraordinary to some, as you say, and therefore constitutes substantial use, may be nonetheless very easily obtained. I can go and say, 'Well, gee, I need fifty percent of this computer for three months,' knowing that that machine is not in big demand at the time, and they'll say, 'Sure, use it, because we need to have it used in order to look good in our books that it's being used.' So now I will not take that as extraordinary use, and that nonetheless you'll say 'Gee, you violated the rules', after the game started, and therefore it is now substantial use. So, I think these lines are going to be very, very hard to draw, and I'm sure we're going to have lots of bad feelings between many members of the faculty and student body, and how people are going to resolve it."

Vice President Lynn: "Well, I'm not sure that I would disagree with what you're saying. I think that the lines are bound to be blurred. I would hope that it would not lead to bad feelings, but I would hope that people with good faith could respect the fact that there are blurred lines and those people would tend to agree, given there are those blurred areas. I think the areas will vary in both directions, and there are going to be some areas between. I expect that most people would approach those blurred areas with a degree of reason. People act in good faith; areas become blurred. It's very hard to shuffle these things, I agree. Actually, because we're dealing with an area of fast-moving technology and any attempt to sharpen it today may well be outmoded a year from now."

Professor Galik: "I'm not suggesting I have a better way to do it."

Vice President Lynn: "We're not disagreeing."

Professor James Gillett, Natural Resources: "What type of scale of the kind of figure in dollar value, number of pieces?"

Speaker Martin: "Did you all hear the comment or question?"

Vice President Lynn: "With respect to more than substantial use? [Yes.] I don't think anyone's really gone out and measured that. My own sense is that there will be relatively little work that gets done on this campus that involves more than substantial use of resources, and then one gets into a lot of ifs. If something really has any commercially exploitable value, it's probably going to be a rare exception. I think what the administration and Board of Trustees is sort of saying is that in those instances where it appears, we at least want to be involved in the discussion and take a look and see what's the reasonable thing to do."

"Is that the only area of substance, or are you referring to previous policy?"

Vice President Lynn: "Well, the two main changes between this policy and the previous policy are: one is having to deal with substantial rather than extraordinary substantial work, and applying it only to encoded works, not to traditional works, so as not to interfere with the traditional relationship of the faculty in historical kinds of things."

Professor Steven H. Shiffrin, Law: "I assume it is--well, I won't make assumptions. There is a, in subordination to other agreements, on page two, there is a reference there to an exception as to being the authorship of ___ of replacing academic ___, an exception is where there is sponsored research by the university. So far as I can tell, sponsored research is not defined. Now suppose for example that a special grant is given, within a particular school, summer research grant, or particular research, that research is presented as this is worthy of being subsidized over other potential grantees with limited resources. Is that sponsored research by the university within the meaning of this?"

Vice President Lynn: "I'm not sure I understand the example."

Professor Shiffrin: "In the Law School, there are summer research grants. A proposal is given, 'Here's what I'm going to work on this summer.' The dean will either write off or not write off, the dean is an officer of the university. If I were a plaintiff, ultimately suing for defamation arising

out of that, and the academic employee was not a deep pocket, I'd go after the university for its inextricable involvement with this proposal and not looking at it carefully in view of this, subsidizing. One could see at least how one--I don't know what sponsored research means, and I assume it is not in the sense of ___ to include that within sponsored research, so if one just reads the English language, the university is sponsoring that research in a way distinct from the ordinary use of the university. So, if I were you, I would have a definition of sponsored research in this proposal which would avoid that problem."

Professor Arthur Berkey, Education: "Perhaps others of you, like myself, several, two, three or four years ago, were asked to sign a document that was constructed by the University Counsel which had an agreement which--most agreements have rights and responsibilities for both parties. This was, in my opinion, a strict one-way agreement which I refused to sign, and I asked a number of questions to our research office. I never got an answer for that. I asked a year and a half later about it, and was told, 'Well, if you accept the Hatch funds or the research funds you accept this agreement.' So, this proposed policy which I assume is covered by the heading, The May Meeting of the FCR, is just a little bit of the same thing. I see a little bit of the same mentality on page two. It says here, on the bottom of page two, 'As the concept of substantial use evolves with the changes, etc., etc., such definition may be incorporated or appended to this policy.' I would suggest that a crucial issue is what constitutes substantial use, and I was frankly, given that other experience, somewhat uneasy about buying a pig in a poke. If they want to come with a different definition of substantial use later on to the FCR, for endorsement, I think that's perfectly appropriate. Personally I am unwilling to sign a pig in a poke by saying 'You can add any definition that you wish later on,' on substantial use. Now I say that in another context, particularly if you look over on page five, Resolution of Disputes. The last sentence there says, 'The decision of the Vice President for Research and Advanced Studies will be final.' Now, I assume that the Vice President for Research and Advanced Studies also endorsed that other statement which I was so against at the time. So, we have an uncertainty that something can be, that a changed definition can be added from time to time, and we will have all disputes resolved by the same vice president. Now, I would personally vote against this with those types of provisions, and I would urge others to do likewise."

Vice President Lynn: "It's interesting how, when members of the administration try in good faith to put things in an attempt to benefit faculty, you question how they are going to interpret it. But let me tell you what the intent was in keeping it flexible, and maybe that's not the best thing to do, but I can just tell you what the intent was behind it."

The intent was to be able to respond quickly to changes in technology which are happening awfully fast, because that which may be very substantial use today in the sense that it's not ordinarily available to most members of the faculty might well very quickly come on to the threshold of being ordinary use. I'm not going to say what those are, but if I were going back four years, even four years on this campus or less, it is probable that I could not say that eighty percent of the members of the faculty had microcomputers on their desks, and yet that revolution happened very quickly. The intent of keeping flexible by the Provost was simply to be able to respond to changes like that very quickly, in a way that would recognize the fact that more is going, even less than substantial use, and not to try to be restrictive. The problem is that it was probably to try and make sure that we didn't have to go to the Board of Trustees every time, as well."

Professor Berkey: "Well, if in fact there is no specific definition here, why simply bring it back to the FCR. The FCR is being asked to endorse and we meet once a month. I doubt if there is anything that could have happened, any change that we couldn't address within a one or two-month period which could simply come as a proposed amendment to this policy. It's an open-ended thing that anything can be added later and put back in our policy, and then asking us to agree with it. I don't see that your explanation covers that contingency."

Vice President Lynn: "I think it's a valid point and I'll pass it on to the Provost. I was just trying to give you an understanding of what the intent was and it may well be that he will see the benefits of having amendments by the FCR."

Speaker Martin: "Is there anyone else before we come back to the people who have had an opportunity to speak? Yes."

Associate Professor Mary Tabacchi, School of Hotel Administration: I have a couple of really simple questions and maybe I haven't read the document carefully enough. One thing is, are faculty members considered resources of the university? And two is, could you say just a few short words on how this really does benefit the faculty?"

Vice President Lynn: "Well, simple questions are sometimes the hardest to answer. In terms of, are faculty resources, I assume you're asking the question as a definition of substantial resources, since I assume a faculty member is ordinarily available to every faculty member, then a faculty member is not a substantial resource. In terms of how this is intended to benefit the faculty, probably I think there is the feeling that as far as possible for recognizing the confusion that tends to exist. Many faculty I know, with whom I have spoken, and others have spoken to feel that it would

be useful to clear the air, to try to make it clear to faculty that many of the things that they and students do the university does not have an interest in, and in fact, may go to outside publishers or wherever the case may be. The point is, I think, just to clear the air and get the ground rules within reason as clear as possible, and from that point of view, I would think that's the main benefit to the faculty. The second one is to make it quite clear that when you're using a microcomputer in your office you don't have to look over your shoulder at the university and the Board of Trustees and the administration laying claims to what you're doing. I think that's the main purpose behind it."

Speaker Martin: "Before we proceed, are there any FCR members who have not signed in? Your name? [Inaudible.] Ok. Any others? All right. We'll proceed now. Before we go back to any members, we have one, Professor Scheele, did you? Ok. One other to speak, and then we go to the professor of law, the professor of physics and then the professor of education."

Professor Alan Dobson, Veterinary Physiology: "I just have a comment. One of the advantages to the faculty as a whole of having a liberal policy copyright is in the recruitment of the faculty, and this I think is probably one of the major reasons why it would be well to develop such a document."

Professor Shiffrin: "On the substantial use. You say substantial entails the use by members of resources that are not ordinarily used by or are available to all, or virtually all members of the faculty. There are two other things that might be added to that, and I'm curious. You say the use of resources that are not available to all. You could also say, the substantial use. That is, you could imagine a use of resources not available to all, that is not a substantial use of resources. And then, third, you could imagine a substantial use of those resources that was nonetheless not substantially important to the project. That is, one could make substantial use of resources that it turned out had no importance--you know, it just didn't work out--in terms of the project itself. So that there are really different ideas that could be packed into the concept of substantial use. The use of resources not available, the substantial use of those resources, and that those uses of resources were of no significance to the project. As I read this, you have excluded the latter two, and I'm curious as to whether that is your intent."

Vice President Lynn: "Well, I'm not sure, quite frankly, that it was ever thought through. I can't remember any discussion where that came up explicitly. I think it's a good question. All I can do is take it back to Provost Barker and see what he thinks."

Professor Galik: "I have a little difficulty with your response to this comment about redefining substantial use and having it added into the policy. The kind of thing that you responded to in your remark, is simply to require no change to the definition of substantial use as more and more complex technologies become available to more and more. That just means that those things no longer constitute substantial use under the present definition and would not require any redefinition of substantial use. What the function seems to imply here is that you would like to change the definition of substantial use to perhaps maintain priority over things which now have become common, and therefore making it a tighter and tighter policy, a more and more conservative policy, as time evolves, without the consent of the FCR."

Vice President Lynn: "No, I don't think that's the intent. The definition of substantial use contained in the body of the policy, the broad definition doesn't change. The intent was to be a clarifying statement, that is, at a given point of time. It doesn't change the definition substantially."

Professor Berkey: "I have one other suggestion for the committee that's looking at this. On page five, you talk about the responsibilities of the parties concerned. We begin with a general statement that all members are responsible. Then we have a series of four points for which faculty and academic staff are responsible. I suggest that that section either be deleted or we also add a comparable section about the responsibilities of the administration to inform the faculty and provide information and so forth. It seems to me again that this is a one-way document where we haven't spelled out the specific responsibility and obligations of the administration to keep us informed. If we are to make ourselves aware of how are we going to do this, by knocking at the administrators' door or are they going to have the responsibility to keep us informed too? So I think either delete that section or spell out in detail the responsibility of the other party to this proposed policy."

Vice President Lynn: "I think that's a useful point. The responsibilities of the members of the administration are actually scattered through the rest of the policy, and it might be useful to gather them together."

Professor Berkey: "I don't find that specificity as I read it, other than the fact that they can add something later if they want."

Vice President Lynn: "Again, I will point out that these were very much a request of the last policy of the FCR in terms of this responsibility section. So in revising this policy, the attempt was made to tamper as little as possible with what had already been agreed to, but that might not be the wisest approach."

Professor Berkey: "I have never to my knowledge received the specific policy after the presentation that was made after it was signed. I perhaps received it and did not recognize it. But I ask the Dean, if such a policy was voted on by the FCR?"

Vice President Lynn: "This is the policy voted on by the FCR, proposed by the FCR, which as Dean Lynn pointed out in his opening remarks, was one that was not accepted by the Executive Committee of the Board of Trustees."

Speaker Martin: "Do we have any other questions or comments before we move along? Thank you both very much. We appreciate it. We still do not have a quorum. There are two remaining items we cannot vote on. However, it is essential that we call on the Dean to present the slate of candidates because this can be approved by the Executive Committee, which they have to do in order to get it out to the faculty."

4. SLATE OF CANDIDATES

Dean Lynn: "You have, in the call to the meeting, the full slate of nominees. Carol Anderson, who is the chair of the Committee on Nominations and Elections, unfortunately couldn't be here and I'm substituting for her in this regard. I'd like to explain something different about the way the nominees were selected this year, compared to what was done in the past. In the past we've sent out a canvass to the faculty which we were required to do by the legislation. Usually in the process of canvassing, people were asked whether they would nominate themselves, and to ask people whether they would serve, and then giving that set of nominees to the Nominations and Elections Committee. What was different this time is that there was no pre-filtering of the nominees. Whoever was nominated was presented to the Nominations and Elections Committee. When the Nominations and Elections Committee invited people to stand for offices, they were selected as its nominees. They didn't have to give a prior consent before being considered for a nomination through the canvass. So there is a significantly different process involved here. Lots of people turn us down for these offices. This body (the FCR), as the elected body representing the University Faculty, has some serious problems with its own governing structure when in fact it cannot reliably form a quorum, even though when there is no business to transact, meetings of this body are cancelled. It's a matter we all have to consider. Times are changing in terms of the situation facing the university, and I think the University Faculty have to decide at some point whether they want a viable governance system or not. We have a structure; it exists. This is not intended to be a lecture to you. It is a problem that we have as a faculty. So I present this slate to you for your

consideration, and as the Speaker said, the responsibility will fall on the Executive Committee to act in behalf of this body since it lacks a quorum."

Speaker Martin: "We hope that you will take the Dean's message back to your colleagues. When we cannot get a quorum for something like this, it's pretty bad."

"Are there further nominations?"

Professor Karl Shell, Economics: "I would like to add to the list of nominees for Faculty Trustee the name of Anil Nerode of the Mathematics Department."

Speaker Martin: "All right. Are there further, this for Faculty Trustee? In addition, are there other nominations? The chair assumes that you have talked with the professor; he has agreed?"

Professor Shell: "He has agreed to have his name put in and agrees to serve if elected."

Speaker Martin: "Thank you, and would you pass along if you can that we need his biographical sketch by noon tomorrow?"

Speaker Martin: "Thank you. Are there other nominations?"

?: "Did the nomination receive a second?"

Speaker Martin: "No second required. Yes?"

?: "I was just going to second it."

Speaker Martin: "All right. There being none, this is as far as we can go. The slate will now go to the Executive Committee for action before it is sent out. Thank you. Yes?"

?: "You said a wide number of people refused to stand in spite of the fact that they were nominated. Are you talking loosely about half? A quarter?"

Dean Lynn: "The way the Nominations and Elections Committee works is to produce a list of potential nominees, the people they think are best qualified for these positions, from the canvass. In addition, it suggests people who were not canvassed, who did not appear in the canvass. I would say the return, it's a guess, but given the set of nominees and people who are asked, 'will you serve, would you be willing to stand for election,' is

about thirty percent. The people who are nominated agreed to allow themselves to have their names listed on the ballot."

Speaker Martin: "Any other questions? There are two items remaining which we can have introduced and opened for questions and discussion, if you wish."

Dean Lynn: "Mr. Speaker, if I may, I'd like to remind everybody about a previous item. Professor Bates is here; he's the chair of the Research Policies Committee, who will now, having heard your comments, would welcome any additional comments you want to provide to members of the committee about the Copyright Policy. They will be meeting a number of times before the May meeting in order to prepare their recommendations for this body and I'm sure would welcome that. You may send any suggestions to my office."

Speaker Martin: "Thank you. The chair then calls on Professor June Fessenden MacDonald, chair of the Executive Committee of the FCR, for a resolution confirming action of that committee, and amending the charter of the Community and Rural Development Institute. Professor MacDonald."

5. RESOLUTION CONFIRMING ACTION OF EXECUTIVE COMMITTEE IN AMENDING
CHARTER OF THE COMMUNITY AND RURAL DEVELOPMENT INSTITUTE

Professor Fessenden MacDonald: "This is a resolution to amend the charter of the Community and Rural Development Institute that we approved back in November, so it's not to talk about the Institute itself. The Institute has been approved by the FCR. In looking it over, the charter seemed to have been omitted how you amend the charter, and one did not want to have to go back to the Board of Trustees every time that there was a charter amendment for the Institute. Since we did not have a meeting in March, this had to get to the Board of Trustees. This resolution is simply to confirm the Executive Committee action, which was to accept the amendment, saying 'this charter may be amended in a manner consistent with the general purposes and powers contained herein upon the recommendation of the governing board of the Vice President for Research and Advanced Studies and with the approval of the President of Cornell University.' So we approved this amendment and it has since been approved by the Board of Trustees. We have asked that when there are any charter changes, that the Dean of the Faculty and therefore the FCR be informed of those changes, so we will be kept informed on that. Since we cannot vote on this I'm here to answer questions about it."

Speaker Martin: "Are there questions for Professor MacDonald? Ok. Thank you, June. Our final item, and again, we cannot take a vote, but the chair

calls on Professor Ann Lemley, chair of the Committee on Academic Programs and Policies, to present a resolution amending the Code of Academic Integrity."

6. CODE OF ACADEMIC INTEGRITY

Associate Professor Ann Lemley, Textiles and Apparel: "Our committee is proposing essentially three changes to the Code of Academic Integrity, and these arose in a couple of ways. We received requests from colleges for some clarification, as in every case it was due to something, usually an incident that occurs that they don't feel is adequately covered in the Code as it is currently written, and I'll take you through them. The one on page one, we've added a line that 'academic integrity is expected not only in formal coursework situations, but in all university relationships and interactions connected to the educational process, including the use of university resources.' There was some concern that the examples at the end of the Code included this, but there was not enough emphasis that a research relationship between a professor and student in the laboratory and so forth, is indeed, as many other ones, are included in academic integrity, and not just student/professor relationships in the classroom. The what I call the second change actually, I'll do that, which is at the end, on page seven, is a clarification with respect to giving notification. At times, a student from one college comes before the board of another college and, with respect to academic integrity, the recommendation then must be carried out by the dean of the student's college, and there was concern from some of the hearing boards that they don't hear when the recommendation is actually carried out. There already were injunctions to please provide a written explanation if it were disregarded, so, 'and should give notification to the parties' has been added to try to encourage that the deans do communicate to the hearing board of the original college. And the third change was the significant one, and I won't read it through, but on page two and three, and this arises from a suggestion from the Senior Provost, with respect, and I don't need to go into why this issue arose, but that we really had not spelled out, we're getting into the Code again--obviously, that's the topic today--principles for computer use and network systems, and that indeed this was a big enough issue that it ought to be spelled out in the Code of Academic Integrity, and that normal requirements of ethical behavior apply in these cases. What the committee did was, we handled these requests (it was convenient that they all came within the same period of time), and then we proposed them. We sent proposed changes to chairs of academic integrity hearing boards of every college, and we heard back from the majority. There were a few that we did not hear from, and we're assuming that that meant that the changes were ok with them. We then made some refinements, and took into account the suggestions, not all of them, but the ones that we thought made some sense, that were within the context and we come to you then with

the final version to amend the Code of Academic Integrity, and again, I'm here, as are some members of my committee, to answer questions, and we cannot vote today."

Speaker Martin: "Are there questions for Professor Lemley? Thank you, Ann. Is there further business to come before the body? The chair would entertain a motion for adjournment. Second? All in favor, get up and leave!"

Adjourned: 5:25 p.m.

Respectfully submitted,

Mary A. Morrison, Secretary

MINUTES OF A MEETING OF THE FACULTY COUNCIL OF REPRESENTATIVES

MAY 9, 1990

The Speaker, Emeritus Professor Russell D. Martin, called the meeting to order. He called on Dean Lynn for remarks.

1. REMARKS BY THE DEAN

Walter R. Lynn, Dean of the Faculty: "We actually have a quorum at this hour of the afternoon. That's spectacular. I have a number of brief announcements to make.

"Our first order of business, however, is not a pleasant chore, as I would like to announce the names of the faculty members who have died since our last official meeting:

Emmett N. Bergman, Professor of Veterinary Physiology,
October 11, 1989

Eric A. Blackall, Jacob Gould Schurman Professor of German Literature,
November 16, 1989

Louis L. Nangeroni, Professor of Veterinary Physiology, Retired,
December 12, 1989

Herbert W. Briggs, Goldwin Smith Professor of International Law,
Emeritus, January 6, 1990

Ruby M. Loper, Professor Emeritus, Housing and Design,
January 17, 1990

Sedgwick E. Smith, Professor Emeritus, Animal Science,
February 11, 1990

Mary E. Purchase, Professor Emeritus, Textiles and Apparel,
March 6, 1990

Benjamin M. Siegel, Professor Emeritus, Applied and Engineering
Physics, March 22, 1990

Huynh Kim Khanh, Associate Professor, Government, March 27, 1990

Wendell G. Earle, Professor Emeritus, Marketing, April 3, 1990.

"Please join me in rising for a moment of silence in honor of our colleagues. Thank you.

"I have an announcement to make about the recent election; although all election results are not done yet. The Hare System does take a lot of time, and Judy Bower, who sits there and counts these things meticulously, asks me to report that Professor Isaac Kramnick was elected Faculty Trustee, and Professors Michael N. Kazarinoff, Robert Lucey, Bonnie G. MacDougall, and Richard N. White were elected at-large members of the FCR. The remainder of the ballots will be counted and those running will be notified, as will you all shortly.

"I am also pleased to announce that we have thirty-three new members of the FCR. Amongst those, three were re-elected. I want to express my thanks to the departing members for their service to the organization, and to welcome the new ones. I invited the new members to attend this meeting, and with such a glorious showing for the closing meeting of the year, it will serve as a lasting impression, as we enter the following year.

"I'd also like to report to you that the Executive Committee of the FCR, largely due to its initiative, established a series of meetings with President Rhodes. Two of them were with the FCR Executive Committee. That's been a standing practice over a number of years and has continued, but the Committee also urged the President to use opportunities to set up smaller discussions with groups of faculty. He called on me to help arrange those, and a number have been held. The topics focussed on humanities research, for one, scientific literacy for another, and the undergraduate experience as a third one. He's been so pleased with those meetings that he has asked me to see about arranging further, additional ones, in the future.

"One other announcement pertains to the reception for retiring faculty. Those of you who have been here a while know that in the past there has been at this meeting an opportunity to honor those faculty colleagues who have decided to retire or who have retired during the academic year. Without describing those meetings as being somewhat grim, I undertook to create another environment in which to have them, so we hold a brief but pleasant reception for retiring faculty in the Andrew D. White House. It will be held this year on May 24th. This is not an open invitation to all of you to join, but it is a small reception. Last year, which was the first occasion we did that, the faculty really enjoyed the opportunity to chat with each other. Their deans and department chairs were also invited, and we asked the Senior Provost to make a brief statement on behalf of the university. So in case any of you missed that occasion, I want you to know that it's being attended to, and I think in a very pleasant way.

"My last announcement--I appreciate your patience--has to do with Commencement. As you know, Commencement always occurs at Cornell on the Sunday before Memorial Day, and we've sent out a brief announcement describing the Commencement exercise. There are, for those of you who do not own your own, caps and gowns provided to the faculty free of charge. They're available in Barton Hall, and can be picked up either that morning or the Friday before that, just in the entrance way of Barton Hall at the lower level. They're available to the faculty and they also have assorted hoods. If more than three hundred people come to that occasion, there will be a severe embarrassment, because that's the number of gowns that they have available for your use. This year there will be a slightly different arrangement at Commencement. The faculty will assemble where they normally do. They will stand as a reviewing body, not on that stand, but between Uris and Sage Chapel, so that they too will stand and review as the graduates go through, and that, I think, will be a nice touch. One of President Rhodes' outstanding features is that it's never rained on Commencement Day and it's expected that that practice will continue. Thank you, sir."

2. APPROVAL OF SUMMARY MINUTES OF DECEMBER 13, 1989 Meeting

Speaker Martin: "Are there any corrections to the minutes of the FCR meeting of December 13, 1989? There being none, they stand approved as distributed. The Chair again calls on Dean Lynn to introduce the slate of candidates for FCR vacancies on committees."

3. APPROVAL OF SLATE OF CANDIDATES

"The Nominations and Elections Committee prepared a slate of candidates. These are FCR candidates for committee positions within the committee structure of this body. All of these people have agreed to stand for these positions."

Speaker Martin: "Are there additional nominees?"

Assistant Professor Shirley Samuels, English: "I'd like to nominate Locksley Edmondson to the Executive Committee."

Speaker Martin: "All right. Has Professor Edmondson been approached and agreed to run? [Yes.] All right. Are there further nominations? If not, we will add Professor Locksley Edmondson to the slate, and I'll now ask for a motion to approve. [So moved.] Second? Discussion? All in favor of approving the slate, please say aye. [Aye.] Opposed, no. It is so ordered. (Appendix A, attached.) Thank you."

"The Chair next calls on Professor June Fessenden MacDonald, chair of the Executive Committee of the FCR, for presentation of a resolution confirming action of that committee, in amending the charter of the Community and Rural Development Institute."

4. RESOLUTION CONFIRMING ACTION OF EXECUTIVE COMMITTEE IN AMENDING THE CHARTER OF THE COMMUNITY AND RURAL DEVELOPMENT INSTITUTE

Professor Fessenden MacDonald, Biochemistry, Molecular and Cell Biology: "Distributed at the call for the April meeting and presented last month, was a resolution for this body to confirm action taken by the Executive Committee, as follows:

This charter may be amended in a manner consistent with the general purposes and powers contained herein upon the recommendation of the Governing Board or the Vice President for Research and Advanced Studies, and with the approval of the President of Cornell University.

THEREFORE, BE IT RESOLVED, that the FCR confirms the action of the Executive Committee in amending the Charter of the Community and Rural Development Institute.

"The purpose of this amendment to the charter means that changes can be made without it having to go back to the Board of Trustees. It was also agreed that any changes that were made would be passed on in writing to the Dean of the Faculty, so that the FCR would be made aware of any charter changes."

Speaker Martin: "Thank you, June. The floor is now open for discussion. There being none, we will proceed to vote. All in favor of confirming the action of the FCR Executive Committee relative to the Community and Rural Development Institute, say aye. [Aye.] Opposed, no. It is carried."

"The chair next calls on Professor Ann Lemley, chair of the Committee on Academic Programs and Policies, for a resolution amending the Code of Academic Integrity."

5. RESOLUTION TO AMEND CODE OF ACADEMIC INTEGRITY

Associate Professor Ann T. Lemley, Textiles and Apparel: "The Committee on Academic Programs and Policies was made aware of concern about use of computers expressed initially by the Senior Provost; some concerns specifically from colleges about making sure that situations, broad definitions of situations, not just formal coursework, were covered; and finally, a change which had to do with making sure that there was good communication when a student violated the Code in one college and was a member of another college, so that it was known whether the dean acted on the recommendations of an academic integrity hearing board. As I said at the last meeting, but since most of you probably weren't here--we didn't have a quorum--we discussed this and we solicited input from chairs of academic integrity hearing boards from all the colleges, and we received a fair amount of input and tried to incorporate that which seemed appropriate. I have some minor changes since the last meeting which were voted on at a meeting of our committee. The changes were minor wording changes made at the suggestion of a member of the FCR. The resolution is different from what you have in front of you, and I want you to approve the changes, which are to provide for parallel language, not for any fundamental change.

"If you will quickly look at the top of page three of the resolution, I'll tell you what the minor changes are. Number two should read: 'Respect for the ownership of proprietary software. For example, unauthorized copies of such software for one's own use, even when that software is not protected against copying, is inappropriate.' Number three should read: 'Respect for the finite capacity of the system and limitation of use so as not to interfere unreasonably with the activity of other users.' And number four should read: 'Respect for the procedures established to manage the use of the system.'"

Professor Lemley read the resolution:

WHEREAS, the University Computing Board adopted a statement of principles regarding the properties of computers and network systems and recommended that such a statement be included in the Code of Academic Integrity, and

WHEREAS, other modifications of the Code of Academic Integrity were suggested by several faculty members, and

WHEREAS, the Committee on Academic Programs and Policies reviewed the statement on computers and other modifications and canvassed the chairpersons of each school and college hearing board to solicit their comments about the changes to the Code,

THEREFORE, BE IT RESOLVED, that the Committee on Academic Programs and Policies recommends that the FCR adopt the amendments to the Code of Academic Integrity as outlined in the attached proposal.

Speaker Martin: "Thank you. The floor is open for discussion. There being none, all in favor of these amendments, say aye. [Aye.] Opposed, no. Carried. (Appendix B, attached.)

"The chair then calls on Professor Lemley to present a resolution to establish the Cornell International Institute for Food, Agriculture and Development."

6. RESOLUTION TO ESTABLISH THE CORNELL INTERNATIONAL INSTITUTE FOR FOOD, AGRICULTURE AND DEVELOPMENT (CIIFAD)

Professor Lemley: "We're pleased to have Dean Call and Professor Sisler here, who are quite willing to answer any questions, if there is discussion of this resolution. The Committee has had some concern over time of too

many institutes and centers, and we were just very, very much impressed with the thought and time and interest that has gone into this one, and I think that there's really enthusiastic, unanimous endorsement."

WHEREAS, there are evident problems of hunger and poverty in developing countries affecting massive numbers of people, and

WHEREAS, Cornell has academic resources and international experience and can provide leadership for resolving some of these problems, and

WHEREAS, faculty from various disciplines are interested in and concerned about problems of sustainable rural and agricultural development,

THEREFORE, BE IT RESOLVED, that the Committee on Academic Programs and Policies unanimously recommends to the Faculty Council of Representatives the approval of the Cornell International Institute for Food, Agriculture and Development (CIIFAD) and

BE IT FURTHER RESOLVED, that the Dean of Faculty will forward this proposal to the President of the University and Board of Trustees for their approval.

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

Professor Robert Zall, Food Science: "Does the institute also incorporate the processing and the distribution of food such as those promoted by the Departments of Food Science?"

Speaker Martin: "Dave, do you want to answer that?"

Dean David Call, College of Agriculture and Life Sciences: "The way it is right now, it's really not specified. The specific program activities have not been worked out in that much detail. We're awaiting the arrival of the director, and we will then be bringing together faculty groups to round out the specific program for us. There is a correction on page five. On the Governing Board, down at the bottom of the page, 'The Dean of the College of Agriculture and Life Sciences will be the Chairman of the Governing Board. In this capacity, the Dean of the CALS serves as a representative of the University's Central Administration.' That sentence will be changed when it goes to the Trustees to say that the '... Dean of the College of Agriculture and Life Sciences will report to the Vice President for Research and Advanced Studies...' That will be a change; it makes it similar to most of the other centers in the way they report to one of the senior officers."

Speaker Martin: "Further questions, or discussions. If not, we shall proceed to vote. All in favor of the resolution, say aye. [Aye.] Opposed, no. It is carried. (Appendix C, attached).

"The chair next calls on Professor David Bates, Chairman of the Committee on Research Policies, for a resolution on the Copyright Policy."

7. RESOLUTION ON COPYRIGHT POLICY

Professor David Bates, Bailey Hortorium: "At the last meeting of the FCR, Dean Lynn recounted the history of the Copyright Policy, and I don't think I need to go over that, other than to point out that this particular policy has been in genesis since 1982, and we hope that we can bring it to a resolution today (Appendix D, attached). During that meeting, Vice President Lynn and Provost Nesheim were here to answer questions concerning the proposed Copyright Policy. Taking into account those questions and our responses from solicitations to faculty and further discussions with the administration, the Research Policies Committee proposed four changes in the policy as it was circulated to you in April. These changes are indicated on the presently distributed policy statement, and they are underscored. Let me simply point out the major points.

"On page two, under item III, use of Encoded Works only, the addition of the words, 'following consultation with the FCR,' in the third line from the bottom, makes this procedure for changing the definition a substantial one of consultation and this was a point that several faculty felt rather strongly about. I'll return to the word 'substantial' in a few moments.

"On page four, and elsewhere in the document, we have indicated that the Vice President for Research and Advanced Studies will be the primary faculty contact for most questions or issues that arise in relation to the Copyright Policy. In the previous statement, a series of different offices, involving both the University Counsel as well as the Patent Office, were involved, and this should make it then easier for faculty to seek out and gain advice on copyright matters.

"On page five, under 'Resolution of Disputes,' the ultimate responsibility is moved from the Office of the Vice President for Research to that of the Provost, and in addition it requires that a timely decision be made in relation to copyright matters. ('The Provost will render a determination within seventy-five days of receiving written notice of the dispute or the University will relinquish rights to ownership of the disputed copyright.') I should point out, in relation to this particular aspect of the Copyright Policy, that there is strong input from faculty in terms of the ad hoc committee which will deal with the issue which should provide adequate input from the faculty perspective.

"Lastly, on page six, under 'Responsibilities of Parties,' Professor Berkey had pointed out at our previous meeting that it seemed to be a rather one-sided series of responsibilities, with all of those falling on the faculty, none on the administration, and in this sense, two paragraphs have been added, one to deal with the timeliness of responses to questions related to the policy, and the other to the University's obligation to promote, as best it can, those items for which it holds copyrights.

('The Vice-President for Research and Advanced Studies and other University officers have the obligation to respond in a timely fashion, normally within forty-five days, to written requests pursuant to this Policy' and 'The University shall, furthermore, use reasonable efforts to promote works to which the University owns the copyright under this Policy.')

"Now, on page two, there is one correction which I'd like to bring to your attention. Under item two, 'Work for Hire,' the present paragraph reads: 'The copyright of material that is prepared by a non-academic employee...' In the last meeting of the committee, we felt that that word 'prepared' left open a series of questions about typists and other relatively low-level input into the copyright, and therefore we proposed that the word 'prepared' be replaced by the word 'created,' which will make it quite clear that we're

talking about the creation.

"Now if I'm not operating appropriately, Russ will tell me. We can always amend the policy, if that is a better way to go.

"Now, beyond that, let me return to the word 'substantial,' because a number of people in FCR questioned the use of the word 'substantial,' and its lack of precision, and that it can be applied as one sees fit. The committee believes that that particular word, like words 'extraordinary,' 'normal,' and so on, are essentially impossible to define with precision in hypothetical cases. Furthermore, we believe that the lack of definition does not favor or penalize either the University administration or the faculty, and in fact, it leaves open to question of negotiation in those areas where one may feel that further clarification is needed. Furthermore, it seems to our committee's thinking that resolution of dispute aspects of the policy provide an ample opportunity to define 'substantial' as it relates to the specifics of individual cases. Without arguing that this might eventually end up in court, it is true that many instances, or many issues that revolve around precise definitions eventually are going to be resolved in some larger arena in some more specific way. This does not negate the general usefulness of the policy as a series of guidelines by which people who are operating in good will can resolve disputes.

"Now, lastly, let me say, as faculty we often tend to focus on negative aspects of policy rather than general benefits. From the faculty's perspective, this particular policy statement firmly establishes the faculty's rights to copyright in essentially all cases, for it covers really the vast class of materials that are currently produced by faculty, and this extends not only to those works that are defined in the traditional context, but also those that are defined as Encoded Works. In other words, the policy codifies what has been tradition at Cornell and provides then a framework for the resolution of disputes should they occur. The exception, those areas where faculty may question the implementation of this policy, are largely found in two areas, in the 'work for hire' provisions, and those areas where substantial use of university resources are utilized. In both instances, it is possible to mitigate these particular aspects of the policy under that part which deals with agreements with sponsoring agencies. It is quite obvious that most individuals producing computer work funded by outside agencies will reach some type of agreement prior to the beginning of that research, and in those instances that agreement takes force. In other words, there's, I think, a rather strong rationale for passing and utilizing this particular policy as a parallel to the patent policy and other policies which deal with conflict of interest and other overall problems that face the faculty."

Professor Bates moved, on behalf of the Research Policies Committee, the following resolution:

WHEREAS, the faculty of Cornell University is concerned about copyright issues, and previously endorsed the Copyright Policy, and

WHEREAS, at the request of the Board of Trustees, a revised Cornell University Copyright Policy has been prepared to promote and encourage excellence and innovation in scholarly research and teaching, by identifying and protecting the rights of the University, its faculty, staff, and students, and

WHEREAS, the proposed policy was circulated to the Faculty on April 4, 1990, soliciting its comments and was discussed during

the April 11, 1990 meeting of the FCR, and

WHEREAS, the Research Policies Committee has incorporated suggested modifications as appropriate, into the document,

THEREFORE, BE IT RESOLVED, that the FCR approves the Cornell University Copyright Policy, dated April 23, 1990, and recommends it to the Board of Trustees.

Speaker Martin: "The resolution is now on the floor for discussion. Professor Booker and then Professor Berkey."

Professor John F. Booker, Mechanical and Aerospace Engineering: "The questions I have here refer to details in the appendix. I believe it's been redone by the Senior Provost, and seeks to define substantial use. Specifically, there was a discussion here last time on the terminology of substantial use, which always seems to come down to use of substantial resources. The differentiation between those two concepts was made at that time, but I don't see any evidence of it here. I call attention to that. Perhaps it was replaced with the second paragraph of the appendix, where one would expect to see the words 'substantial use of resources other than those ordinarily available.' That's one thing, and then in the next paragraph, the question comes up of what isn't there. That is, that paragraph seeks to enumerate certain things that are commonly around and one of them that I think is commonly around personally is the access to the Cornell mainframe, which I think most all of us have access to, though not most all of us probably use. Is there any ...?"

Professor Bates: "Let me respond briefly and fortunately the Senior Provost is here. He may also wish to comment. I think we are returning to the sorts of issues, yes, that were raised in the earlier committee meeting, but our committee considered these carefully and feels that the lack of definition is not an impediment; in fact, it is an advantage, and the problem when one attempts to outline clearly every possible asset or resource that the faculty might use, the list then is always subject to criticism because it leaves out, or not, a particular item. I think the intent from the appendix is quite clear, that we're really talking about substantial use in the sense of a major use that is not available to all faculty. Since all faculty use or have access to the mainframe computer, that would seem to me to be covered amply in this policy statement, that is, normal faculty use. How you define what is abnormal or substantial beyond that entry I think is subject to reasonable negotiation. I don't consider that, or see that, as a major problem, but it may be in some people's minds."

Speaker Martin: "Professor Berkey?"

Professor Arthur Berkey, Education: "In all deference to my colleagues on the Research Policies Committee, I again express very serious reservations about this particular policy. In starting to do some of my homework, I went to our Faculty Handbook and looked under item six, which is titled 'University Policies Applicable to the Faculty and Others.' I found neither a copyright policy nor a patent policy listed under that. I then went to the index and looked at and found patent policy in Appendix 10. So, the first thing I'd like to do is to look at the University's general stance on several different policies and what this means for my orientation and my interpretation of what their intent is on such policy.

"First is Patent Policy, effective July 1, 1983, amendments July 1, 1985,

and January 26, 1989. Certainly I was on the FCR at that time and I saw no consultation with faculty in terms of any amendments to the Patent Policy at that time. But anyway, what it says essentially is that 'all patentable inventions conceived of or first reduced to practice by faculty and staff of Cornell University in the conduct of University research shall belong to the University. The inventor shall cooperate and assist the University in all phases of the patent application process' et cetera, et cetera, and so it's clear that the University's intent is to impose control and ownership of all the patents. Then I said well, perhaps this is an isolated incident. I looked at several other policies. One policy I looked at is the policy on indemnification. So here the University has the proviso where they protect us against lawsuits. It says, 'The University, in its sole discretion, shall determine whether or not the alleged act or omission occurred while the employee was acting within the scope of University employment and in the performance of authorized duties.' So again, it doesn't matter what you're doing, if the University decides you're really not in concert with University employment, they have the right to do that. I also bring this in the context of the idea of the parking and traffic where increase in traffic essentially means an after-tax salary deduction for faculty who finance the parking of traffic.

"So, I view my comments on this policy in that context. Now, let's look at the policy itself. Let's look at the additions now, 'Responsibilities of Parties', page 6. 'The Vice President for Research and Advanced Studies and other University officers shall have the obligation to respond in a timely fashion, normally, within forty-five days, to written requests pursuant to this Policy.'

"Now perhaps others may find that to be satisfactory and of responsibility. Unfortunately, if you consider working days, that's nine weeks. That's less than the time that we get to respond to any R.F.E. That's also, typically, a legal response to any appeal, thirty days is usual. I don't find that to be particularly helpful when the faculty part is that we shall promptly report, et cetera. Ok. 'The University shall, furthermore, use reasonable efforts to promote works to which the University owns the copyright under this Policy.' Well, reasonable is hard to define, perhaps, but I think maybe one takes that in consultation with the other place where they, let's see, where they agree that they're going to dispose, where they're going to work for the author, where they say essentially, that they're going to consult with, they're going to consult with the author in the distribution of any copyrighted works outside of the University.

"I have some other comments on this. I find it not markedly changed from the last time. In checking with my attorney, he tells me essentially that ownership of taxable items and original works such as these belong to the author or the inventor unless specifically assigned elsewhere. Now, on page two, item number one, it says, 'The copyright shall become the property of the University only if the terms of such agreement directly or indirectly create University obligations as to intellectual property developed.' I can't think of any situation that couldn't be interpreted as indirectly related, so it's clear to me that the intent here is that the University gets copyright of the material. It's very different. Under 'Work for Hire,' we talk about here, assigned duty. All our research, teaching, perhaps some extension, so in that context of these functions at least of our copy, under item two, 'Work for Hire,' we cover everything. Item three, on the same page: again, we are consulted with on the FCR, but the change of the definition of substantial use can at any time be changed by the University. They tell us they consult with us, i.e. what do you think? We disagree. Ok, well, we consulted with you. If there are any disputes, all

of those are still resolved in the final analysis by the Provost. There is no negotiation. If any change is needed there's no reason why that it can't come back to the FCR. I'm really not prepared to commit my other colleagues to a pig in a poke. It's one thing for the Board of Trustees to mandate a policy, as they have in the past policies, and I don't dispute their right to do that. It's another thing for them to enforce their policy and get people to sign. Remember this, on this patent policy, excuse me, on this copyright policy, the first effort of the administration was to send around a letter which was very one-sided, and say, everybody sign it. Well, they got a very negative response to that, and as a result, many people did not sign it. Now, they're asking us to commit our colleagues to a pig in a poke, so we could still not pass this, and then, if the Trustees wish to invoke this type of a one-sided commitment, then, fine, they have that right, and I respect that right. But whether or not such policies apply to people that were hired, fired, is another question. They can require that as a condition of doing research and so forth. Ok."

"Another concern, on page three, 'In recognition of the Author's desire to maintain intellectual control of his or her work, the University will give consideration.' All they're going to do is consider it. They can still do anything they want, they can consider it. And I'm not naive enough to think that consideration necessarily means agreement.

"On the top of page four, continuation, it says, 'Distribution, if any, to academic colleagues outside of the University will be permitted under approved written agreements obtained from the Counsel' and so on and so forth. Approved by whom? Ok. Now, looking under the same page four, 'Works potentially falling into the three categories shall be promptly disclosed.' Maybe I was naive to think we would have forty-five days minimum, maybe we would have normally forty-five days for us to disclose that sort of thing. Nothing is said in here, for the faculty it's promptly, for them it's nine weeks, and then perhaps longer. So, that is not satisfactory.

"Another thing: Advice and Interpretation. Here 'members of the University community may obtain advice from the Office of the Vice President for Research.' I'm not an attorney. Therefore, it would seem to me that if it would behoove me, it would behoove the University Counsel to keep the faculty apprised of the latest concerns and latest specific legal points that must be included. Here again, the faculty alone is responsible to obtain advice.

"'Resolution of Disputes,' page five."

Speaker Martin: "Excuse me, Professor Berkey. In deference to others who might want to get in on the debate ..."

Professor Berkey: "Yes, I'm just about finished. Again, resolution of disputes. 'The decision of the Provost shall be final.' Again, the University has total control. It does not share decisions. Finally, on the bottom of page five, it talks about the responsibility of the parties to make themselves aware, and nowhere does it say that there will be a place for you to call and get prompt response.

"In summary, if the University wishes to impose this type of policy, I say fine. I'm not willing to commit my colleagues to this sort of thing. On the bottom of page six, it says 'The University may require formal copyright agreements to implement the policy.' Therefore, we're authorizing the University to committing our colleagues to these types of formal agreements.

I think that's a mistake, and I'm not willing to do it. If others want to commit their colleagues--it's one thing to have a Board of Trustees policy, it's another thing to have a policy that can be pointed to say, 'This is faculty policy; you must follow it.' I don't really see where it's in the best interests of the faculty to do that. I'm not willing to commit my colleagues to that."

Professor Bates: First of all, the policy doesn't cover every action of the faculty. In fact, it is limited to a relatively small number of cases that emerge under Encoded Works and under rather special circumstances, and in that context, has a much more limited view than I think you're giving the policy credit for. I think the second point is that by and large the faculty gains enormously, because codified if this particular policy is supported by the Board, it in fact gives the right to copyright practically everything that is produced, and that is certainly a tremendous advantage to faculty."

Professor Berkey: "Can you tell me where it says that in here?"

Professor Bates: "It says that in the beginning, that the policy deals with the exceptions and the exceptions go beyond what are probably ninety-five percent of the cases. Lastly, let me simply make one other comment that we're living perhaps in two different worlds. One is one of reasonable trust and good will among faculty and University administrators, the other is one which recognizes an antagonistic and legalistic confrontation in every instance, and I simply don't see that in terms of my experiences at Cornell. If others do, and others feel that's a major concern that one has to protect in a written, legalistic, way, each prerogative that eventually has come to the faculty, then why of course they would support you."

Professor Berkey: "___"

Speaker Martin: "Excuse me, Art, but I wonder, is there anyone else who wishes to speak before we go back to Professor Berkey? Would you please identify yourself?"

Professor Robert C. Lind, Johnson Graduate School of Management: "I have concern with this definition of the term of 'substantial use' and it being defined in terms of facilities that are generally available to the faculty. My concern is that if you take the faculty at large it's just too broad. For example, in the Graduate School of Management, we plan in the future to get live data feed via satellite. That data is available to all of our students, it's available to all members of the faculty, but it isn't available to the English faculty, it isn't available to the Physics faculty. Now I would imagine that most groups on this campus have equipment and other kinds of things that while it's very general to your own particular operation, it's not available to all the faculty and I think that this should be corrected.

"The second point, and this goes back to what Professor Berkey said, several of us took this and got legal advice, and the legal advice on this said it belongs to the University if the University wants it to belong to it, unless we go at the beginning of the project and get a specific waiver. That was at least the legal interpretation of this document, that the only way you could protect yourself is to go to the Vice President for Research and have a letter that says, 'It's all right, you can do it, and you own it when you're done with it.' The question I raise for the University as a whole is, how often is this going to happen? Do you really want to set up a process where we're traipsing over there every time we're thinking about a

research grant or something else to get this issue clarified, because if you don't get it clarified, at least the legal advice or the legal opinions that I have received says that it belongs to the University if it wants it to."

Speaker Martin: "Further discussion? Professor Raffensperger."

Professor Edgar M. Raffensperger, Entomology: "I'm concerned rather less about the legalistic things than about the attitude that this resolution places upon faculty. It seems to me that it does infringe upon the inertia that a lot of us have and will hamper our initiative that we might do something that would benefit both our fellow man, the University, and ourselves. It seems to me that we will lose a lot of that ability. Now, one of the things that bothers me is the statement about use of substantial resources. It seems to me that if I happen to get busy with a piece of software that I think will be productive, that I am interested in, I go to a wealthy friend in New York City and say to him, look, I need help, I need a couple of programmers, will you please help me with this, and he says, all right, I'll pay you salary for a couple of programmers for you, I'll write that check to the University. The University of course will be able to assume its overhead money from that, but I found the money, I brought it in, but it is pass-through money, and because it's substantial, then the product belongs to the University instead of to me or my efforts. I think that policy will hamper the willingness of individual faculty members to promote their own deep interests. Furthermore, I've learned through my own meager experience that producing software requires an investment that goes far beyond the usual job opportunities that are, or responsibilities here at Cornell. For instance, in making a piece of software myself, I went out and bought a computer that I could take home, and I worked long into the night producing software. That is beyond, I think, what the University expects me to do on a regular basis and yet if I am doing that and there is some pass-through money, and indeed if the University chooses not to approve my copyright of material, then my efforts in that regard have gone awry. It is promoting a desire in me to revert to my normal position as a couch potato and watch the ball game rather than spend my time into the night producing something that might be useful. It seems to me that the University could return a lot of value if they had a site license for the use of material produced here, so that it would be available, whatever the product, that a pass-through money arrangement could be arranged so that the work could be done, on pass-through money without losing copyrights, and a number of other less significant but still important items. I can't go along with the policy as it is stated. I think the faculty is throwing away too much."

Professor Bates: "Let me just respond to that, because I think you've created in some ways a straw man, and that is that the condition of the pass-through monies can be specified. I mean, that's not something that's not negotiable. I don't see that this in any way impinges upon your right to produce software, your right to work twenty-four hours a day if you wish, at home."

Professor Raffensperger: "I have no guarantee that it's mine. It's up for grabs."

Professor Bates: "No, it isn't up for grabs. I think you've picked up on an argument that has been made but has not yet been substantiated by an actual case. In other words, people have created this as a potential area of difficulty, but it's not one that's insurmountable and in fact recognizes that when one uses University resources that one has some obligation to share it, and that's a very simple, I think, kind of fairness policy. Now, I don't want to speak for the administration. We have both the Provost and

the Senior Provost here who might wish to comment on that particular issue."

Senior Provost Robert Barker: "David has given I think a direct response. There is nothing in this policy that I read that says that if you work at home at night on your own equipment and do something, that the University wishes to have any ownership of that. If, on the other hand, you're using the University resources, and I would point out that that's including your own time, with the intent that you're going to make the commercial gain and the University is saying we have the right to know about that before you do it, and two, that if indeed we concur in it that we have some rights to some of that too. That's where I think the problem is, but a further point, we don't need to copyright anything."

Professor Raffensperger: "Apparently I won't __."

Senior Provost Barker: "Well, that's the choice that people have with regard to patents. If they make a discovery, they don't have to patent it. It's their choice, not the University's."

Speaker Martin: "We have two other speakers who have asked for recognition. Yes."

Professor Steven Shiffrin, Law School: "I also am concerned with the definition of substantial resources, and I certainly understand that any definition of this character is going to have to be left in the abstract and worked out in a case-by-case basis. However, I do think that when you make an attempt to define it in the documents, that you ought to define it in a way that allows a general principle that you would want to apply. Some of time, as was previously pointed out, the use of University resources is substantial when it entails the use of University resources not ordinarily used by or available to all, et cetera, so that the incidental use of those resources would count as a substantial use of University resources. English teachers might not like the fact that you say a substantial use of University resources is a substantial use of University resources not available to all, but it takes away the implication that incidental use would count as a substantial use."

"Second, if someone makes use of these University resources which are not important for the project but it turns out that it really was a substantial use of University resources, the University would be planning a copyright. It's not clear to me that that's what you intend to do. As worded, that is what the principle is that would have to be applied. I have no difficulty with the fact that you would have a principle that would be difficult to apply in concrete cases and should have been specified. I am troubled by the particular definition of substantial resources. I therefore move to amend the definition to say, 'The use of University resources is substantial when it entails the substantial', this is the last paragraph on page two."

Speaker Martin: "And your amendment is to add the word 'substantial' at what point?"

Professor Shiffrin: "There's a sentence that begins, 'The use of University resources is substantial when it entails the' and I would put the word 'substantial' before 'use.'"

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

?: "Seconded."

Speaker Martin: "The floor is open for discussion on the amendment. Do you all understand what it is? No? Line five from the bottom."

M. Stuart Lynn, Vice President, Information Technologies: "If I could make a kind of clarification. I think the difficulty with the amendment, although I sympathize with the intent, is that it gets into a circular definition of what 'substantial' means, number one, and number two, I think the case raised is in fact covered. If incidental use of substantial resources is available to all or most active members, then by definition it becomes an insubstantial use, so I would suggest that the concern expressed would be covered by the existing definition."

Speaker Martin: "Is there further discussion on the amendment? Are you prepared to vote on the amendment? Do you wish to speak?"

Professor Shiffrin: "Well, maybe I misunderstood the point, but if some piece of technology not available to all faculty is used in an incidental way by a member of the faculty, that would be an incidental use of a substantial resource, and the copyright would thus be the University's. I don't see why the incidental use of a substantial resource should cause the copyright to pass to the University; I'm willing to accept some degree of circularity to accept that, but it is not circularity. That is the English professor's suggestion; it is not circularity precisely because there can be an incidental use of substantial resources."

Speaker Martin: "Further discussion on the amendment? You all understand what it is? All right. We're now voting on the amendment to add the word, 'substantial,' in line six from the bottom on page two, and likewise in the appendix. All in favor of the amendment say aye. [Aye.] Opposed, no. [No.] Then the amendment carries. Is there further discussion? Professor Wilson, you had the next in line. [inaudible comment] __ point clarified.] Is there further.. yes?"

Professor Lawrence Cathles, Geological Sciences: "It would help some of us if we could have a specific example of, say, a case you know, the University could claim patent right or intellectual property rights, subject to this substantial use. What are you thinking of? What are you trying to cover?"

Professor Bates: "We didn't define 'substantial' for exactly that reason. I see that the Senior Provost would like to comment, however."

Senior Provost Barker: "I'm not sure that I can do much better than David did in saying that we don't have to have a case or so before you so that you can understand this. Perhaps an example of substantial use would be, say, the use of dozens of hours of Supercomputer time which result in a product of an Encoded Work that the individual intended to commercialize. I'm saying all those things because I expect that many of us are using the Supercomputer for hours at a time and it's going to be partly a question of what's the purpose of the activity, and that would put it in somewhat the same situation. It is a University resource and it's a University right to have something there. There are probably other kinds of things, some of which should be protected against. Prior agreements which might involve diverting the activities of people who work at the University to the production of software which the individual faculty member then copyrights with the expectation of commercial output. It's going to be a question of the extent to which something is used, because of that second case. In the first case incidental use of the Supercomputer, simply because it's a large resource, isn't intended to lead to the University wanting the copyright, and the minor use of support staff is not intended to lead to the University

having an interest in copyright. I don't know whether that helps you or not."

?: "Part of what I see is the confusion, at least to my mind. You know, the Supercomputer is very good at running large jobs, and you normally go to a Supercomputer or large computer after the creative process is over and you've got something that's pretty well worked out and you simply want to run it quickly. A lot of things demonstrate this, it's political, perhaps, but the creative part might well be done at night, remotely, or on a Mac, or something else."

Senior Provost Barker: "That wouldn't be substantial use. Well, I think that the words here say that if the Macintosh is sitting in your office and is a regular piece of equipment, then there's nobody going to ask any questions at all. I mean, what the University is trying to do, or what the Board is trying to do, is trying to protect itself from the word 'extraordinary' which appeared in the previous version accepted by the FCR, and recommended by the FCR Research Policies Committee. Extraordinary sounded as though there was no situation, never could arise in which the University would have some ownership in the intellectual property which was leading to substantial financial gain of the individual, and I'm quite sure that the Board is motivated by an intent to protect the financial interests of the University. So that's the kind of thing which has been concluded here. Now, I think that there is something that I would not want you to overlook, which is the last paragraph in the last page which says that if you spend all of your time working on your Mac to produce something that is for your financial benefit, then maybe there's a conflict of interest or commitment, but we already have a policy on that. It doesn't mean that the Board accepts that people can devote themselves entirely to their own financial advancement while working as a faculty member at the University. Eventually, I think that that's the intent of this, to get at the issue of how you're spending your time in relation to the priorities of your department and your college."

Speaker Martin: "I believe we should remind the body at this time that we have lost some people, some of whom are FCR members. We're down within one of a quorum. If you're going to ask for a vote, we ask you to stick with us. Number two, we do have one other item on the agenda that has been scheduled, and that's the report on the Campus Plan. I'm not trying to push you to a decision here, but I think you ought to be aware of those two things. Professor Berkey?"

Professor Berkey: "I'd like to raise a question. One of the points you made is that ninety-five percent would not be covered under this policy. My understanding and interpretation of that information is that everything would be covered. Did you get any legal advice for your ninety-five percent?"

Professor Bates: "We did have independent readings, but I'm not prepared to argue that it's legal advice in a legalistic sense, because I think we're in an entirely different realm, and remember, you're also talking about a hypothetical case, which is very difficult for people to deal with."

Professor Berkey: "But in reading this it was the general opinion that I got. The second point, you talk about confrontational, lack of trust versus trusting, cooperation, and so forth. I would point out that in my definition the thing that led me to oppose this is total lack of shared decision-making. Second is the ability not only to not share decision-making, but the provision that this can be changed without

consultation. It can be changed without our permission, sometimes later on, and I don't know what that would mean, so we're essentially still buying a pig in a poke. When I hear trust and collegiality, I think of mutual decision-making, I look what happens to the other policies, and I would make one final point, quickly. There's nothing that says that if this faculty votes down this policy, that the Board of Trustees cannot enact their own policy. The only thing is we have not committed our colleagues to such a policy. Then it's their policy, not ours. If it's our, then we're obligated to live by it until it's changed. The final thing is, there's no provision for any changes in this policy. Note this policy makes no provision for changes, although any FCR policy can be changed at any time."

Professor Bates: "Well, that's certainly true. All policies are subject to change over time by the concerned parties. But I think if you go back and read the general statement, the preamble, you will see that it's written in a way that is a very positive statement, that it's designed to encourage innovative research on the part of the faculty, and to vest creative rights in the product of their labors, and we're talking then about a relatively small fraction of the totality of faculty interests which actually fall under this definition. The fact is that the Board, if they pass this policy, is giving away the store. It's very simple."

Professor Berkey: "That was not my legal advice."

Professor Bates: "Then we differ on that."

Professor Alan Dobson, Physiology: I would like to support this policy. I helped draft one before. I see a mistaken premise in the gentleman who has just spoken, and that is that we're giving away the store. This can only happen if we happen to win it at the time. Probably everything we do in this line could be claimed legally by the University, so his initial premise, as I see it, is probably wrong, and if this particular document happens to reserve, as I think, about ninety percent of our activities, to our own judgment as to whether we will submit them to the University, I think it's probably good, and am prepared to vote for it on that particular issue."

Professor Richard Galik, Physics: Along these lines, although I'm not sure exactly where I stand at this point, I would point out that at present we have no basis if we want to go to the Provost and try to gain a clarification. There is no policy in force. We have no basis on which to argue on rights of the ownership of the academic work, and having some policy in force would therefore give us that basis and provision. Furthermore, if you are really concerned about the ownership in question, then independent of whatever policy, Trustees or not, you will need to go to the Provost before you start, to make sure that you have the sole right of ownership. So, if you're really concerned no matter what policy is in force you will need to go get that."

Professor Booker: "Minor detail. At the bottom of page five, we have to 'inform the Office of Patents and Technology Marketing of material that should be copyrighted in the name of the University pursuant to the provisions of this Policy.' My concern is a bit broader than that. I have no doubts at all that the University has a great deal of right to bits and pieces, shared rights to bits and pieces of whatever we do, and that's true of books as well as of Encoded Works. The question is, how we end up, what sort of policy we operate under, what sort of policy is best for the University, for producing the best that this University can produce, and I would submit that this is probably not it."

Speaker Martin: "Further discussion before we proceed to vote? Yes."

Professor Shiffrin: "I have just one question. Why is it that if people who perhaps make movies and television programs, the University is not interested in getting copyrights to these, even with substantial use of University resources, but is with respect to Encoded Works. What is unique about Encoded Works?"

Professor Bates: "I'm not prepared to answer what's unique about Encoded Works, other than it represents presumably a new technology. What is essential is what has traditionally been regarded as faculty prerogatives, will remain so, and so there's no attempt to go back and after the fact to look at publications or movies or what have you. On the other hand, the provisions of the policy do apply if you make movies and hire people and use resources of the University in a substantial way, using people for hire, so in that sense, if you're in it for profit, the policy would .."

?: "That would be in the interest in income, rather than as a policy, and I think that's important."

Speaker Martin: "One more. Ok. This gentleman has not been heard from, and then we'll get to the professor of physics. Yes."

Associate Professor Peter L. Jackson, Operations Research and Industrial Engineering: "I oppose the policy. I find it unfair to distinguish between Encoded Works and the traditional works. I think some of what the University is concerned about could be captured under the conflict of interest without going into substantial use. I agree with all the arguments up to date; the wording is in favor of the University. It's certainly not something that I want to leap forward and support. It's not something that assigns something to the faculty; it's giving the rights to the University. So I oppose the policy."

Professor Bates: "But that's an unfair distinction, and I think that what you're saying is that you'd rather have no policy, and that's a foundation on which you can argue the point."

Speaker Martin: "If there are no objections, we shall proceed to vote. Is there an objection? There being none, it is so ordered. All in favor of the resolution as amended, please rise and I'll ask the Dean and the Secretary to serve as tellers. All in favor of the resolution, please stand. Remember, just FCR members who are presently in office. All opposed, please stand. The resolution is defeated by a vote of sixteen affirmative, twenty-eight negative."

"Now, we have ten minutes. Associate Vice President Paul Griffen will report on the Campus Plan."

8. REPORT ON CAMPUS PLAN

Vice President Griffen: "I'll be reporting to you on a preliminary Campus Plan to be sent to the Trustees for an approval of our approach rather than an approval of everything you see in the plan. The reason for approaching the Trustees in this fashion is that we want to make sure that we're all on the right track. Because of the briefness of time, we will be talking about some of the observations we've had, and if there are any brief questions at the end of that, then we'll address those."

"We do have a Campus Plan. The first volume, we'll be talking about volume

one and volume two, the first volume is available, will be available for anyone to review. If you have specific questions, you can certainly call me or Lew Roscoe in the Planning Office. Now the next is, the first slide, I've already taken a license on the copyrighted piece that was given to me by Bob Barker, and he doesn't recognize it yet. He's reading it; but in any case, we felt the principles for developing a Campus Plan had to surround these four principles. A longer version is available, which we have as a preface to the total plan. What evolves from this we hope is a physical plan, a comprehensive plan for the development of the campus. Note that we have really put the emphasis where it should be in an academic institution. Particularly at Cornell, programs in teaching, research, and extension should not be separated in some fashion because collaboration is essential. We must continue to interact and make this a viable institution. The teaching facilities should be formed in such a way that they are of a high quality and that we continue to upgrade that which we have which are starting to get a little worn out. We should always make these facilities accessible to the students and the faculty, particularly in the case of the undergraduate schools, where they interact so much. As far as the research laboratories are concerned at this particular institution, is its research capabilities, and the ways that that is seen and understood by the undergraduates and their interaction with that part of the University, so we feel the research laboratories are also difficult to separate from the main campus. This starts to put significant sort of boundaries on what we can do. We have a campus that is already the way it is and we're planning for its future, and therefore we have to address those principles as best we can with what we have. We're looking at, in development of the Campus Plan, the issues of growth, fostering preservation, and the enhancement of the campus.

"I want to address first, maybe, the growth, so that folks can get a feeling for how the campus has grown and in what areas. We can look first at the background about growth, particularly in personnel and facilities, and note that over the last thirty years we've been running in the academic, I mean, that's this group, has been running for the average a little higher than it is currently, and this is a five-year average per year. The enrollment, you'll note, the graduate students are the research aspects of the University, has been moving a little more rapidly in latter years than in the overall period. However, you also ought to note that the graduate, remember that the graduate students are not the major impact, it's the undergraduates. R & D income in current dollars is about two to three percent, and growth, and the building areas, the two kind of reasons for putting the last two sets of data on, is the building area has grown two to three percent in the last few years; it's one percent virtually for the type like the university. Note the campus area was sort of defined prior to five years ago, in fact about ten to fifteen years ago, a different campus area was defined, so over the average in total time it grew faster than the building footprints. The impact of that growth has created a massing of buildings, particularly in the center campus, particularly between, say, Campus Road and Fall Creek, and between East and maybe if you threw a line along in about Alumni Field. That's our heaviest focus of buildings and square footage on the land, and it is our worst traffic-parking and so forth area on the campus, so it's that defined center campus that's the worst. Because of the sprawl and we couldn't see this from the maps if we were going to show them, but you would note that there's a great sprawl that's taken place over the many years that this university has grown, and it keeps, every time it does expand in some way, there's a loss of this functional interaction where people can get together and bump into each other more easily. We are always stretching the infrastructure here, chilled water and so forth, and so we need more chilled water for the new kinds of buildings we've put on, more steam, and we tend to do that at the

last minute, just as we are ready to inaugurate the use of the new building.

"As far as the highway and parking inconvenience, it certainly has increased. There's a sensitivity here. We don't get the kind of emotionalism from national traffic experts and so forth that we have on campus. They don't think that we've hit a crisis level yet. We feel that it's important enough to have to be addressed as one of the primary things we've worked on. Looking at the conclusions and, quickly, recommendations, and I'll wrap it up for some questions, unless you want to see some of the maps.

"We feel that after reviewing everyone's interests and trying to package this into a few simple statements, these are the simple statements that we would come up with. There are some buildings that should be preserved, and in some way usefully enhanced without affecting their exterior or the way that they are on the campus. We must not be inattentive, that the student housing problem of being around fifty, fifty-six percent, should be addressed. We feel that that's a part of the educational experience and should be one of our high priorities, that we should, in fact, be able to get access to the whole campus, and we've got to develop ways of doing that. On down, you're probably reading faster than I am, but these are the conclusions.

"We're recommending so that we can really get at specific projects and start addressing them, that we review the plan. We have finished the master plan on student housing; we have identified both the north campus and the southeast sector. The first area we will be looking at for student housing is in north campus, and basically for undergraduates. We are going to look basically to new building sites as being in the eastern end of Tower Road and Orchard, that these buildings as specified will be the ones we will focus our attention on to get them rehabilitated, and we will attempt to add very many square feet to the center of the campus, around particularly the area that I defined. This is one of Stuart Lynn's current thrusts. He's going to the Trustees to put in a high-speed electronic highway system into the campus. We feel that that's very important, and it will help to shrink the size of the campus in a sense. We have a problem, of course, with local municipalities, and we are attempting to provide our land right-of-ways and so forth so that we can develop these bypass roads to help the campus traffic. We do get a lot of community traffic going back and forth across here.

"And we need some form, some better form of moving people around the campus. It may have to come in the form of something as classy as a people mover, as we would think of in Disneyland, but more in the sense of more frequent buses or jitneys or something like that, that create a shorter time difference at least between the different areas of the campus. The campus is this big; we have to deal with it in that fashion.

"That's it. It's six o'clock, right on the nose. I'm watching that. I have some slides, but we can get to those some other time."

Speaker Martin: "Are there questions for Vice President Griffen?"

?: "Did you have any data on the growth of administrators?"

Vice President Griffen: "Yes, we do."

?: "Why wasn't that included?"

Vice President Griffen: "It's a little hard to do, because there wasn't the data to go back as far; the administration has grown more rapidly recently, and there are identifiable reasons. I mean, you can take them out, but a lot of them are in the regulatory area, in response to the new requirements and so forth. We have grown, and I have the data in my office. You certainly can look at it if you like."

?: "You don't have it for five years?"

Vice President Griffen: "I probably do."

?: "That was one of the categories."

Vice President Griffen: "I'll put it on the next slide. Call me and I'll give it to you."

Speaker Martin: "Thank you, Paul. I'm sorry we had to cut you short. If there are no objections, we are adjourned. Thank you."

Adjourned: 6:00 p.m.

Mary Morrison, Secretary

May 9, 1990

REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS**SLATE OF CANDIDATES FOR FCR SEATS ON COMMITTEES**

(all terms commence July 1, 1990)

ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY - 1 Vacancy, 3-year term

Franklin K. Moore, Joseph C. Ford Professor of Mechanical Engineering
 Peter Schwartz, Associate Professor, Textiles and Apparel

ADMISSIONS AND FINANCIAL AID COMMITTEE - 1 Vacancy, 3-year term

Joel Porte, Ernest I. White Professor of American Studies and Humane Letters
 Richard N. White, James A. Friend Family Distinguished Professor of Engineering

AFFIRMATIVE ACTION COMMITTEE - 1 Vacancy, 3-year term

Bonnie G. MacDougall, Associate Professor, Architecture
 Susan J. Riha, Charles Lathrop Pack Associate Professor of Forest Soils

EXECUTIVE COMMITTEE OF THE FCR - 4 Vacancies, 2-year terms

David L. Brown, Professor, Rural Sociology, Associate Director, Research and
 Associate Director, Cornell Experiment Station

Ronald G. Ehrenberg, Irving M. Ives Professor of ILR and Economics

Michael N. Kazarinoff, Associate Professor, Nutritional Sciences

Charles C. McCormick, Associate Professor, Poultry and Avian Sciences

Steven H. Shiffrin, Professor, Law

Gregory A. Weiland, Associate Professor, Pharmacology

LOCKSLEY EDMONDSON, PROFESSOR, AFRICANA STUDIES AND RESEARCH CENTER

EXECUTIVE COMMITTEE OF THE FCR - 1 Non-tenured Vacancy, 2-year term

John W. Hermanson, Assistant Professor, Anatomy
 Mark M. Jarzombek, Assistant Professor, Architecture

(over)

FACULTY ADVISORY COMMITTEE ON ATHLETICS AND PHYSICAL EDUCATION - 2 Vacancies, 3-year terms

Edward J. Dubovi, Associate Professor, Diagnostic Lab
Robert C. Lind, Professor, Johnson Graduate School of Management
June M. Fessenden MacDonald, Associate Professor, Program on Science,
Technology and Society and Biochemistry, Molecular and Cell Biology
Jeremy A. Rabkin, Associate Professor, Government

FINANCIAL POLICIES COMMITTEE - 2 Vacancies, 3-year terms

Donald J. Barr, Professor, Human Service Studies
Roberto G. Bertoia, Associate Professor, Art, Associate Dean of Administration,
College of Architecture, Art and Planning
Meredith F. Small, Assistant Professor, Anthropology
Leslie E. Trotter, Professor, Operations Research and Industrial Engineering

MINORITY EDUCATION COMMITTEE - 1 Vacancy, 3-year term

Debra A. Castillo, Associate Professor, Romance Studies
Subrata Mukherjee, Professor, Theoretical and Applied Mechanics

RESEARCH POLICIES COMMITTEE - 1 Vacancy, 3-year term

Steven W. Cornelius, Associate Professor, Human Development & Family Studies
Robert R. Zall, Professor, Food Science

CODE OF ACADEMIC INTEGRITY

Principle

Absolute integrity is expected of every Cornell student in all academic undertakings. Integrity entails a firm adherence to a set of values, and the values most essential to an academic community are grounded on the concept of honesty with respect to the intellectual efforts of oneself and others. Academic integrity is expected not only in formal coursework situations, but in all University relationships and interactions connected to the educational process, including the use of University resources. While both students and faculty of Cornell assume the responsibility of maintaining and furthering these values, this document is concerned specifically with the conduct of students.

A Cornell student's submission of work for academic credit indicates that the work is the student's own. All outside assistance should be acknowledged, and the student's academic position truthfully reported at all times. In addition, Cornell students have a right to expect academic integrity from each of their peers.

I. GUIDELINES FOR STUDENTS

A. General Responsibilities

1. A student shall in no way misrepresent his/her work.
2. A student shall in no way fraudulently or unfairly advance his/her academic position.
3. A student shall refuse to be a party to another student's failure to maintain academic integrity.
4. A student shall not in any other manner violate the principle of academic integrity.

B. Examples of Violations

The following actions are examples of activities that violate the Code of Academic Integrity and subject their actors to proceedings under the Code. This is not a definitive list.

1. Knowingly representing the work of others as one's own.
2. Using, obtaining, or providing unauthorized assistance on examinations, papers, or any other academic work.
3. Fabricating data in support of laboratory or field work.
4. Forging a signature to certify completion of a course assignment or a recommendation to graduate school.
5. Unfairly advancing one's academic position by hoarding or damaging library materials.
6. Misrepresenting one's academic accomplishments.

C. Specific Guidelines for Courses

1. **Examinations.** During in-class examinations no student may use, give, or receive any assistance or information not given in the examination or by the proctor. No student may take an examination for another student. Between the time a take-home examination is distributed and the time it is submitted by the student for grading, the student may not consult with any persons other than the course professor and teaching assistants regarding the examination. The student is responsible for understanding the conditions under which the examination will be taken.

2. **Course Assignments.** Students are encouraged to discuss the content of a course among themselves and to help each other to master it, but no student should receive help in doing a course assignment that is meant to test what he or she can do without help from others. Representing another's work as one's own is plagiarism and a violation of this Code. If materials are taken from published sources the student must clearly and completely cite the source of such materials. Work submitted by a student and used by a faculty member in the determination of a grade in a course may not be submitted by that student in a second course, unless such submission is approved in advance by the faculty member in the second course. If a student is submitting all or part of the same work simultaneously for the determination of a grade in two or more different courses, all faculty members in the courses involved must approve such submissions.

3. **Academic Misconduct.** A faculty member may impose a grade penalty for any misconduct in the classroom or examination room. Examples of academic misconduct include, but are not limited to, talking during an exam, bringing unauthorized materials into the exam room, and disruptive behavior in the classroom.

a. The faculty member must promptly notify the student of the reason for the imposition of a penalty for academic misconduct and the degree to which his or her grade will be affected.

b. Academic misconduct is not a violation of academic integrity. The student may, however, seek review by the Academic Integrity Hearing Board on the basis either that the finding of guilt is arbitrary and capricious or that the penalty for academic misconduct is excessive or inappropriate to the circumstances involved. ("Arbitrary and capricious" describes actions which have no sound basis in law, fact, or reason or are grounded solely in bad faith or personal desires. A determination is arbitrary and capricious only if it is one no reasonable mind could reach.)

D. Principles for Computer Use and Network Systems

The use of computers and network systems in no way exempts students from the normal requirements of ethical behavior in the Cornell University community. Use of a computer and network system that is shared by many users imposes certain additional obligations. In particular, data, software and computer capacity have value and must be treated accordingly.

Although some rules are built into computer and network systems, such restrictions cannot limit completely what students can do. In any event students are responsible for their actions whether or not rules are built in, and whether or not they can circumvent them.

Standards of behavior include:

1. Respect for the privacy of other users' information, even when that information is not securely protected.

2. Respect for the ownership of proprietary software. For example, unauthorized copies of such software for one's own use, even when that software is not protected against copying is inappropriate.
3. Respect for the finite capacity of the system and limitation of use so as not to interfere unreasonably with the activity of other users.
4. Respect for the procedures established to manage the use of the system.

E. Variances

A faculty member is responsible for informing his/her students and teaching assistants of variances from this Code that apply to work in his/her course. These variances should be clearly stated in writing at the beginning of the course or activity to which they apply.

F. Jurisdiction and Penalties

The authority to determine whether a specific action shall be treated as a violation of the Code of Academic Integrity lies with the Academic Integrity Hearing Board. Those who violate the Code of Academic Integrity will be subject to penalties under this Code and may also be subject to penalties under state and federal laws.

II. ORGANIZATION AND PROCEDURE

A. Students and staff members discovering an apparent violation should report the matter to the faculty member in charge of the course or to the chairperson of the appropriate Hearing Board. The chairperson is responsible for ensuring that all members of the school or college know to whom the report should be made.

B. Primary Hearing

1. Primary hearings are to be held by the faculty member unless the penalties available to him/her are inadequate, in which case, s/he may refer the case directly to the Hearing Board.
2. Notification. If, after investigation, possibly including discussion with the student, a faculty member believes that a student has violated the Code of Academic Integrity, the faculty member shall present the student with the charge. The charge shall include notification of a primary hearing to be held as soon as practical after the alleged infraction has come to the attention of the faculty member, but with at least one week's notice to the student. This notification period may be shortened by the agreement of both parties. The charge shall also include notice of the availability of the Judicial Advisor.
3. Composition. At the primary hearing the following shall be present: the faculty member concerned, the student in question, and a third-party independent witness. The independent witness shall be a faculty member or a student appointed by the Hearing Board Chairperson or the chairperson of the faculty member's department. The student may also bring to the hearing an advisor and additional witnesses to testify to his/her innocence.

4. Procedure.

- a. At the primary hearing, the faculty member shall present evidence in support of the charge against the student. The student shall be given the opportunity to respond and, if s/he wishes, to present evidence refuting the charge.
- b. The function of the independent witness is to observe the proceedings impartially, and in the event of an appeal from the judgment of the faculty member, be prepared to testify as to the procedures followed.
- c. After hearing the student, the faculty member may either dismiss the charge or, if there is clear and convincing evidence that the student has violated this Code, find the student guilty. ("Clear and convincing" as a standard of proof refers to a quantum of evidence beyond a mere preponderance but below that characterized as "beyond a reasonable doubt" and such that it will produce in the mind of the trier of fact a firm belief as to the facts sought to be established.) If the student is found guilty, the faculty member may impose any suitable grade punishment including failure in the course.
- d. A student wishing to seek review of the decision may bring the case before the Academic Integrity Hearing Board of the faculty member's college.
- e. A faculty member who gives a penalty for a violation of academic integrity shall immediately report this action and the nature of the violation in writing to the student and to the record keeper of the faculty member's Academic Integrity Hearing Board. This record-keeper shall then be responsible for its communication to the record-keeper in the student's college.
- f. If the student fails to attend the primary hearing without a compelling excuse, the hearing may proceed in his/her absence.

C. College Academic Integrity Hearing Boards

1. Composition. Each college and school in the University, including the Graduate School and the Division of Summer Session, Extramural Study and Related Programs, shall establish its own Academic Integrity Hearing Board. A model Hearing Board consists of the following:
 - a. A chairperson who is a member of the faculty and, preferably, an experienced Board member, appointed by the dean of the college for a two-year term.
 - b. Three faculty members elected for three year terms by the faculty of the college, except that in the case of the Division of Summer Session, Extramural Study, and Related Programs the faculty members shall be appointed by the dean.
 - c. Three students elected by the student body of the college or appointed by the dean of the college for at least one year, and preferably two-year terms. When possible, student terms should be staggered.
 - d. A nonvoting record keeper responsible for keeping clear and complete records of the proceedings.

2. Jurisdiction

- a. The student may seek review of the decision of the primary hearing if:**
 - i. S/he believes the procedure was improper or unfair.**
 - ii. S/he contests the finding of the faculty member.**
 - iii. S/he believes the penalty was too strict considering the offense.**
- b. After holding a primary hearing, the faculty member may bring the case to the Hearing Board if s/he believes a failing grade is too lenient considering the offense.**
- c. A student found guilty of more than one violation of the Code may be summoned before the college Hearing Board by the dean of his/her college. The Hearing Board may impose an additional penalty for such repeated offenses.**
- d. The dean of a student's college who receives a report that a student has committed a violation of academic integrity while attending another academic institution or while enrolled in a Cornell-sponsored off-campus program may, if he or she feels the situation warrants, summon the student to appear before the College Hearing Board.**
 - i. The Hearing Board may impose any penalty, including an additional penalty, it feels appropriate for the violation involved.**
- e. The Academic Integrity Hearing Board shall hear all cases that come before it de novo.**
 - i. While the Hearing Board may recommend an increase in any penalty imposed at the primary hearing, it should consider raising the penalty, if it is the student seeking review, only in the exceptional case.**
- f. The individual seeking review shall notify the chairperson of the Hearing Board of the faculty member's college within ten working days of the primary hearing. An exception to this deadline may be granted at the discretion of the chairperson of the Hearing Board on a showing of good cause.**

3. Procedures

- a. Each Board shall conform to procedures established by the Faculty Council of Representatives. Any college or school wishing to adopt a Board or procedures varying from this model must receive prior approval from the Dean of the Faculty.**
- b. The Academic Integrity Hearing Board shall convene as soon as practical after notification of a request for review, although seven days notice should be given to all parties if possible. If a grade for the student in the course must be submitted before a case can be decided, the faculty member shall record a grade of incomplete, pending a decision by the Hearing Board.**
- c. Those present at the hearing shall be:**
 - i. The student, who has the right to be accompanied by an advisor and/or relevant witnesses**

- ii. The faculty member, who has the right to bring relevant witnesses
 - iii. The third party independent witness, if a primary hearing was held
 - iv. Any other person called by the chairperson
- d. Should the student or faculty member fail to appear before the Hearing Board, the Board shall have full authority to proceed in his/her absence.
- e. The Board members shall hear all available parties to the dispute and examine all the evidence presented. The Board may solicit outside advice at the discretion of the chairperson. The chairperson shall preside over the hearing to ensure that no party threatens, intimidates, or coerces any of the participants.
- f. The student shall have the right to present his/her case and to challenge the charges or the evidence. The student's advisor may assist the student in the presentation and questioning.
- g. At least two-thirds of the voting Board members shall be present at every hearing, including two students and two faculty members. Both parties may agree in writing to waive this quorum. Of those present, a simple majority shall decide the issue. The chairperson shall vote only in the case of a tie vote. The Board shall find the student guilty only if there is clear and convincing (see the definition at Section II.B.4.c.) evidence indicating that the student has violated this Code.
- h. The chairperson shall notify each party to the dispute, in writing, of the Board's decision and, if appropriate, the penalty imposed. If the judgment of the faculty member is affirmed by the Board, or if the Board decides a different penalty is warranted, the dean of the faculty member's college and the dean of the student's college shall also receive the report.
- i. If the student's college is different from the faculty member's, the chairperson shall alter the composition of the Board hearing the case by substituting or adding one faculty member and one student from the Hearing Board of the student's college.
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 s/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

5. The student may seek review of the decision of the Hearing Board to the dean of the student's college within four weeks of the Board's decision. Exceptions to this deadline may be granted by the dean on a showing of good cause. The dean may not increase the penalty recommended by the Hearing Board unless the Hearing Board had original jurisdiction in the case. The dean of the student's college should ensure that the recommendation of the Hearing Board is carried out and should give notification to the parties or should give the Hearing Board and the parties a written explanation of why the recommendation was disregarded.

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.

7. 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.

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. Unless the decision provides for notation on the student's transcript, this record shall be disclosed only to deans of colleges or Hearing Boards considering other charges against the same student. A student may waive this right to confidentiality.

a. 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.

Adopted by the Faculty Council of Representatives, May 24, 1976, Records, pp. 4525-27C, Appendix A; March 11, 1981, Records, pp. 5298-5303C; May 12, 1982, Records, pp. 5505-06C; April 10, 1985, Records, pp. 5991-6002C and May 15, 1985, Records, pp. 6073-84C; May 9, 1990, Records, pp.

CORNELL INTERNATIONAL INSTITUTE FOR
FOOD, AGRICULTURE AND DEVELOPMENT (CIIFAD)

April 1990

PREAMBLE

The Focus: Improved Policies and Programs to Support Sustainable Agricultural and Rural Development

The evident problems of hunger and poverty in developing countries affecting massive numbers of people have prompted extensive but inadequate mobilization of domestic and international human and financial resources. Previous efforts proceeded on many fronts; including direct economic and technical assistance to poor countries, research to find more effective food and agricultural technologies, and building institutional capacities, both national and international, in developing and developed countries to carry on the search for more and better solutions to the problems of underdevelopment. The underlying premises were that improved technology would result in increased food production, that the benefits thereof would be shared equitably among and within countries, and that food production could continue to increase at rates exceeding population growth; thereby, raising standards of nutrition and well-being.

To a certain extent these expectations were realized. Productive new technologies were devised and production increased. However, the benefits from technological developments were not shared equitably. Hundreds of millions of people still suffer hunger and poverty. For some, conditions approach starvation. Disparities in income and livelihoods between the 'haves' and 'have-not' are increasing in many countries. Women remain the most disadvantaged major group, with burdens that often increase as a result of technological change.

The potentials of millions of children are unrealized due to malnutrition, disease, lack of educational opportunity, and the pressure of poverty that places them in low-paid, frequently dangerous jobs at very early ages. In addition, many of the new technologies can contribute to deterioration of land and water resources and have induced greater economic dependency on the part of some countries and significant portions of the population within many countries. These dynamics have global implications for both the natural environment and for world order. The search for sustainable approaches to development that combine appropriate technologies, institutions and policies with nations' human and natural resource potentials is of urgent importance.

The Need at Cornell: Organization to Support the Utilization of Cornell's Intellectual Resources for Solving Problems of International Development

Cornell contributed significantly to the technological successes in addressing the food problem in the 1950s, 60s and 70s, both directly and indirectly. The 20-year association of the College of Agriculture and Life Sciences (CALS) with the University of the Philippines at Los Banos stands as a model of collaborative institutional development effort. Cornell faculty have made many substantive contributions to the improvement of tropical agriculture. Cornell faculty were instrumental in fostering the development of the network of international agricultural research institutes, and graduates and former faculty have been prominent in many of them, most notably the International Rice Research Institute (IRRI) and the International Center for the Improvement of Maize and Wheat (CIMMYT). Cornell faculty continue to make contributions in the areas of biological and agricultural science and technology. But we have had much less impact in dealing with the larger problems that revolve around the broader needs of rural people and the environment -- those we identify under the rubric of sustainable rural and agricultural development. This can be defined as development which utilizes renewable natural resources in ways that support equitably distributed food, income and livelihood opportunities for present and future generations and that maintains or improves the economic productivity and ecosystem utility of these resources.

Cornell has academic resources and international experience unparalleled in their potential for contribution to resolving these problems. These are presently grouped in various programs centered on complementary aspects of related problems; e.g., the International Agriculture Program, the Program on Comparative Economic Development, the Food and Nutrition Policy Program, the Program on Population and Development, the Program on International Nutrition, the Rural Development Committee, the Program on International Development and Women, Development Studies in Planning and the Irrigation Studies Group. In addition, Cornell's major strengths in interdisciplinary programs have the potential for contributing to an understanding of the social and cultural aspects of these complex issues. These directly relevant strengths are buttressed by Cornell's unmatched capabilities in the technical agricultural disciplines and biological sciences.

Faculty Interest: Multi-College, Multi-disciplinary
Multi-faceted

A recent university-wide survey identified over 200 faculty members interested in various aspects of the problems of development, representing approximately 65 full-time equivalent positions. While the majority of these are in the College of Agriculture and Life Sciences, significant numbers are located in the College of Arts and Sciences and the College of Human Ecology, with smaller numbers in other units of the University.

Disciplinary strengths among this group of faculty cover the full range of agricultural technologies and a broad range of the social sciences: anthropology, education, sociology, economics. Some faculty are identified with industrial and labor relations, law and planning. Many of these faculty are associated with other international programs, most notably the International Agriculture Program, the Rural Development Committee, the Population and Development Program, the Program in International Nutrition, the Institute for African Development, and the area programs. Many of the activities of the two programs most centrally involved with sustainable agricultural and rural development -- the International Agriculture Program and the Rural Development Committee -- will be brought together under the auspices of CIIFAD.

Participation by these faculty in the activities of CIIFAD will be initiated in such a way as to foster complementarity of CIIFAD with the related programs. This will bring elements of a number of programs to bear more effectively on the problems of agricultural and, more broadly, rural development.

To expand on Cornell's interests and strengths, CIIFAD anticipates close collaboration both with academics and professionals in the developing countries and with colleagues in other countries. This collaboration will support research, teaching and developing assistance.

Audiences: Collaborating Academics, Practitioners and Policy - Makers in the Developing Countries and the United States

The primary objectives of CIIFAD are to increase understanding of the problems of sustainable rural and agricultural development, and to enhance individual and institutional capacities to address these problems. In carrying out these objectives, CIIFAD will collaborate closely with institutions in developing countries and will attempt to be responsive to expressed needs.

There is every reason to believe that Cornell's efforts in the area of sustainable rural and agricultural development, focused through CIIFAD, will draw collaborators, cooperators and supporters.

CHARTER

Cornell University hereby establishes the Cornell International Institute for Food, Agriculture and Development (CIIFAD) to serve as a campus-wide interdisciplinary unit.

Objectives

The Institute's primary goal is to strengthen Cornell's ability to make significant contributions to sustainable rural and agricultural development in poor countries of the developing world. CIIFAD has two broad objectives:

- to generate knowledge that would increase understanding and result in better informed development policies and programs, and improved implementation.

- to assist in the enhancement of institutional and individual capacities to address the issues of sustainable rural and agricultural development in the poor countries and at Cornell.

Within these broad objectives, seven specific objectives have been identified:

1. To increase understanding of problems of policy formulation and program implementation related to sustainable rural and agricultural development;

2. To increase understanding of the interactions of agricultural technology, demographic dynamics, human nutritional needs, natural resource opportunities and constraints, and international trade in relation to sustainable rural and agricultural development;

3. To generate an understanding of these interactions that will enhance the productivity and sustained viability of families, households and local communities with particular sensitivity to the prospects of women, small holders, the landless and others often excluded from productive agricultural opportunities;

4. To foster the development of improved implementation processes and institutions that build on these understandings;

5. To foster recognition of the policy implications of technological choice on the part of the agricultural research establishments, particularly the needs of those in difficult and fragile environments;

6. To support the improvement of understanding and skills of those with policy formulation and implementation responsibilities, as well as those with obligations for the education and training of these individuals;

7. To support the improvement of institutional resources essential to the education and training objective; of particular concern is the improvement of informational resources.

Mode of Operation

To achieve its objectives, CIIFAD will:

- conduct inter-disciplinary research in collaboration with institutions in the developing world;
- enhance and continue Cornell's strong teaching program related to sustainable rural and agricultural development;
- foster working linkages with other international programs of the university, both to utilize existing resources more effectively and to support synergistic activities;
- bring to the campus individuals and events that will aid in the search for improved understanding of the problems of sustainable rural and agricultural development.
- provide leadership in the mobilization of external resources to support program activities;
- serve as a point of substantive contact between Cornell and policy makers and practitioners with concerns for the problems of sustainable agricultural and rural development in poor countries of the world;
- seek out and facilitate opportunities to further these various objectives.

Organizational Structure

The CIIFAD will be based administratively within the College of Agriculture and Life Sciences. The CIIFAD will also be affiliated with the Center for International Studies, linked through the International Development Program Committee. The College of Agriculture and Life Sciences will provide core financial and administrative support and office space for CIIFAD. The Center for International Studies will provide facilities and support as appropriate.

The programs of the Institute will be managed and administered by: a Governing Board, a Director, an Associate Director, a Program Committee, and an External Advisory Committee.

Governing Board: The Dean of the College of Agriculture and Life Sciences will be the Chairman of the Governing Board. In this capacity, the Dean of the CALS will report to the Vice President for Research and Advanced Studies who will serve as the representative of the University's Central Administration. The Governing Board will also include the Dean of Arts and Sciences, the Dean of Human Ecology, the Director of the Center for International Studies, and three faculty

members at large designated by the Provost. The Governing Board will have the responsibility of setting CIIFAD policies, of providing program guidance and of approving the program budget. The Governing Board will meet at least once each year for these purposes. The Governing Board will submit an annual report of CIIFAD's activities to the Provost.

At the end of the first three years of CIIFAD's operation and periodically thereafter the Governing Board will arrange for a substantive review of the Institute to assess progress and overall direction. Reports of these reviews will be presented to the Provost.

Director: The Director of CIIFAD will be responsible for carrying out policies and directives of the Governing Board. The Director will be appointed by the Dean of CALS following an appropriate search process and with inputs from the Governing Board and the broad international Cornell community.

When engaged in carrying out day-by-day activities of the Institute, the Director of CIIFAD will report to the Dean of the College of Agriculture and Life Sciences. The Director, on behalf of the Institute, will provide a written report to the Governing Board which is responsible for major programmatic and budgetary decisions. The Director will represent the Institute at meetings of the Center for International Studies.

Associate Director: The Associate Director will assist the Director in carrying out the policies and directives of the Governing Board relative to CIIFAD. In addition, the Associate Director will have primary responsibility for providing administrative support for the international agriculture program of the CALS. The Associate Director will assist the Director in representing the international agriculture and development community to external organizations -- both national and international.

Program Committee: The Program Committee will consist of nine members of the Cornell academic community. These members will be nominated by the Director of CIIFAD for approval by the Governing Board. The Director and Associate Director of CIIFAD will be ex-officio members of the Program Committee. The Program Committee will represent the University breadth of disciplinary and organizational interests relating to the problems of sustainable rural and agricultural development. This will provide a broad perspective and facilitate identification of mutually beneficial activities.

The Program Committee will work with the Director to define the program of CIIFAD, develop the program budget for submission to the Governing Board, and provide an initial review of program progress. The Program Committee will meet at least three times per year to achieve its purposes. The Program Committee may establish sub-committees as necessary to facilitate carrying out CIIFAD programs.

External Advisory Committee: The External Advisory Committee will be appointed by the Governing Board. It will consist of from five to seven members. Committee members will represent low income countries,

as well as other development institutions in the United States and elsewhere.

This committee will meet at least once per year to provide CIIFAD with linkages beyond the Cornell Community. The Committee will also provide continuing oversight of CIIFAD's activities and suggestions for program themes.

Affiliation of Faculty

Association of Cornell faculty members with CIIFAD will be inclusionary rather than exclusionary. All Cornell faculty with an interest in, and concern for, problems of sustainable rural and agricultural development will be eligible to affiliate with the Institute. All affiliated faculty will be expected to participate in activities of the Institute and, where appropriate, assume leadership roles.

Institute activities are anticipated to be varied, including, but not limited to, inter-disciplinary research, teaching, and the development and implementation of short courses and workshops. These will provide significant opportunities for collaborative participation and leadership relative to the practical problems of sustainable development.

Financial Support

The CIIFAD will receive support for its basic maintenance and operation from the College of Agriculture and Life Sciences. It is anticipated that program and project support will be obtained from foundation and individual grants, U.S. government grants and contracts, grants from the private sector, and other sources.

CORNELL UNIVERSITY

COPYRIGHT POLICY

GENERAL STATEMENT

Cornell University is committed to providing an environment that supports the research and teaching activities of its faculty, students and staff. As a matter of principle and practice, the University encourages all members of the Cornell community to publish without restriction their papers, books, and other forms of communication in order to share openly and fully their findings and knowledge with colleagues and the public. The Copyright Policy has been prepared in this spirit and with this intent. The Copyright Policy is intended to promote and encourage excellence and innovation in scholarly research and teaching by identifying and protecting the rights of the University, its faculty, staff, and students.

Copyright ownership and the rights thereof are concepts defined by federal law. University policy is structured within the context of the federal copyright law. The long-standing academic tradition that creators of works own the copyright resulting from their research, teaching, and writing is the foundation of the University's Copyright Policy. Exceptions to this rule may result from contractual obligations, from employment obligations, from certain uses of University facilities, or by agreement governing access to certain University resources. This Policy addresses these exceptions.

DEFINITIONS OF COPYRIGHTABLE MATERIAL

It is expected that laws and judicial interpretations of laws governing protection of intellectual property will change from time to time, particularly as they apply to new and rapidly changing technologies such as computer software. New paradigms may require new approaches. As such, this Policy differentiates between traditional intellectual property, such as books, incorporated under "Traditional Works", and newer forms, such as computer software, incorporated under "Encoded Works".

Traditional Works:

Copyrightable **Traditional Works** such as books, manuscripts, artistic works, movies, and television programs, historically have been the property of the Author¹. It is not the intent of this Policy to change significantly the relationship between the Author and the University that has existed through the years.

¹ For purposes of this Policy, "Author" shall refer to the creator of a work.

Encoded Works:

Encoded Works include software and other technologies used to support the electronic capture, storage, retrieval, transformation and presentation of digital data and information or to interface between digital forms and other communications and information media. The University will exercise its equitable ownership interest in **Encoded Works** under the circumstances identified below.

OWNERSHIP AND DISPOSITION OF COPYRIGHTABLE MATERIAL

Copyright ownership of all work by academic² employees, non-academic employees, or students shall vest in the Author except under any of the following circumstances:

Regarding both Traditional Works and Encoded Works:

I. **Subordination to Other Agreements:** Copyright ownership of all material that is developed in the course of or pursuant to a sponsored research or other agreement to which the University is a party shall be determined in accordance with the terms of the sponsored research or other agreement. In the absence of terms specifically assigning ownership, the copyright shall become the property of the University only if the terms of such agreement directly or indirectly create University obligations as to intellectual property developed thereunder or if ownership is conferred upon the University by operation of another provision of this Policy.

II. **Work for Hire:** The copyright of material that is prepared by a non-academic employee within the scope of University employment or by academic employees pursuant to a specific direction or assigned duty (other than the teaching of courses) from the University or any of its units shall be the property of the University.

Regarding Encoded Works only:

III. **Use of University Resources:** Copyright ownership of **Encoded Works** which are developed with the "Substantial Use" of University resources, funds, space, or facilities shall reside in the University. For purposes of this Policy, University resources include grants, contracts or awards made to the University by extramural sponsors. The use of University resources is "Substantial " when it entails the use of University resources not ordinarily used by, or available to all, or virtually all, members of the faculty. As the concept of Substantial Use evolves with changes in the customary working environment, the term may be refined by the Provost from time to time, following consultation with the FCR, and such definition shall be incorporated as an Appendix to this Policy.

² For purposes of this Policy, the term "academic" shall apply to those positions described in Article XVIII of the University Bylaws.

STUDENTS

rules: Works created by students are additionally subject to the following

A. The University makes no claim to copyright ownership of works created by students working on their own, i.e. not within the scope of an employment relationship with the University or with one of its employees, and not making Substantial Use of University resources.

B. Students working on a project governed by a contract or agreement to which the University is a party shall be bound by the terms of that contract or agreement.

C. Students who are hired to perform specific tasks that contribute to a copyrightable work will ordinarily have no rights to ownership of that work, regardless of the source of funds from which they are paid. In such cases, the party who owns the copyright of the rest of the work will ordinarily retain copyright ownership of the portion contributed by the student.

D. Students working collaboratively with academic employees on projects that result in copyrightable work may be granted the same rights and obligations of copyright ownership as would another academic employee working collaboratively on the project. Students and academic employees should establish these rights at the outset of their collaboration.

E. If none of the above relationships applies, students performing work compensated by the University are subject to the provisions governing non-academic employees under Section II.

F. Students may also be subject to rules and restrictions of their units, colleges or of the Graduate School which are not inconsistent with the University Copyright Policy. For example, students who copyright their theses or dissertations must grant the University rights to reproduce and distribute copies of their works in accordance with the policies of the University or College.

RECOGNITION OF AUTHOR'S DESIRE FOR INTELLECTUAL CONTROL

In recognition of the Author's desire to maintain intellectual control of his or her work, the University will give consideration to views of the Author as to disposition of intellectual property rights when it takes title to a copyrightable work under this Policy. Where the University owns a copyright under this Policy, the Author will be permitted to continue to use the work for his or her own non-

commercial purposes. Distribution, if any, to academic colleagues outside of the University will be permitted under approved written agreements obtained from the University Counsel through the Vice President for Research and Advanced Studies.

ASSIGNMENT TO AUTHOR

In cases where the University has copyright ownership of a work under this Policy, the University may, upon request and for good cause shown, assign copyright ownership to the Author subject to a perpetual royalty free license to the University to use the work for its own purposes. Such requests should be submitted to the Vice President for Research and Advanced Studies.

REQUIREMENT OF DISCLOSURE

Works potentially falling into the three categories described in paragraphs I through III above shall be promptly disclosed in writing to the Vice President for Research and Advanced Studies or his designee for a determination as to whether title is in the Author or the University. To determine whether an **Encoded Work** described in paragraphs I through III is patentable, it should be submitted to the Vice President for Research and Advanced Studies for an evaluation.

OVERLAPS WITH PATENT POLICY

Some materials created at Cornell are both patentable and copyrightable (e.g., a copyrightable work that embodies a patentable invention). Many **Encoded Works** may be patentable. For material in categories I, II or III that is both copyrightable and patentable, the Patent Policy of the University shall govern intellectual property rights in the work.

USE OF OUTSIDE CONSULTANTS AND INDEPENDENT CONTRACTORS

Under current law, ownership of works created by outside consultants and independent contractors could reside in such individuals and not in those hiring them to perform the work at issue. Therefore, those hiring outside consultants and independent contractors should observe the precaution of having a written agreement including an assignment of copyright. Students and non-academic employees working outside the scope of University employment should be considered independent contractors for such purposes. Assistance in drafting such agreements can be obtained from the Office of University Counsel.

ADVICE AND INTERPRETATION

Members of the University community may obtain advice, from the Office of the Vice President for Research and Advanced Studies on the application of this Copyright Policy to their work, and from the Office of

Sponsored Programs information about restrictions on copyright ownership related to grants or other sponsored agreements.

RESOLUTION OF DISPUTES

Disputes arising over the application of this policy and the ownership of copyrights shall be brought to the Provost, who shall refer the matter to an *ad hoc* committee consisting of three members of the Research Policies Committee of the Faculty Council of Representatives appointed by that committee's chairperson together with the Vice President of Information Technologies and the Director of Patents and Technology Marketing. This body shall report its recommended decision for resolution of the dispute to the Provost, to the Dean of the University Faculty, and the University Counsel. The decision of the Provost will be final. The Provost will render a determination within seventy-five days of receiving written notice of the dispute or the University will relinquish rights to ownership of the disputed copyright.

COPYRIGHT ROYALTIES

Except in the case of Works for Hire, described in Section II above, royalty income received by the University through the sale, licensing, leasing or use of copyrightable material, which the University owns pursuant to any section of this policy shall be distributed in accordance with the royalty distribution provisions (Section E) of the University's Patent Policy, as amended from time to time. In the case of such intellectual property owned by the University pursuant to Section II, that share of royalties which would ordinarily be distributed to the creator under the Patent Policy will be deposited in a pool to be used, at the discretion of the University President, to recognize meritorious contributions made by University employees. All employees shall be eligible for recognition.

RESPONSIBILITIES OF PARTIES

It is the responsibility of the University and all members of the University community to ensure adherence to this Policy.

Academic staff and other Authors governed by this Policy shall have the obligation to:

- Make themselves aware of and adhere to restrictions on or rights in copyrightable material deriving from agreements between the University and contracting or granting agencies or other interested third-parties, or deriving from any University interest pursuant to this Policy. The University Office of Sponsored Programs shall assist Authors to be aware of their responsibilities.
- Inform the Office of Patents and Technology Marketing of material that should be copyrighted in the name of the University pursuant to

the provisions of this Policy, and to cooperate with the University in obtaining such copyright protection.

- Obtain permission from the Vice President for Research and Advanced Studies to publish, in journals or other media, materials to which the University owns the copyright pursuant to this Policy, such permission not to be unreasonably withheld.
- Ensure that students or contractors working collaboratively or under their direction (whether or not for pay) on projects which may result in copyrightable material have signed appropriate agreements concerning the assignment of copyright to the Author or to the University, or such other disposition of rights to copyright as shall be appropriate pursuant to this Policy. Such agreements shall also clarify to students their rights to include or copyright any part of the work that they may wish to include in theses or dissertations. At the request of the Vice President for Research and Advanced Studies, the University Counsel shall assist Authors in this regard.

The Vice President for Research and Advanced Studies and other University officers have the obligation to respond in a timely fashion, normally within forty-five days, to written requests pursuant to this Policy.

The University shall, furthermore, use reasonable efforts to promote works to which the University owns the copyright under this Policy.

COPYRIGHT AGREEMENTS

The policies set forth above constitute an understanding that is binding on the University, and on its academic and non-academic employees, students, and others as a condition of their participating in University research programs or their use of University resources. The University may require formal copyright agreements to implement the policy as appropriate, but the absence of such executed agreements shall not invalidate the applicability of this policy.

**APPENDIX TO COPYRIGHT POLICY
ELABORATION OF DEFINITION OF SUBSTANTIAL USE**

APRIL, 1990

The Copyright Policy uses the term "Substantial Use" in determining when the University claims ownership to the copyright of "Encoded Works" developed by members of the University Community. The purpose of this Addendum is to amplify the definition of "Substantial Use".

For purposes of this Policy "Substantial Use" is the use of resources other than those "ordinarily available" to most or all faculty members.

As of the date of this Appendix, such ordinarily available resources include office space and personal office equipment, office computer workstations, library and other general use information resources, and the means of network access to such resources. Incidental involvement of students receiving funding from the University is also excluded from the definition of "Substantial Use".

The symbiotic nature of the relationship between the University and its faculty produces benefits to both in the nature of enhanced prestige and increased grant support. The University, therefore, wishes to encourage teaching, scholarship and research activities on the part of its faculty and makes its facilities available to aid in the achievement of these ends.

Nevertheless, the University does have a legitimate right to participate in the management, protection and marketing of intellectual property rights where substantial use has been made of its resources.

The above definition of Substantial Use may be changed from time to time by the Provost to reflect changes in technological paradigms.

Finally, it is important to recognize that where the Author's intent is to generate private revenues, that is, commercial development, such activity may constitute a conflict of interest and should be reviewed under the standards contained in that policy³ as well.

Robert Barker
Senior Provost
April, 1990

³ The Conflicts of Interest Policy was adopted by the Board of Trustees in May, 1986.

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