MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, September 11, 1996

The Speaker, Professor S. Kay Obendorf, Textiles and Apparel, called the meeting to order. She then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "I wanted to talk about the issues (Appendix 1) that I see this body facing this year, and then I want to talk about two in particular that I think are important and should be brought to this body. One is faculty salaries and the other is sexual harassment. I've listed the items that I could think of, that I thought are likely to be brought up before you this term. The first two, program review and tenure procedures, you know about, you've read the materials on, and have been scheduled for this meeting and the meeting next week. The Sexual Harassment Procedure is not done—it will be back before you once again because the Academic Freedom Committee is now considering the procedures it should use to hear a case if it should be so unfortunate as to have to hear a case. Faculty salaries I will talk about in a little bit.

"One issue that has been receiving active consideration at other universities and has started to receive consideration here is the issue of faculty retirement. With the limited number of new hires that we have, we really have to think about what we can do that will enable faculty to pursue the lives that they want to pursue—faculty at the upper end of the age spectrum—while still creating the vacancies that are necessary to bring new blood and new young people into the community. Other universities have looked at this, and we are about to.

"A big item is Project 2000, which keeps going on. It's a major item of expenditures and potentially has extremely important savings for the University and possibly may facilitate the work that we do here. There's a great deal of skepticism about whether Project 2000 will, in fact, achieve its goals. I think that it is an important issue both because of the savings that can be generated and because of the dangers that will occur if indeed the project does not go as well as we think.

"Two items that are high on President Rawlings agenda have been talked about now for two years. One is the whole residential life question which involves how to integrate the living experience with the learning experience. I must not shrink from saying the magic words 'PROGRAM HOUSES', as part of this issue. It received active consideration last year and will receive consideration this year, and I think that this body may want to talk about it. The first-year experience was brought before you once before. You rejected the proposal for the first year experience, but there are people in the Dean of Students' Office and others who are thinking about it and may come back with more proposals or we may wish to initiate proposals of our own.
"When do we teach classes? This is a persistent problem. What hours do we teach classes? This question probably will come to this body. Revisions in the Academic Integrity Code are awaiting your consideration. The Ward Reactor Laboratory wishes to change itself into a University-wide center and it cannot do that without your approval. The whole issue of benefits, which is a persistent problem, and which is now receiving active consideration by the administration, may in fact involve changes that this body wishes to actively consider.

"And the last on my list is potentially the most important. The fact that it's last doesn't mean that I think it's least important, but the whole relationship of that eternal triangle of SUNY-New York State-Cornell relationship and the various love/hate relationships on the legs of that triangle are extremely important and also are receiving active consideration in the administration. The reason that it's last on the list is I have not been able to think of any way that this body can actively participate in shaping that agenda. That does not mean that I don't think that that agenda is as important, or perhaps more important, than any of the other items on the list. It would be good if somebody would think of some way that we could interact with that whole fluid question. I could have written out some more, but I ran out of room on the word processor. Anyway, I think that these items are all apt to receive our attention in the coming year.

"Let me talk about two, the first being faculty salaries. I want to present to you two simple transparencies which I think tell a devastating tale. What I'm going to show you are what has happened to the salaries of full professors at the university. The reason that I choose full professors and not the entire faculty is that if you write down the whole faculty then other questions get mixed in; namely, how our distribution of faculty compares to the distribution of faculty at other institutions, which confuses the issue. But if you take one class, which is the same at all institutions, namely full professors, you are able to look and see what the average salaries of our full professors are compared to those of 'our peers.' There is a real question as to how to define our peers. I believe that the peer institutions should be defined differently for the endowed and the statutory parts of the University simply because the streams of revenue and expenses are very different. Salaries are determined in very different ways in public and private institutions. It makes more sense to compare how we're doing if we compare our endowed part to the private research institutions and our statutory part to public research institutions.

"What I'm presenting to you is data compiled by Vice President Ehrenberg's office and the first transparency I want to show you is a decade worth of faculty (full professor's) salaries for the endowed units of Cornell compared to seventeen private research institutions (Appendix A, attached). The seventeen were chosen by Professor Ehrenberg, although it would be the same seventeen no matter who did the choosing. If, in fact, had he chosen all research one universities, it would have only added six more to the list. So this is not really a sample, it is essentially the whole ensemble. Now, if you look at them, you could cry. I mean, over the past ten years, there is no way of saying, other than the fact that there has been substantial
deterioration of Cornell faculty salaries from 1986 to 1996. It is of the order of ten percent. That is, we've gone from .96 to .88, which is roughly ten percent. It is unrelenting. I look at that graph a lot. Every time I look at it I get a different message, but one message I got when I looked at it, just coming over here, is that every single year, with one exception, we have gone down. It is an unrelenting tale of downwardness. It presents a serious danger to this institution and unless we are able to do something about that, I fear for the future of this institution.

"Let me present the other side. On the other side, for the statutory units, the situation is murkier. I was surprised when I plotted it, but this is Cornell statutory full-professor salaries—same plot, same years, for fifteen major public institutions (Appendix B, attached). The major public institutions are the same fifteen that you'd write down if you just sat and wrote them down: Wisconsin-Madison, Davis, Berkeley, North Carolina -- the major public research institutions. And if you look at it the picture is different. It ends up in 1996 roughly where it started out in 1985. For the first half of that period, we clearly gained. We were on an upswing. On the other hand, for the second half of the period, I don't have to tell you, we were no longer on an upswing. We've been on a substantial downswing. The numerical ordinate in 1995-96, the y-axis, turns out to be the same for both statutory and endowed. We are one University, we're .88, whether we're statutory or endowed. This is a somewhat more confusing picture than the other. Let me just go back to the first one because I find it more clear than the second, which I don't really understand.

"If I look at that, two questions come to my mind. The first one is, 'How come?' What is it that our seventeen other peers are doing that we're not doing? What is it that they have chosen to do with roughly the same revenue streams? What have we chosen to do with those revenue streams that they have put into faculty salaries? I think that that's an extremely important question and one that should concern faculty governance. This is a bread and butter issue.

"The other thing that I want to say, looking at that graph, is that in some sense, it's a failing of the administration. The administration, who is responsible for husbanding our resources, has not chosen over this decade of time to husband them for the faculty and I think that there is no way to avoid that. On the other hand, I feel equally that this is a failing of faculty governance. Where were we, the faculty? I happen to know that at one point on this curve, during 1986 or 1987, there was a major effort by Dick Schuler (he had to be away today) when he was chair of the Financial Policies Committee, to make the point that in fact salaries were inadequate. And they looked inadequate to him in 1986, but then somehow the issue was shelved by the faculty while salaries continued their downward slide. I think that this ought to be a major focus of faculty governance not only for next year but also for the next ten years. I think that you can't forget about it. You can't put it away."
"There ought to be a commitment on the part of the Financial Policies Committee, on the part of my office, for whoever is the Dean of Faculty, and on the part of whoever sits in the Senate, to keep this graph and other ways to think of this problem in the center of their vision. And to keep up pressure. I must say that the administration recognizes the problem. Don acknowledges the problem, Ron acknowledges the problem and I'm pleased with that. I'm pleased to have the administration fighting for us. But, nonetheless, I think that we must also fight for ourselves. I think that we should maintain this pressure on an ongoing basis. With the statutory units, we also have to maintain the pressure. It's more complicated. We have to understand it better. We're too much tied up with the other units of the State University of New York. I believe that there are things that we can learn to do independently of what the State University does, but that requires more study.

"But let us turn quickly to the last topic—I see that I have almost exceeded my time. I want to tell you a little bit about what happened with the Sexual Harassment Procedures. This body, at its April meeting, passed a resolution saying that they found six deficiencies with the draft Sexual Harassment Procedures which were brought before this body. Those deficiencies were generated by the Academic Freedom Committee. The group debated it, the group amended it, we passed that, we sent it on to the administration. The Senate spoke on that issue. When the penultimate draft of the procedures was issued, I was disappointed to see that of the six recommendations or complaints that this body made, five of the six were ignored. I considered that, as did the University Faculty Committee, and the Academic Freedom Committee, as a major test of faculty governance.

"I believe that faculty governance has to be careful about the resolutions it passes but when it does pass resolutions it must be very firm. I believe that a resolution must be taken very seriously by the administration and we should hear, if the administration chooses not to do it, a report of why they chose not to do it. That was not the case with the Sexual Harassment Procedures. We, then, the Academic Freedom Committee and the University Faculty Committee, complained very vociferously to the Provost and the President that we believe that it is unacceptable to have our recommendations in this area not answered and, in fact, we had several meetings with the administration and those meetings had a very happy outcome. And the happy outcome was that, of those six recommendations, the Provost incorporated five and a half of them into the final draft. I was prepared, before that happy decision was made, to address the Trustee's Executive Committee and explain to them why I felt that the version of the procedures that did not incorporate these procedures would not fly with the faculty and should not be enacted. When I learned that five and a half of them would be enacted, I decided to go down to that meeting in any case to tell them that these were much better, but that I thought that it was important that that extra half be enacted.

"I think that, as far as I'm concerned, this was an important issue. This was an important issue not only because sexual harassment is an important issue, but because it is important to forge strong relationships between this body and the
administration. There is a responsibility that goes two ways. We cannot pass resolutions idly. In my history with the FCR, this happened on many occasions, when the FCR passed resolutions without fully considering the implications and the administration totally ignored them. And that was not healthy for either the administration or the faculty. I believe that careful consideration and then firmness in negotiations with the administration to try to work together to come to some common agreement is the basis of good faculty governance. And I'm glad that the Sexual Harassment Procedures worked out. And I'm sorry for going over time."

Speaker Obendorf: "It is the custom to have a question and answer period with Provost Randel so we can do that now."

2. QUESTIONS AND ANSWERS—PROVOST DON RANDEL

Provost Don Randel: "I'd like to say that the administration has identified five areas of concern to work on this year and there is great overlap with the list that Dean Stein has shown you. Among those five is faculty and staff compensation. The Board of Trustees is so concerned about this that they charged us last spring to send them a report on the matter to show what the status of that problem is and what we propose to do about it. Indeed, I shall sneak out of here at five fifteen to go to a meeting of the Executive Committee of the Board in New York at which we will give that report, showing the data that Peter has already shown you. We are resolved to discuss that and to try to do something about it."

Associate Professor Lois S. Willett, Agricultural, Resource, and Managerial Economics: "Provost Randel, could you identify the other four of the five areas that President Rawlings has identified?"

Provost Randel: "Yes, the others included defining Cornell's role in relation to New York State; the coordination, and in some cases the reordering of some academic programs in relation to academic program review (which you'll take up); and restructuring of administrative services, which is to say, Project 2000, which should not be thought of just as a systems or technology effort. It will put a greater share of the institution's resources at the service of academic programs. And then, finally, the fourth area included the living and learning environment of our students, an effort to integrate what is up here on the Hill into the lives of students inside and outside of Cornell and also to address the living conditions of students on the campus. Whether we should have more students living on campus, how we can intervene in their lives outside of class, etc."

Professor Gordon Teskey, English: "Provost Randel, could you identify for us the missing one half to which Dean Stein referred?"

Provost Randel: "I'm embarrassed to say that I can't."
Dean Stein: "I can if you want; it is very quick. The question is the standard of proof for a conviction of sexual harassment. This committee (Academic Freedom Committee) wanted that standard of proof to be 'clear and convincing' evidence and the draft said, 'preponderance of the evidence.' The change that was made was that the 'clear and convincing' standard was added to the dismissal procedure but not to other serious adjudicatory procedures. That remains unsaid. There is no reference to what the standard should be. The reason I said the body could handle it is that the Academic Freedom Committee can, in fact, I believe, adopt that standard on their own. That's the whole story."

Provost Randel: "That is certainly correct. Before I continue, I want to mention making that distinction on the level below the level at which dismissal might be recommended. In any matter, including this one, the standard of proof is 'preponderance of the evidence', not 'clear and convincing' evidence. If the Office of Civil Rights were to undertake the investigation of Cornell through a complaint filed directly through them by some complainant, it would be unlikely that anything in the way of very elaborate procedures would be used, but certainly the standard of proof would not be higher than here. The danger that we have, therefore, is that we create a set of procedures in which the standards are so much higher than the law provides for that we give complainants a clear incentive to avoid University procedures altogether and go directly to the Office of Civil Rights, which I think would not be in the interest of the university. As it is, if someone pops in and complains in the Office of Civil Rights, they can show up and make an investigation and ask anybody what they want to ask them."

Associate Professor Kerry H. Cook, Soil, Crop and Atmospheric Sciences: "Do you feel that in the future the Senate recommendations will be taken seriously so that the faculty doesn't have to march in?"

Provost Randel: "Certainly. And I would say, in reference to the 'one to five and a half' that there was certainly no intention on my part or on anybody else's part to summarily reject four out of the five of the proposals. In fact, I had thought that we had adopted, if not five out of five, then four out five. I fail to understand the import of some of the faculty resolutions, so in some cases it was purely and simply a matter of my failing to understand what, precisely, was the force of what the faculty committee was after. Clearly, we have some differences of opinion, but it was not, for me, difficult to reach the agreements that we reached. It is certainly my aim to see that relations prosper and to meet with the committee at least bi-weekly."

Professor Cook: "So is there something that we should be doing differently?"

Provost Randel: "It is very difficult to overestimate the obtuseness of the people who are taken captive in the administration. In fact, the more you can explain, the better, no doubt. But it is also the case, and what's essential—you know all about how language works—and the more background conversation there is to create a context in which to place these communications, the more accurate the
communication will be. A very great deal of grief will be avoided simply by our meeting regularly to exchange views in an informal way, so that we understand what the words that get hammered out in these sessions mean and what they represent."

Professor Sally McConnell-Ginet, Linguistics: "Do you think that it's fair to the Board of Trustees that the Faculty Senate ---"

Due to hallway noise there is a brief gap in the minutes.

After Provost Randel answered the question, Dean Stein picked up the thread of conversation.

Dean Stein: "Let me respond to that. I, at that meeting of the Executive Committee of the Board of Trustees, was crucially aware of this difference, and I was very careful to make sure that I stated it. How many people understood the import of the difference is another question, but the position that I took was that this body had not endorsed these procedures. On the other hand, this body had specific complaints, I believed that unless these complaints were dealt with, that this body, and the faculty in general, would not find these procedures acceptable. And one could infer from that other things. I was careful to state exactly what the case was, but you know how it goes. In a meeting with twenty five people, they hear different things."

Associate Professor Marianne Krasny, Natural Resources: "I was wondering if you could define Cornell's role between New York State and the SUNY system."

Provost Randel: "As Dean Stein observed, with respect to this body, and I would like to add, with respect to the administration, it is not easy to figure out how to pursue this nor has it been easy to figure out how to pursue this question, given that there has been a very considerable vacuum in the State University of New York. The chancellor resigned. It was clear that he was on the way out and it took him a good while to appoint an interim chancellor, who has declared that he will not be there past the thirty-first of December or so, and is thus unlikely to take any particular action. There has been no provost there for some time. There was a move to appoint a new provost by Chancellor Bartlett before he left office—this was squelched by the new SUNY Board of Trustees. There has been such turmoil at SUNY and such a vacuum of leadership that it has not been easy to find anybody to talk to about what our relationship ought to be. In the meantime we have sort of ground away with the person who came to be called the 'officer in charge'—because they didn't have a president or a provost. This was their chief financial guy and we came ultimately to working out our differences for this fiscal year that we are now in, and in the end, that run of negotiations turned out better than we had feared. The budget year that we now enter sees the statutory colleges taking a cut overall of about 2.9 million dollars, which is a million less than we thought we were going to have to deal with."
"We need to continue to think even in the absence of leadership in SUNY at the moment, how we would like to structure the relationship with them so that when the moment comes when they do have leadership, we will have a set of things to discuss with them. There is a considerable range of possibilities. The one thing that we must avoid at all costs, if we possibly can, is this continuing cycle where year in and year out, another percentage or two is scraped off the institution. We need to achieve some understanding that will provide somewhat of a more stable platform for us. The context for all of this, alas, is that the State of New York seems bent on spending less for higher education, generally, year after year. So if you look at the recent Chronicle for Higher Education, where you see all these numbers printed out for all of the states, for the last two years, New York's spending on higher education has declined something like four percent and you have states like Georgia, Michigan, a whole bunch of others, in which the spending for higher education is increasing faster than inflation. There are still states that understand the importance of this to their economy, and to their general well being. New York, alas, has not been one of those in recent years.

"And plus, what we have to try to establish at a minimum with the State of New York is that much of what we do in the statutory colleges is not a function of undergraduate teaching. When they wish to shift more of the burden of higher education onto the parents of undergraduates, as seems to be the drift in a number of quarters, they can't assume simultaneously, that undergraduate parents should be responsible for funding the Geneva Experiment Station, all of our extension work, and all of the research that we do in all of the statutory colleges in support of causes such as the New York State economy. They have so far wanted always to take with us this formulaic approach that says, 'so and so many dollars more or less per enrolled undergraduate', and treating the whole system, four-year colleges, university centers, our statutory colleges, as if they were one sort of homogeneous bunch."

Speaker Obendorf: "I think that we can see how complicated that issue is."

Provost Randel: "It could mean simply renegotiating the relationship within SUNY. One of the things that we need to contemplate is as even the SUNY folks said themselves at one point was, 'Well, maybe this isn't working as well as it ought to work and that maybe we need to think of the statutory colleges as having some sort of greater independence,' but that is all still underlying."

Speaker Obendorf: "Thank you very much. I think that we have a busy agenda, so I would like to move on. I would like to call on Associate Dean and Secretary of the Faculty, Bob Lucey, who will introduce the candidates for our election."

3. ELECTION OF SPEAKER

Associate Dean and Secretary of the University Faculty Robert Lucey, E.V. Baker Professor of Agriculture: "Well, the reason that we're having an election for
Speaker is that our distinguished Speaker, Kay, is moving on to be a Faculty Trustee. The procedure that we're following is the same that we followed last year, in that two candidates were brought in front of this body, gave a presentation, and then were asked to be excused from the room while the vote was taken. The two individuals that are up for candidate for speaker are, first, George Hudler, Plant Pathology, College of Agriculture and Life Sciences, and John Pollak, Animal Science, also in the College of Agriculture and Life Sciences. The first person who will speak is George Hudler.

Associate Professor George Hudler, Plant Pathology: “Thank you very much, Bob. As Bob said, I am an Associate Professor of Plant Pathology. This November will mark the start of my twentieth year in service to the University. My position is one of fifty percent teaching, thirty percent extension, and twenty percent research. It's one of those three-way splits Dean Call said I'd never have. My specialty is diseases of trees and shrubs, but in recent years I've gained the most notoriety for a course I teach called 'Magical Mushrooms, Mischievous Molds.' For the past five years I've been the chairman of the Cornell Plantations Advisory Board and that's probably the closest I've come to chairing a meeting that even remotely resembles this one, and I have to emphasize, the word 'remotely' so if you elect me to this position, I'll have to bone up on Robert's Rules of Order. I'll have to beg your patience as I do. When Dean Stein called and asked me if I wanted to run for this position, I agreed to do so out of a sense of service to the University. I had no ulterior motive at the time. But at the same time, I have to admit to you, that, as I stand up here before you now and look out onto the faces of a few old friends, and think about the fact that I could shut those people up with a rap of my gavel, the position becomes far more exhilarating.”

Secretary Lucey: “The next person will be John Pollak.”

Professor John Pollak, Animal Science: “I didn’t realize George could leave.”

Secretary Lucey: “He doesn’t have to leave.”

Professor Pollak: “I promise not to run a muddy campaign. I'm in the Department of Animal Science and I've been there since 1980. I came from the University of California at Davis, where I worked, and while I was at Davis I got to take a three month sabbatical leave here at Cornell, which was returning home, since I was a graduate in 1969—that infamous year that everybody refers to as one of the most exciting, in retrospect, that Cornell had gone through—so I've had a lot of exposure to the program here in a variety of ways. I teach an introductory and an advanced course in genetics in the Animal Science Department and I am also involved as the graduate representative for the field of animal breeding. I’ve tried to focus on the teaching area. I've been involved with the policy area for CALS and I’ve been involved with the Curriculum Committee. I was co-chair in the Strategic Planning Committee for Teaching. I got in there early on, I don’t think by any credit to myself. In CALS we have ballots that are sent out for people to be nominated. In
fact, I thought that that was how this was going to work. (I didn’t know that we’d have to stand up and present ourselves) On those ballots they list your name and even as a very new faculty member, I was winning everything I ran for. It wasn’t until I started getting some phone calls from people outside Ag that I realized that there was a very popular fellow in Ag Engineering that was carrying me through all those elections. I don’t have him here to help me today, so this is what you get if you choose me.”

Speaker Obendorf: "I think that last year at this time I was in the corridor, but this year I get to stay. I think that we did it by hand vote, so I think I have a couple counters that are going to help with counting the vote. So can I have all those in favor of George Hudler please hold your hands high for the counters? Thank you.

"Can I have those that are in favor of John Pollak please hold your hands high and hold them high for the counters? Okay. You’ve elected John Pollak your Speaker with a vote of 39 to 31. It’s interesting to me that every time we have a Speaker race it is very close. It means that we have good candidates.”

Dean Stein: “Speaker, can I be recognized out of order? Thank you. I would just like to take this opportunity to thank our Speaker, Kay Obendorf. I think that she has served admirably; she came in here saying that she didn’t know a thing about it, I said, ‘You’re a fast learner’. She’s done an excellent job and I’m thrilled that she’s representing us on the Board of Trustees and I know that she’ll do a good job there, too.”

Speaker Obendorf: “I know John Pollak as a soccer coach. He and I have been many places and to many soccer fields together and I’m sure that you will enjoy having him as a Speaker as much as my son enjoyed having him as a soccer coach. I went from very nervous to only slightly nervous as your Speaker, and I’ll try to do as well at my next post. At this time, moving along, I would like to call on Dean Stein who would like to introduce the Motion on Senate Procedures, to be followed by discussion and a vote.”

4. MOTION ON SENATE PROCEDURES

Dean Stein: “I introduce this motion (Appendix C) on behalf of the University Faculty Committee. This was the University Faculty Committee’s attempt to respond to various things that we heard following last term’s meetings that we regularized the way that motions can be brought to the floor. The guiding principle here is ‘No surprises, maximum information.’ The point is that when people come into the room they should know what it is that they are going to vote on and they should have had the opportunity to discuss it with the people that they represent. That’s the spirit that’s behind this. With no further ado, I’d like to bring it to the floor.”
Professor William Lesser, Agricultural, Resource, and Managerial Economics: "My colleague and I believe that it is also important to regularize the procedures for agenda items to the floor of the Senate altogether. This is a procedure that I, personally, only have a fairly unclear idea of what it is. We believe that it is important to establish such a procedure. The first item of business today was a description of items we should consider, and although they are all relevant, there appears to be very little opportunity for the faculty to bring forth items that we generate ourselves, or at least to process. Therefore, we propose an amendment to change the word 'motion' to 'agenda item', which would allow the process for faculty to bring forward agenda items."

Speaker Obendorf: "Are you introducing that as an amendment?"

Professor Lesser: "I'm introducing that as an amendment."

Speaker Obendorf: "Is there a second?"

The motion was seconded.

Speaker Obendorf: "Now we're discussing the amendment."

A point of information was raised as to whether the amendment was circulated twenty-four hours in advance of the meeting.

The Speaker indicated that this is not currently a rule, but that she believed this amendment was not circulated in advance.

An unidentified speaker: "May I ask the maker of the motion what he regards as an agenda item that is not a motion?"

Professor Lesser: "What we come to discuss. I mean, in an outline of what we're going to discuss, I don't really see an opportunity to present in a systematic fashion a whole other area that I and a number of six or more colleagues consider to be important. It is the intent of the amendment to clarify that process."

Dean Stein: "I have no disagreement with you, Professor Lesser, with what you're saying, but in my rudimentary understanding of Robert's Rules, a body can only consider motions. And that's what's meant by the procedure that we offer. That according to Robert's Rules, it is out of order to come in and say, 'I want to come in and talk about something.' You have to have a motion that becomes the focus for discussion. I would not know how to respond to this motion if it passes."

Professor Lesser: "Excuse me, Dean Stein, but it seems to me that the procedure sets up a process by which, we, for example, would require six members of the Senate to approve an agenda item, which would then be forwarded to, possibly, your office, a
week prior to the meeting, and then would be considered among the agenda items for that meeting."

Dean Stein: "That motion would be placed on the agenda. That's the idea. Everything that we considered at this meeting, and everything that we considered at the past four meetings were all motions, and the motions all came from the University Faculty Committee. Or the one that we're going to consider later comes from the Committee on Academic Programs and Policies. What we're trying to accomplish with this proposal—what this proposal is trying to change—is to allow people other than faculty committees or the University Faculty Committee to put a motion on the agenda. So it says that any six people, if they present to the University Faculty Committee a motion that they want considered, must have their motion appear on the agenda. I don't understand why that doesn't answer what it is that you're trying to accomplish."

Speaker Obendorf: "I think that there is an underlying factor, if the Speaker might speak. You're concerned about the make-up of the agenda, and at least, historically, with the FCR, the decision on the agenda was the decision of the Executive Committee which was replaced by the University Faculty Committee. They are the ones that govern."

Professor Lesser: "Our proposal, then, is to look for a slight modification of that process to allow motions or agenda items to reach the floor that do not, necessarily, need the approval and the scheduling of the University Faculty Committee."

Dean Stein: "But that is exactly the motion."

Professor Kenneth A. Strike, Education: "There seems to be some confusion over what, exactly, constitutes an agenda item and what would need to be approved. The piece of paper that we have here, for instance, makes it unclear whether the Provost would need to submit for approval to answer questions, or merely show up and talk. Would Dean Stein's fifteen minutes themselves require approval? Is that the item? Or does each item underneath his fifteen minute talk require approval? I don't know what would require approval."

Speaker Obendorf: "Let's keep focused on the amendment that's before the house, which is to replace the statement of 'motion' to 'agenda item'."

Unidentified Speaker: "Is the issue here that as stated, this is a necessary, but not sufficient condition? Is that what you're worried about? It says that for the motion to be placed on the agenda it must be endorsed by—but it doesn't demand action. Is that what you're worried about?"

Professor Lesser: "That's correct, as well. It is not clear that if, indeed, an item receives the support of six Senate members that it's necessarily going to appear. Maybe that was the intent of the motion."
Dean Stein: "That certainly was the intent of the motion. For it to appear, it 'must.' That was certainly in the minds of the people who wrote it."

Professor Tob deBoer, Mechanical and Aerospace Engineering: "Was the intent of this motion that during the meeting itself it is no longer allowed to introduce a motion?"

Speaker Obendorf: "A new motion that is not on the agenda."

Dean Stein: "That certainly is the intent of the motion. The intent of the motion is that the agenda is circulated a week in advance; all the materials that will be considered will be circulated a week in advance."

Speaker Obendorf: "And the motion may be amended, but substantive amendments we are asking to be circulated. Let's deal with the amendment because that is our business right now. And that is the substitution of 'agenda item' for 'motion' in the motion."

Associate Professor Walter Mebane, Government: "The point of order that I question is, is it possible to amend the amendment?"

Speaker Obendorf: "He wants to know if he can amend the amendment."

Professor Mebane: "I offer the amendment that the language of point one be changed from 'must be endorsed', to 'it is necessary and sufficient.'"

Speaker Obendorf: "That's not an amendment to the amendment. That's another amendment."

Professor Mebane: "Well the language of the amendment, I thought, was to replace the words in the language of the amendment."

Speaker Obendorf: "I think that we're viewing that as a new amendment. Let us deal with the one we have on the floor first. Unless you're going to speak to that, I'm going to offer the vote. Those people in favor --"

Point of Information: "Are we replacing the word 'motion' with 'agenda item' throughout the document? Or only under point number one? The word 'motion' appears here a number of times."

Professor Lesser: "Only under number one."

The vote was taken. The amendment failed.

Speaker Obendorf: "We are back to discussing the motion."
Professor Leonard Lion, Civil and Environmental Engineering, proposed the addition of the words "or any 25 University Faculty members."

Speaker Obendorf: "To be circulated by e-mail. Let this be open for discussion."

Dean Stein: "I think that this is an excellent idea that can be brought quickly to a vote."

Associate Professor Michael Kazarinoff, Nutritional Sciences: "Is part of the intent of this to make it easier for non-Senate members to bring issues to the agenda? It strikes me that most of us represent approximately twenty-five faculty members and it takes at least six Senators to bring something to the agenda. And it will only take twenty-five faculty. As it stands, I am opposed to this addition because of the number involved."

Associate Professor Andrea Simitch, Architecture; "The rationale of the amendment indicates that the faculty members should not be from the same department, and I was wondering if that was a representation of the intention of the motion. I don't understand."

Speaker Obendorf: "That is the rationale, I believe."

Professor Frederick Ahl, Classics: "I would like to move the motion. I think that the idea is splendid; we have a busy agenda, and I think the intent is clear."

Speaker Obendorf: "If that's agreeable to the body, we'll vote on the amendment now, which adds the words, 'or any twenty-five University Faculty members.'"

The vote was taken and the amendment carried, as did the motion (Appendix D, attached).

The Speaker called on Dean Stein to introduce a motion for the selection of the sexual harassment co-investigator pool.

5. MOTION FOR SELECTION OF SEXUAL HARASSMENT CO-INVESTIGATOR POOL

Dean Stein: "This is a technical motion (Appendix E, attached). The new Sexual Harassment Procedures require this body to establish procedures for selecting a pool of faculty co-investigators. I move this on the part of the University Faculty Committee, which proposes establishing this procedure to be in conformity with our other procedures for selecting faculty for pooled committees. What that would be is that the Nominations and Elections committee would bring to this body a list of people and this body would either approve or reject it. If it rejected it, the Nominations and Elections Committee would have to bring this group another
pool. That's the procedure that we use for other appointments to faculty committees and other responsibilities. I move that much."

Speaker Obendorf: "The motion is open for your discussion."

Professor Mebane: "I'm not sure how to word it, but I'd like to table consideration of this motion until the next meeting. Ideally, I'd like to table it until the Senate has had a chance to vote on the sexual harassment procedures."

Speaker Obendorf: "Would you like to postpone rather than table, because of the parliamentary procedure?"

Professor Mebane: "If that's in order under Robert's Rules."

Speaker Obendorf: "All right, then, it can be postponed until that time, which is the next meeting, which is next week. Or you can send it to a committee."

Professor Mebane: "My impression was that it was only in order to postpone until the next meeting, as opposed to indefinitely."

Speaker Obendorf: "The next meeting is next week. I think that we have to deal with it as you're making the motion. Would you please clarify to the Speaker?"

Professor Mebane: "I'm not entirely sure what's in order. If it is in order for me to propose to table the motion until such time as the Senate has had a chance to endorse or not the Sexual Harassment Procedures, then that's what I'd like, but I'm not clear."

Speaker Obendorf: "I'd like to call on our Parliamentarian to give us information."

Professor Emeritus Russell Martin, Communication: "The motion to table is incorrect in this particular instance. The purpose of laying a matter on the table is to lay it on the table with the full intent of bringing it back before we adjourn at this meeting. It has been used to kill a motion, that's the problem. Postponing it until the next meeting would be in order and it would automatically come up from the table. The motion of laying it on the table is sometimes used to kill a motion, and I don't think that that is the intent here."

Professor Mebane: "Okay, then my motion is as I thought I originally stated it—that I'd like to postpone (if I used the word 'table' I'm sorry) the consideration of the motion until the next meeting."

Speaker Obendorf: "The Speaker has a question here. It is my understanding that if you're going to seek information you have to send it to somebody who has to seek the information."
Parliamentarian: "No."

Professor Mebane: "Then my other question was whether it was in order for me to postpone the motion until such time as the Senate will have voted on the Sexual Harassment Procedures?"

Parliamentarian: "You cannot postpone beyond the next regular meeting."

Professor Mebane: "That was my impression, which is why I stated the motion as I did."

Speaker Obendorf: "So the motion is to postpone until the next meeting, which is next week. Is there a second to this motion?"

Professor Isaac Kramnick, Richard J. Schwartz Professor of Government: "That's not his real desire. He just said it, and I don't think that you heard him, Kay. He would like to postpone it until the Senate is asked to approve the Sexual Harassment Procedures."

Speaker Obendorf: "But that motion has not been made."

Professor Mebane: "Well, I asked if it would be in order, and I was told that it would not be in order, and so I made the motion that is as far along the way as I could get."

Speaker Obendorf: "Unless I have a second, I'm stopping the discussion."

The motion was seconded.

Professor Ahl: "One way to get around this snag is to say that we will postpone this until the next meeting and then the first item of business at the next meeting will be to postpone it until the next meeting, until such time as we are ready to discuss it."

Speaker Obendorf: "The Speaker was trying to offer another suggestion and that suggestion was to send it to a committee of this body that is dealing with the issue and then they can raise it and bring it back to the body. That was my friendly Speaker suggestion. That motion was a motion to send it back to the committee, and the committee that has been dealing with this on your behalf is the Academic Freedom Committee. I was offering that as one of the options that you can choose from."

Professor Mebane: "I'm sorry, I didn't understand the question. I'm not sure what the parliamentary situation is."

Dean Stein: "Point of Order, Madame Chairman. The motion is on the floor. It has been moved and seconded to postpone until the next meeting and I believe that all this talk about parliamentary procedure is out of order. I think that the item of
Speaker Obendorf: "We are only going to discuss the motion to postpone. I believe that he is correct. No more friendly advice. So, the motion about postponement is the motion that is available for discussion."

Professor Gary A. Rendsburg, Near Eastern Studies: "Can Dean Stein or anybody else answer a question about at what time during the academic year we will be, as a body, entertaining the proposal about Sexual Harassment Procedures?"

Dean Stein: "I would be happy to respond to that, although my judgment in these matters often turns out not to be correct. There is no item in the pipeline, that I know of, to approve these procedures. If people want to register the faculty's opinion on them, then six of you can get together and put the item on the agenda at some point, but as far as I know, that item is not on your agenda."

Professor Rendsburg: "But it was on your list."

Dean Stein: "It was on my list of issues that are expected to come up and what I expect to come up is something else, namely, what procedures is the Academic Freedom Committee going to adopt to hear cases that come to it under the Sexual Harassment Procedures. I expect that to come. But I did not expect a wholesale motion to approve or not approve of this to come from the floor. But what do I know? Maybe it will come. If such a motion does not come, then I would expect the procedures of the Academic Freedom Committee to come to you in mid-October, but maybe not."

Speaker Obendorf: "Okay. Unless we're discussing the postponing, let's vote on the motion that we have to postpone this until the next meeting."

Associate Professor Kathryn March, Anthropology: "Voting on this motion carries with it the implication that we are finished discussing the procedures. I agree that a motion to postpone until next week is simply a kind of empty gesture, since under the new rules that we just passed, we wouldn't have the chance to put a motion to discuss those procedures more substantively on the agenda. But it does seem to me that, especially since we don't know exactly what the timing of the need for this is, that, at least on my part, some reservations on whether or not, indeed, all of the concerns that we might have for those policies have been addressed and to postpone participating in them, until I for one, am fully satisfied with them, is something that I would support."

Dean Stein: "I understand that there are a lot of concerns in a lot of quarters about these procedures and I share many of them. Whether or not this is the right way to express those concerns, I don't know. I feel a little bit embarrassed because the way those procedures started out, there was no faculty co-investigator, and it is through
the diligence of the Academic Freedom Committee and this body that the whole notion of the faculty co-investigator was added to the procedure. Now to say that, well, we're not going to do that, well, we can do that if you want, but it just seems a little odd, that's all. I don't see where passing this procedure would, in fact, inhibit us from making any comment about how we want these procedures to be changed. So I don't understand the connection between unhappiness with the procedures and passing this particular motion."

Professor March: "I think that it's a question that is being faced in all the colleges as we're being asked to identify sexual harassment counselors at this time as well, and I do not think that asking to consider our satisfaction with the procedures before identifying the co-investigator is denying the importance of a co-investigator. I think that it is saying that the co-investigator should be appointed when that person has the clear backing of the entire body, for the procedures that they will be asked to administer."

Speaker Obendorf: "I think that we're getting into a discussion that was not even part of the first motion, let alone the motion that is on the floor. So we need to stick to the motion, which is to postpone the original motion until the next meeting. Okay, we're going to vote."

The vote was taken. It was defeated.

Professor Mebane: "Can we review what exactly is the procedure?"

Dean Stein: "The procedures that we use for appointing all faculty committees, with a few exceptions, is that the Nominations and Elections Committee prepares a slate, and then that slate is brought to this body, and this body either approves or disapproves the slate. That is our usual procedure for doing it."

Professor Rendsburg: "Dean Stein, what are the exceptions to the rule that you just mentioned?"

Dean Stein: "The exceptions to the rule are the Nominations and Elections Committee, and the University Faculty Committee. Those are elected by the faculty as opposed to being appointed by the Nominations and Elections Committee. In that case, the Nominations and Elections Committee presents a slate to this body which this body either accepts or rejects. And then the faculty as a whole, vote."

Speaker Obendorf: "I'd like to move the question. Can I see those in favor of the motion as circulated?"

The motion carried.
6. MOTION ON ACADEMIC PROGRAM REVIEW

Assistant Professor Joseph Yavitt, Natural Resources; Chairman, Committee on Academic Programs and Policies: "The proposal for academic review at Cornell was written by an ad hoc committee and those members are listed in Appendix B of the Report (Attachment 1) and that committee was formed at the request of the President and Provost. I briefly summarized in the second paragraph what the objective is of program review; both the self-study and the ad hoc committee put together by the departments, the timing of the reviews (once every seven to ten years) and the involvement of a faculty committee that will oversee the process and the motion as written, that came from my committee, is as stated."

Speaker Obendorf: "Okay. I believe that this was circulated in time for you to have read it more carefully and that we shouldn't spend more time than is necessary at this point. Let's go into discussion. The floor is open for discussion."

Professor Gordon Teskey, English: "It looks to me as if the motion really involves two kinds of review. One is standard academic peer review. The other kind is the sort of review that is looking at dealing with problems with allocation of resources within the University. In the first kind of review, it seems appropriate to have peers from outside the institution entirely, whereas for the second, obviously, it seems to make more sense to have people from inside. I wonder whether these two kinds, these two needs, should be put together in a single form of review."

Professor David Wilson, Biochemistry, Molecular and Cell Biology: "One of my colleagues requested that I suggest a modification. (I don't know the procedural way of turning it out). That is, at MIT apparently they replaced one of the three experts in the internal area with an alumnus or a person with interest in that departmental area, to try and get some representation for undergraduate education in the process other than simply through the faculty itself. It actually makes a lot of sense to me."

Speaker Obendorf: "You're offering that as a suggestion?"

Professor Wilson: "As a suggestion for some consideration of bringing people from the Alumni or Trustees, or that group on behalf of the undergraduates."

Professor Peter J. Trowbridge, Landscape Architecture: "Is the intention to proceed with other evaluations that go on with accreditation or evaluations in departments or colleges?"

Professor Yavitt: "This would not duplicate any other of the review efforts that are going on. That is, it would be up to the discretion of the deans and the faculty committee together to make those decisions."

Professor Trowbridge: "Just a clarification. The peer reviews that currently happen may in fact provide the same information that this would."
Professor Yavitt: "Exactly. Right."

Professor Trowbridge: "We in the statutory departments already do this."

Professor Terrence Fine, Electrical Engineering: "I don't want to discuss the details because I'm not really convinced of the need. This has the looks to me of one of those rational processes that are meant to improve things but that ends up taking more time and producing less results than you might think for the cost."

Professor Yavitt: "The idea of similar programs being reviewed at the same time is to cut across departments of the University where they may share a duplication of effort, to find out just exactly where things are going on and how those things are being done. When we do department reviews we do them in isolation, usually for some other reason, for state funding or whatever. The key focus here is to make these area reviews a central focus to look for duplication in the University."

Professor Willett: "I share similar concerns. I note in the statement by the committee that there was a phrase in there indicating that this need not take much time on the part of faculty. Yet it appears to me that there is an intent to use these reviews to allocate resources among programs. And if we fool ourselves to say that we're not going to take time to participate in this and we're to bear full effort toward it and it may be used to allocate resources among programs I'm very skeptical with limited justification from the administration."

Professor Lucey: "My experiences with reviews have been very positive even though they were painful. And as chair I have experienced two reviews of the Department of Soil, Crop, and Atmospheric Sciences. The first review, which was made up of seven members from outside the College and University, informed me in no uncertain terms, and also the University, that we were complacent, that we had to change our ways or we would soon become a second-rate department. And as a first year chairman, that had a sobering effect upon me. And it had an effect upon me during my entire career as chair. When we were hiring faculty or staff, I had no friends. And I just have to speak very positively for the review because it's very easy to become complacent and not know it."

Professor Lesser: "A question to the committee chair if I could, please? The second sentence under the introduction begins: 'Our proposal aims not simply to establish consistent standards across the University.' As diverse a University as Cornell is, it is not really evident exactly what you mean by consistent standards. Is it grading or faculty hiring or performance or in other areas? Could you please address this? It is clearly important to the justification of the policy."

Professor Yavitt: "I'm going to defer that to Dean Stein."

Dean Stein: "I'm going to defer that to Walter Cohen, chair of the committee."
Dean Walter Cohen, Graduate School: "I can't say that we spent several hours working out exactly what we meant by consistent standards. I think that there is some belief, which I admit to sharing, that there are different standards in terms of intellectual seriousness in the operating of certain programs in the University. I don't know how to say that and make everybody feel good, but I believe that that is the case. I think that program review would put some pressure on that. I think that was one of the considerations. On the other side, I'd have to say that there are other, less controversial things that don't go on in some programs, simply because it never occurred to them. And some of those, I think, could come to light. It's those sorts of issues that are implied by this."

Professor Milton Zaitlin, Plant Pathology: "I'd like to disagree with my friend Bob Lucey in terms of these reviews of agricultural impact. I've been on a number of these: both being reviewed and being a reviewer. My experience is that the departments generally use these to try to get the administration to see where their deficiencies are. They don't air their dirty linens. And as a consequence, they try to use this committee to try to get the administration to agree to things they want. And I feel that in the case of Cornell, I'm not sure what the ultimate impact of these will be."

Professor Kramnick: "Several speakers have spoken of the cost of this in terms of the faculty hours, which of course is tremendous, but has the committee also made an estimate of what it will actually cost in money for each of these committees to have three outside-of-Cornell people? Do we have a cost figure on that?"

Dean Cohen: "I think our estimate was, and we were trying to drive the cost as high as possible so as not to be naive, was $2000 a pop."

Professor Kramnick: "A pop?"

Dean Cohen: "Well, if you assume that there are about ninety or a hundred programs, it will cost a million dollars to do the entire University over this time period."

Professor Kramnick: "Not beans."

Dean Cohen: "About a hundred thousand dollars a year."

Dean Stein: "Just one comment. When Professor Fine spoke, he said that he was not sure that this was the right thing to do. But it doesn't matter, because in Professor Fine's college it's going to go on. Dean Hopcroft is committed to it so these program reviews will go on in your college whether you like them or not. Likewise with Professor Lesser. The Cooperative State Research Service (CSRS) reviews go on whether you like them or not. And there are professional accreditation reviews that go on in various programs. As a matter of fact, sixty-five percent of this University is forced into program reviews that are controlled by
deans and administrators. What this says is that this is a faculty-controlled effort that will make consistent reviews that will make all the other reviews conform in a consistent way. So really, it's not a question of is it going to happen or isn't it going to happen, but how is it going to happen. And you've got to control it."

Speaker Obendorf: "The Speaker is watching the time and if the body will agree I'm going to use the time that was allocated to new business to continue this to see if we can bring it to resolution."

Professor McConnell-Ginet: "I'm basically in favor of the process, but I'm puzzled as to why you put Cornell faculty members on the departmental review committee. I can see having them as part of the area reviews but I don't understand why they are there."

Dean Cohen: "I actually am prepared for that question, as you know, Sally. I think that the reason is related to the consistent standards question that was asked before. That was, to provide some comparative basis for evaluating the programs. I'm going to disguise this a lot, but some years ago I had a discussion with a graduate student whose program had just been reviewed and it got fantastic reviews from the outside committee. I said, 'Isn't that great?' and he said, 'I suppose the review went well but I don't think that it's a great program according to my standards in a particular area, in a particular macro discipline,' (that he happened to be in). And that was a particularly sobering experience, I have to say. And I think that was the sentiment behind this. One issue that was recently brought to my attention that we did discuss in the committee, was, 'Well, why can't the large area reviews handle that particular point?' And the answer was, 'Well, maybe they can.' But in the absence of such fields, my feeling is that it is better to do it this way on balance because the members of such area committees would be drawn in part from members of previous committees. And if those people have no comparative basis to start with then I think it would be hard for that comparative analysis to occur at a higher level."

Professor McConnell-Ginet: "But it seems to be harder to have a really substantive review if you have insiders as well as external people. I mean, they are a form of dilution, I think. And it seems to be diluting the effects of the area reviews."

Professor Strike: "I think that like some other speakers, I am a little cynical about the process of review. At least my experience in my department has been that. And when we were asked to engage in a Cooperative State Research, Education, and Extension Services (CSREES) review a couple of years ago, I chaired the group that put together the materials that my department used for the state doctorate program, we stopped thinking about what was educationally sensible. The internal value of that, at least in my experience, is quite minimal. Dean Stein suggests that you are going to have to do it anyhow. One question that it is important to me to hear the answer to is whether or not this is likely to have the consequence of making these reviews more frequent or more intensive. I find that the relevant language is that
procedures outlined here are designed to build on rather than repeat these ongoing efforts. However, as I read through it, it also says that we must go through them every five or ten years. The relationship between this and other CSREES reviews is, in my judgment, fairly unclear. This seems to me to have the potential to generate an additional cycle of review of a different structure. I'm puzzled as to what the actual consequences will be. And I would like for someone to tell me."

Speaker Obendorf: "Let's deal with a quick answer to that and then let's look at the clock and realize that we need to do something with this motion. We've had a long discussion of several parliamentary options, so let's have the answer to that then let's move ahead with our business."

Dean Cohen: "I'm pretty sure that it wouldn't have the effect that you say, except in very specific ways. For instance, let's take the CSRS in one of the statutory colleges. We look at that review and it covers a lot of the same stuff. I would believe that this proposal, if passed, would allow that faculty to say well, 'There are some things that aren't in the CSRS review that we want everyone to deal with and that they should be done at the same time.' And, I would think that they would be minimal. And so those differences would be small. And my own view is that there is a lot of stuff done with the CSRS review that shouldn't be done in the first place, that those are much more elaborate than what need to be done. The only area where there would be something new would be the area reviews. And I think that there would need to be some care taken to make sure that those drew as much as possible from previously done local reviews rather than gearing up a whole new machine. So, that's the area that I think the difference would be tiny. Except in the area review."

Dean Stein: "This is a very important issue that you've raised. I was on the committee that drafted this and we labored over this question. There was certainly the intent to draft the language so that it did not mean an extra review and the hope was that we would build on the intent. The actual intent was that the review would conform to the needs of CSRS and that the other part would add whatever else was required to satisfy the uniform reviews of all academic programs at Cornell so that there would be some structure. But it certainly wouldn't mean another review. The area reviews we saw as not additional, but as a group to look at the various reviews that had been generated in the previous cycle and then to make something of them."

Speaker Obendorf: "We've always stuck to the time, and I know that we all have lives aside from being Faculty Senators, so what I would like to entertain now is, how the body wishes to handle this. The motion is to postpone until the next meeting. All those in favor? All those opposed? I think that it passes."

Adjourned 6 p.m.

Respectfully submitted,
Robert Lucey, Associate Dean and
Secretary of the University Faculty
Senate Issues for 1996-1997

- Program Review
- Tenure Procedures
- Sexual Harassment Procedures
- Faculty Salaries
- Faculty Retirement
- Project 2000
- Residential Life
- First Year Experience
- Schedule of Class Hours
- Academic Integrity Code
- Ward Reactor Laboratory
- Benefits (including Health Care)
- SUNY-New York State-Cornell Relationship
PROFESSORIAL SALARIES:
CORNELL ENDOWED vs. 17 PRIVATE UNIVERSITIES

Academic Year
PROFESSORIAL SALARIES:
CORNELL STATUTORY vs. 15 PUBLIC UNIVERSITIES

Academic Year

85-6 86-7 87-8 88-9 89-0 90-1 91-2 92-3 93-4 94-5 95-6
MOTION ON SENATE PROCEDURES

WHEREAS, the procedures of the Senate should facilitate consultation between members of the Senate and those whom they represent, and

WHEREAS, reflective consideration of issues by all members is a cornerstone of sound decision making, and

WHEREAS, motions should demonstrate a minimum level of support before being placed on the Senate agenda

BE IT RESOLVED, that Senate meetings be governed by the following rules of procedure for the 1996-7 academic year.

1. For a motion to be placed on the agenda of a Senate meeting, it must be endorsed by either a Faculty Committee, the UFC (on its own initiative or in response to a request by a Senate member), or any six members of the Senate (six because it corresponds to a majority of the UFC). Motions will be distributed to the Senate membership by the UFC at least a week in advance of the meeting. The short "New Business" period at the end of the scheduled meeting would continue, but would be limited to remarks. Motions would not be in order.

2. Members are strongly encouraged to send all proposed amendments to such motions to the UFC, who will distribute them to all members at least 24 hours prior to the meeting. Non-substantive (i.e., stylistic, grammatical, or clarifying) amendments may be freely introduced at a meeting without prior circulation. The speaker will rule substantive amendments out of order, but the speaker's ruling can be reversed by majority vote of the body. Members may also move to postpone action to the next meeting if they believe a new approach deserves full consideration.

3. Distribution of motions and amendments will be by e-mail. Any member may elect to receive the material by campus mail. Copies of all motions and amendments will be available at the meeting.

BE IT FURTHER RESOLVED, that the UFC evaluate these procedures during the summer of 1997, and bring a recommendation to the Senate in September 1997.

8/21/96
MOTION ON SENATE PROCEDURES

WHEREAS, the procedures of the Senate should facilitate consultation between members of the Senate and those whom they represent, and

WHEREAS, reflective consideration of issues by all members is a cornerstone of sound decision making, and

WHEREAS, motions should demonstrate a minimum level of support before being placed on the Senate agenda

BE IT RESOLVED, that Senate meetings be governed by the following rules of procedure for the 1996-7 academic year.

1. For a motion to be placed on the agenda of a Senate meeting, it must be endorsed by either a Faculty Committee, the UFC (on its own initiative or in response to a request by a Senate member), any six members of the Senate (six because it corresponds to a majority of the UFC) or any twenty-five University Faculty members. Motions will be distributed to the Senate membership by the UFC at least a week in advance of the meeting. The short "New Business" period at the end of the scheduled meeting would continue, but would be limited to remarks. Motions would not be in order.

2. Members are strongly encouraged to send all proposed amendments to such motions to the UFC, who will distribute them to all members at least 24 hours prior to the meeting. Non-substantive (i.e., stylistic, grammatical, or clarifying) amendments may be freely introduced at a meeting without prior circulation. The speaker will rule substantive amendments out of order, but the speaker's ruling can be reversed by majority vote of the body. Members may also move to postpone action to the next meeting if they believe a new approach deserves full consideration.

3. Distribution of motions and amendments will be by e-mail. Any member may elect to receive the material by campus mail. Copies of all motions and amendments will be available at the meeting.

BE IT FURTHER RESOLVED, that the UFC evaluate these procedures during the summer of 1997, and bring a recommendation to the Senate in September 1997.

Adopted as amended by the Faculty Senate, September 11, 1996.
MOTION FOR SELECTION OF SEXUAL HARASSMENT CO-INVESTIGATOR POOL

WHEREAS, the sexual harassment procedures adopted by the Provost in July 1996 require the Senate to establish procedures for selecting a pool of qualified sexual harassment co-investigators, and

WHEREAS, the Organization and Procedures of the University Faculty provide that the Nominations and Elections Committee proposes members of administration and faculty-administration committees when the administration makes such requests to the Senate, subject to Senate ratification,

BE IT RESOLVED, that the procedures for selection of the pool of sexual harassment co-investigators will conform to the procedure for the selection of other appointed administration and faculty administration committees (i.e., by proposal of the Nominations and Elections Committee subject to Senate ratification).

8/21/96
MOTION ON ACADEMIC PROGRAM REVIEW

WHEREAS, President Rawlings has stated his intention to have all academic programs reviewed on a regular basis, and

WHEREAS, sound academic administration at all levels should be based on a well-founded assessment of strengths and weaknesses of existing programs, and

WHEREAS, a faculty committee jointly appointed by the Nominations and Elections Committee and the Provost has recommended a framework for academic program review that incorporates a representative faculty voice in its management, and

WHEREAS, the Committee on Academic Programs and Policies has reviewed that framework and has suggested certain modifications in its structure,

BE IT RESOLVED, that the Senate recommends to the administration that the attached framework for academic program reviews be adopted.

8/21/96
July 18, 1996

To: Members of the University Faculty Senate

From: Joseph B. Yavitt, Chair
       Committee on Academic Programs and Policies

Re: Academic Program Review at Cornell University

The Committee on Academic Programs and Policies (CAPP) is forwarding the following proposal to initiate and carry out a systematic Academic Program Review at Cornell University. A University-wide committee wrote this proposal at the request of President Rawlings. CAPP received and considered the document in late spring and summer 1996, and gave the proposal a very positive recommendation. (Note: slight modifications made by CAPP are denoted in BOLD.)

The proposal suggests that each department or unit review their own programs (through a self-study). The result of each self-study will then be evaluated by an ad-hoc committee put together for each department. Departments and units with similar or overlapping interests will be reviewed together, such that a given department or unit will be reviewed every 7 to 10 years. A new Faculty Committee on Program Review will oversee the process.
Preamble

Early last Fall, President Hunter Rawlings and Provost Don Randel established a committee to propose guidelines for University-wide academic program review. The committee, whose voting members are all from the tenured faculty, was jointly selected by the FCR and the Provost. (For membership, see Appendix B.) The committee received its charge from the Provost, interviewed the Provost and several college deans, studied reports of program review at a number of universities around the country, met regularly to discuss possible approaches, and, on February 12, released a draft proposal to the University community as a whole and to the faculty in particular.

The draft received numerous comments, many suggesting specific refinements, quite a few worrying about whether the benefits would outweigh the costs, and a small percentage expressing strong opposition. This is a revised version of the earlier draft: it attempts to be responsive to most of the suggestions and criticisms. We strongly urge that this report be sent to both the academic deans and the Faculty Senate for review, revision, and approval. We also recommend that, if Cornell opts for University-wide program review, the review process itself be evaluated in five years.

Introduction

We recommend that Cornell adopt University-wide academic program review. Our proposals aim not simply to establish consistent standards across the University (see Appendix A) but also and indeed primarily to clarify existing and potential linkages among related units on campus. The purpose of the entire process is to improve Cornell by encouraging the faculty throughout the University critically to evaluate their academic programs, by providing a sounder basis for planning, and by promoting more effective cooperation across traditional boundaries.

Currently, the frequency of review varies considerably from college to college. Those units systematically engaged in such formal evaluation have generally found it valuable. The procedures outlined here are designed to build on, rather than to repeat, these ongoing efforts. Where units are already reviewed—for instance, in response to state or professional requirements—the Cornell review will be combined with the externally mandated evaluation. In most cases, the University component of the review will necessitate little or no additional preparation by the unit undergoing scrutiny. In no case will Cornell institute a second, separate review. In all cases, bureaucratic requirements should take a back seat to self-improvement and University-wide program development.

We propose a five-to-ten year cycle of reviews for departments, graduate fields, and research centers. In each unit a self-study prepares the way for an evaluation by an ad-hoc evaluation committee consisting of both specialists from outside the University and Cornell faculty members from outside the unit under review. The primary responsibility for carrying out the reviews will rest with the college deans. The self-study, probably the most important part of the process, is designed to clarify the unit's self-understanding and provide a sharper sense of direction to its work. Together with the report of the ad-hoc evaluation committee, it should encourage agreement between the unit and its dean's office about a specific plan of action.
The report calls as well for the establishment of a University-wide Faculty Committee on Program Review (FCPR) to oversee the entire process. The FCPR will also organize a distinct, annual evaluation of a broad, cross-departmental area of scholarship. These reviews, often extending across several colleges, will foster more effective cooperation and higher quality in academic areas where the University has an ongoing, substantial, but often dispersed commitment of resources. Both the reviews of individual units organized by the college deans and the broader evaluations under the direction of the FCPR will in some cases lead to the reallocation of resources.

Program Review at Cornell

1. All departments\(^1\), degree-granting graduate fields, and centers\(^2\) will be reviewed once every five to ten years\(^3\). Whenever possible, fields and centers that can be associated with a department will be reviewed with that department. Where the interdisciplinary nature of the field or center\(^4\) makes combined reviews unfeasible, independent field and center reviews will be carried out.

2. The college dean\(^5\) will be responsible for the unit reviews [with support provided by the provost, if requested.] A departmental review will consist of two phases: a self-study by the department faculty and an evaluation by an ad-hoc evaluation committee. The department will find appropriate mechanisms to involve a broad spectrum of students in the self-study.

The self-study will address specific issues raised by the dean, the department under review, and the University administration, and will include:
   a) A description of the fundamental questions that organize and motivate the current teaching, research, outreach and other scholarly activities of the department, showing how the faculty share intellectual discourse and purpose;
   b) A critical analysis of the current state of the work of the department, including graduate and undergraduate teaching (with attention to the purpose and coherence of the curricula), research, and outreach, with whatever quantitative information required by the dean;

---

\(^1\)The ILR, Hotel, Law, and JGSM Schools, as well as sections in the Division of Biological Sciences (DBS), will be treated as departments.  
\(^2\)"Centers" as used in this document includes institutes, programs, and laboratories.  
\(^3\)The frequency of reviews will depend on various factors, such as external mandates, the scheduling of Area Reviews, and the urgency as perceived by the dean and the FCPR.  
\(^4\)The Dean of the Graduate School estimates that there are ten such fields. The Vice President for Research estimates that there are nine such centers. Fields and centers being reviewed independently will be referred to as "departments" in this document.  
\(^5\)In DBS, the "dean" will be the Director of Biological Sciences and the deans contributing to the section acting together. For independent field and center reviews, the Dean of the Graduate School and the Vice President for Research will respectively have the responsibility for the review.
Furthermore, none of the members of the evaluation committee can have a significant ongoing relationship with the work of the department.

7 The participation of appropriate alumni in this role is encouraged.
will be chosen jointly by the Provost and the Senate. Functions of the Committee will include:

a) Determining (after consultation with appropriate deans) the cycle for reviews of departments, fields, and centers to facilitate the Area Reviews (see paragraph 4);

b) Monitoring the quality of the review process by:
   (1) [Receiving and reviewing the department’s self study and any comments on the plan for review,] reviewing and approving the dean’s (or other administrator’s) detailed plan for each review, including the ad-hoc evaluation committee’s composition and charge,
   (2) Establishing and maintaining minimum criteria for reviews to ensure the regular collection of uniform data from the entire University,
   (3) Receiving copies of the individual program reviews, including (a) the self-study, (b) the ad hoc evaluation committee, (c) a response by the department being reviewed, and (d) a response by the dean, [which states the action to be taken as a result of the review,]
   (4) Receiving an annual report from the Provost giving the results of the area reviews completed or in progress;

c) Commissioning reviews of selected centers, fields, and cross-departmental groupings to be carried out by the Dean of the Graduate School, the Vice-President for Research and Advanced Studies, or a college dean.

Departments or other units being reviewed may approach the FCPR directly at any time.

4. Area Reviews: Each year, the Faculty Committee on Program Review will organize a review of a broad area of scholarship. The areas should be broad enough so that a seven year cycle touches a significant part of the University’s instructional, research and outreach activities. Wherever possible, the Area Reviews will be carried out by Area Review Committees, whose members will be drawn from the ad-hoc evaluation committees. In addition, selected alumni with expertise in the area may be included. The Provost will appoint the Area Review Committees and construct their charge. In the Area Review process, the relationship between the Provost and the Faculty Committee on Program Review will be parallel and similar to the relationship between a college dean and the Faculty Committee on Program Review. Departments and units included in area reviews will also be consulted by the Provost in planning and executing these reviews.
Appendix A

Note: The criteria listed below are meant to be suggestive rather than comprehensive.

Undergraduate Education:

1. Undergraduate and graduate course enrollments* Number of FTE faculty*.
2. Summaries of course evaluations*.
3. Number and quality of majors in each department*.
4. Number of undergraduates engaged in independent research or study with faculty*.
5. Quality of advising*.
6. Appropriate measures of outcomes (jobs, graduate and professional school, etc.)*.
7. Diversity of students taught, especially majors*, in the relevant categories above.

Graduate Education:

1. Number of students who apply to a field, who are admitted, and who matriculate. Average GRE's of matriculants*. Data provided by the graduate school.
2. Competitive fellowships awarded to graduate students*. Data provided by the graduate school.
3. Measures of graduate completion rates and times to degree*. Data provided by the graduate school.
4. Complete list of initial placement of all doctoral students*. List should include: institution/company, specific department/administrative unit/department, and title of appointment. Where the numbers are small, the same information should be provided for recipients of the master's degree. Where they are large, summary data should be provided.
5. Faculty membership on special committees.
6. Diversity of graduate students in the relevant categories above.

Faculty Research and Scholarly activity:

1. All faculty publications and invited addresses.
2. Grants and contracts in which department faculty are substantially involved. Sources of support, duration, and amount of grants.
3. Information on faculty professional service and consulting outside the university including editorships, and membership on editorial boards and national advisory boards.
4. All faculty awards and honors.

5. Diversity of the faculty.

**Faculty Service at Cornell and within the Immediate Community:**

1. Service on Cornell committees and in other capacities that reflect important contributions to the Cornell community.

**Extension review:**

1. Description of outreach groups served* and their economic roles in NYS.

2. Description of process used to determine issues of importance to client groups and to develop resources addressing those issues.

3. Description and self-evaluation of extension programs and resources developed, including comparative information on strongest similar programs in other states. Description of how resources are linked to ongoing research.

4. Evaluations by outreach groups of departmental extension resources and extension programs including: technical quality and utility, educational quality, and responsiveness*.

*This information is to be provided for each year since the last program review (up to a maximum of 10 years). Inaccessibility of data may sometimes make it impossible to provide a full historical record. On the other hand, much of it may be collected annually and hence be readily available.
Appendix B

Members of the Committee

Nina Bassuk, Floriculture and Ornamental Horticulture
Valerie Bunce, Government
Walter Cohen, Dean of the Graduate School, Chair (ex officio)
Cutberto Garza, Nutrition
Kent Hubbell, Architecture
Katherine Houpt, Veterinary Physiology
Peter Hurst, Institutional Planning and Research (ex officio)
Frank Keil, Psychology
Sidney Leibovich, Mechanical and Aerospace Engineering
Maureen O'Hara, JGSM
David Shalloway, Biochemistry
Peter Stein, Dean of the Faculty
Lloyd N. Trefethen, Computer Science
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, September 18, 1996

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "I wanted to talk to you about just a couple of things. The first is to report to you about a meeting that I went to last Thursday for the Executive Committee of the Board of Trustees and displayed the transparencies that I showed you last time about faculty salaries plus some others. I spoke to them not authorized by you, but on my own behalf. I was careful to point out that I was not expressing the views of the faculty or of this body, but my own views. Just to reinforce the spirit of what I said to them, I think that Cornell faculty salaries are risky, down to the point where they are dangerously low. I think that it's critical at this point to return ourselves to the situation that we were at a decade ago. I believe that we ought to correct that decade of decline and what that means for the endowed units is that faculty salaries should be increased by ten percent in four years' time. It's a very significant change and I think it's warranted, and that's what I told the Board of Trustees. I don't understand statutory salaries as well and find the situation somewhat more confusing, somewhat more difficult to interpret. I believe that the salary problem is as important to this institution, and possibly as critical, as the endowed salaries are, and I commit myself to trying to understand it and to do what we should for those colleges.

"The second thing I want to talk about is Senate Procedures. I thought a lot, after the last meeting, about what Bill Lesser was saying, when he wondered how we bring issues, not motions, to the floor. And I think I finally understand his concern. Maybe it's not what he was saying but I think that it's a valid point of view. In particular, I try to put myself into the mind of a faculty member who doesn't worry about these things every day of the week like I do, and is not part of the apparatus, but is just a faculty member who has a complaint he thinks we're not addressing. The faculty member doesn't particularly want to sit down and think through a motion and to figure out what we should do about it, but he knows that, in fact, the situation has become very bad and he thinks that we can do something about it. He thinks the Faculty Senate ought to do something about it, and he wants to bring that issue to the attention of the Senate. It seems to me that that is a legitimate concern, and we must find an avenue for doing that.

"Well, we have talked about that a little in the UFC. We believe it is a function of the UFC to figure out how to get a particular item that is of concern to faculty members to the appropriate committee or figure out what action we should take. And so we have done the following. If someone has a concern that they want to bring up before this body, I welcome you to call me. You know that. I'm happy for
you to come to talk. I'll probably talk more than you want to talk about it. Likewise, if you know somebody on the UFC, you are certainly invited to call them up and tell them that you have something that ought to come before this body. But suppose you don't want to talk to me and you don't know anyone on the UFC. What then? Well, we have come up with the following, which we'd like to try for a while. Namely, we've divided the UFC into nine different groups of people, alphabetically, and to each group of people, that is something like eleven people, we have assigned one of the members of the UFC. We'll send that around on e-mail. That person, who is assigned to you, is obligated to think about your concerns and to bring that concern to the UFC and to come to some kind of conclusion as to what we're going to do about it. Bill, if that's what it is that you're trying to say, then that is our response."

Professor William H. Lesser, Agricultural, Managerial, and Resource Economics: "I really appreciate your efforts."

Dean Stein: "Furthermore, if anyone wants to communicate with any members of the Senate, we maintain a moderated mailing list. A moderated mailing list means we're not going to give it out, because you never know what is going to happen to a mailing list when you give it out, but anyone who wants to send anything to all the members of the Senate can simply send it to my office and we'll send it to all the members of the Senate."

2. APPROVAL OF MINUTES

Speaker: "The minutes have been put on the Senate web page for May 8 and May 15, 1996. You should have had an opportunity to look those over. Are there corrections to any of those? If there are none then we will call on President Rawlings to present the Deaths of Faculty."

3. ANNOUNCEMENT OF DEATHS

President Hunter R. Rawlings III: "Please join me in this opportunity to remember those faculty members who have died during the past year. I'll read their names and ask for a moment of silence.

Dorothy M. Proud, Professor of Institution Management, Emeritus, February 9, 1995
John Hartell, Professor Emeritus, Architecture, October 12, 1995
Thomas C. Watkins, Professor, Entomology (retired), October 27, 1995
Carl S. Winkelblech, Professor Emeritus, Agricultural Engineering, October 30, 1995
Charles E. Palm, Liberty Hyde Bailey Professor of Agricultural Sciences, Emeritus, February 25, 1996
Stuart M. Brown, Jr., Professor Emeritus, Philosophy, March 18, 1996
Morris E. Opler, Professor Emeritus, Anthropology, May 13, 1996
Edward W. Fox, Professor Emeritus, History, May 19, 1996
Ethel Vatter, Professor Emeritus, Consumer Economics and Public Policy, June 1, 1996
Thomas A. Ryan, Professor Emeritus, Psychology, June 16, 1996
Robert F. Becker, Associate Professor (retired), Horticultural Sciences, July 23, 1996
Abraham Nash, Professor Emeritus, ILR, August 3, 1996
Dorsey W. Bruner, Professor Emeritus, Microbiology and Immunology September 1, 1996
Deane W. Malott, President Emeritus, September 11, 1996

"Let's take a moment of silence to remember our colleagues."

"Thank you."

Speaker: "We're going to start down through the agenda where there are several items that have to be addressed. We're on our honeymoon here, right? I get at least two or three meetings where you don't start yelling about rules of order and all these other things before I get my feet too wet. Let's start in on these very uncontroversial items. We'll call on Robert Lucey to start us off."

4. REPORT OF NOMINATIONS AND ELECTIONS COMMITTEE

Professor Robert Lucey, Associate Dean and Secretary of the Faculty, Soil, Crop, and Atmospheric Sciences: "You received in the announcements of the meetings the report of the Nominations and Elections committee for Fall 1996. There are 22 committees listed (Appendix A, attached) and the Nominations and Elections Committee moves that you approve the report. Are there any questions?"

Speaker: "This motion from the committee had the list of names and you've had a chance to look them over. Is there any discussion regarding that?"

A Question: "We got by e-mail the names that the Nominations and Elections Committee were proposing for the co-investigator pool. Was that included here?"

Professor Lucey: "No. That's the next item."

Speaker Pollak: "Okay. Then let's have a show of hands of those who approve of this."

The vote was taken and the motion was passed.
Professor Lucey: "One of the nice features that I can identify by being Secretary of this Faculty is the privilege I have really of serving and meeting with a number of committees, and I'd just like to point out two things. One is that we're very appreciative of those members that are willing to serve on these committees because in my view they are very attentive, very analytical and very careful. So let me thank you very much. I appreciate it.

"So I've put up here the membership of the Committee on Nominations and Elections, and as Secretary, I'm chair of that committee (Appendix B, attached). Now the next item is that the Sexual Harassment Policy requires that we provide a list of people who are qualified co-investigators if someone makes a charge of sexual harassment. Using the criteria, which is an important criteria, that individuals in this category must have had training and experience in dealing with such matters, the Nominations and Elections Committee has identified nine individuals for your approval:

Joseph Calvo  CALS
Alice Cook    ILR
Michael Gold  ILR
Ken Greisen   A&S
Fred Kahn     A&S
Maureen O'Hara JGSM
Thomas Scott  CALS
Katherine Stone Law
Barbara Strupp CALS

"The qualifications of each of these individuals can be summarized as follows. Joseph Calvo, Alice Cook, Kenneth Greisen, and Thomas Scott all held the position of Ombudsman. Michael Gold is an attorney who specializes in discrimination law. Maureen O'Hara has been a consultant for another university in a sexual harassment situation. Katherine Stone is a lawyer who drafted sexual harassment procedures for the Law School and teaches dispute resolution. Barbara Strupp has a history of experience of dispute resolution in the community and Fred Kahn is a former Dean with a history of bureaucratic dispute management."

Speaker: "Are there any questions about the list?"

Professor Gordon Teskey, English: "I think that this matter was deferred until today at the last meeting because of a feeling that the Sexual Harassment Procedures hadn't been discussed."

Professor Lucey: "This is not asking for your approval of the Sexual Harassment Procedures. This group of people are qualified as investigators on issues of sexual harassment."
Professor Teskey: "Under the new procedures. If I'm not mistaken, I think that the point that was made at the last meeting was that we might not wish to approve these candidates until we discuss the procedures. That by approving these candidates, we are tacitly approving the procedures before there has been considerable discussion."

Professor John Abowd, ILR: "As I understand what we did at the last meeting, someone proposed that we do what the Speaker just said, and we voted it down and we are here and we have a list of candidates to be co-investigators. It's an entirely in order motion consistent with what we did at the last meeting. It has nothing to do with the motion that we defeated in the last meeting."

Associate Professor Walter R. Mebane, Government: "May I ask for a description of the differences between the Law School procedure and the University procedure and regarding also the differences between the 'other university' procedures and perhaps some comment on whether the people involved in other university procedures are endorsing our procedures?"

Speaker: "You're discussing the procedures now."

Professor Mebane: "This is apropos of their qualifications."

Professor Katherine V. Stone, Law School: "That's slightly incorrect. I didn't draft the procedures for the Law School. The Law School does not have a separate set of procedures. I chaired the committee of the Law School to investigate whether the Law School should have a separate set of procedures and the conclusion was, 'probably not'—there wasn't a unanimous expression of the opinions of the faculty, but that was the conclusion of the committee. So the Law School did not go forward and draft a separate set of procedures. Now the procedures that we considered were quite different than these because they were procedures that dealt with sexual harassment between students, so the question was whether the Law School should override or not the Campus Code of Conduct for instances of alleged sexual harassment from one student by another. The question of faculty to student sexual harassment was completely outside the scope of the procedures that we were considering. The Law School did develop quite a detailed critique of the Sexual Harassment Procedures as they were being developed."

Professor Teskey: "I don't know if my point was made perfectly clear before. This looks like a terrific group of people to do this job, and I'm concerned, however, that there are faculty who feel that the Sexual Harassment Procedures haven't been discussed or passed by any University body. Approval of a pool of co-investigators under these procedures before they have been approved by a faculty body is to give a kind of tacit acceptance of them. There seems to be some concern among faculty that the new proposed procedures are at some variance with the recommendations of the AAUP and that they don't observe as much due process as is the case in the Campus Code."
The previous question was moved.

Speaker: "If there aren't any objections, then we'll take a vote."

The motion passed.

The Speaker next called on Dean Stein to talk about the reintroduction of the Program Review proposal.

5. ACADEMIC PROGRAM REVIEW

Dean Stein: "The reason that I'm talking about this to you again comes from the last UFC meeting that we had where some people thought that we were deficient in telling you where these things came from. The proposals seemed to drop out of the heavens into your laps, and there was no sense of history in how things developed. I just wanted to take a few minutes, not to talk for or against this proposal, but to tell you where it came from. This proposal had its genesis two years ago. Two years ago, in the last death throes of the Strategic Planning Process, there was a Task Force for Graduate Education that was called into being. That task force, which had, I don't know, something like 18 to 20 members on it, met and talked about graduate education. That group came up with half a dozen major proposals of which, probably, the centerpiece was a roughly three paragraph proposal that said that all academic programs in the University should have to have a consistent periodic review. That report was given to outgoing President Rhodes, and President Rhodes gave the entire Strategic Planning package to our incoming President. Our incoming President, as I understand it, was enthusiastic about this particular proposal, and he charged Dean Cohen with calling together another committee to flesh out this three paragraph proposal. Dean Cohen, in the spirit of the new governance proposal at that time, which has now become fact, but which wasn't then, asked the Nominations and Elections Committee to nominate half of the members of a drafting committee to draw up that proposal. A dozen faculty members met during the fall term of last year and came up with a proposal that was very much like the proposal that you have before you. That proposal was mailed to the entire faculty, a bunch of comments came back, some were incorporated, some were not, it was discussed at various college faculty meetings, and then afterwards, that committee reported to the Provost that this was its proposal to be implemented. The Provost, correctly, I believe, sent that proposal to the Senate and asked the Senate to consider it, and his desire was to enact that. It was then given to the Committee on Academic Programs and Policies chaired by Professor Yavitt. That Committee met several times, made several modifications on the proposal, and then that was the proposal that you have before you now. I would like to call on Professor Yavitt to present that to you now."

Assistant Professor Joseph B. Yavitt, Natural Resources: "I guess that we'll continue our discussion since the motion is already on the floor. We debated this at some
length during last semester and even during the summer. It is the opinion of the Committee that the review process is probably going to go along regardless of whether the faculty join in on it or not. The point of the motion is to ensure that the faculty have a very strong say in that review process. The faculty committee would be the overseers of the review process. I think that this is an opportunity for the faculty to carry out the review process. That is the reason that we gave it a very strong recommendation."

Professor Abowd: "I'd like to ask President Rawlings if he would say a few words and state the rationale for program review by Cornell."

President Rawlings: "Thanks. I'd be happy to. I think that the history that Peter gave is quite accurate. I would only add to it, that there was discussion of Academic Program Review at the Academic Leadership Series (ALS) on at least one occasion and maybe on a couple of occasions. It also generated a positive response in general, which doesn't mean that everyone looked favorably upon it, but it seemed to be a strong consensus in one of those summaries of the ALS that was done by polling those members who had attended and asking them how high a priority they placed on various such measures and this was one that seemed to garner a great deal of faculty support. Based on the evidence of the strategic plan, then from the ALS, then from the committees that have worked on this, it seems to me that there was a good deal of support for the idea of Academic Program Review. I have been involved with academic program review myself at the University of Colorado and have also heard testimony from faculty members at other institutions about its efficacy. And, of course, it ranges from one university to another. A good deal depends on what you put into the process and how seriously people take it. But you come to a point that Professor Yavitt made. I think that it's very important to realize that this is one of those few cases where we can put shared governance into effect. We can have a process where the faculty is very heavily involved and the administration is also involved and is able, in fact, to gather and derive information, data, and expertise from a process that is faculty driven in order to make decisions at a later stage.

"And so you see, under #2, under the 'whereas's' that 'sound academic administration at all levels should be based on a well-founded assessment of strengths and weaknesses of existing programs.' And it strikes me that one of the best ways to convince faculty members that good evidence has been brought to bear and that expertise has been brought to bear in their disciplines, is, in fact, through a process like this one, where, first of all, there is self-scrutiny by the department or program involved. Secondly, we have an opportunity to bring distinguished faculty members, distinguished scholars, researchers from other institutions to Cornell to help us reach these conclusions, and to provide them material in advance that helps them to do a good deal of thinking about what we have embarked upon.

"An additional point is that I think that it is useful, healthy, in fact, for departments to be engaged in this sort of periodic planning on a regular basis. Some departments
do. Maybe many departments do. But some departments are not adept at doing the kind of five to ten-year forward thinking to assess what is most important in their field, where they may be particularly strong, where they may be weak, and where they would like to make improvements over the next few years. That kind of exercise is a good thing for departments to undergo. I might also add that for different types of departments the need for program review varies of course; we all are aware that many departments undergo one kind of review or another. One of the things I was pleased about in the report was that there would be very little additional burden in those cases placed upon those departments. We would make every possible effort to make sure that there would not be duplication or replication of effort. We would make every effort to time this process with those external processes that those departments already undergo.

"Among departments there are clearly those that are absolutely excellent in every single way. And I know that we have a number of those at Cornell. In the cases of those departments, one may ask: What is the value of academic program review? I would say that the value is that this is a shining opportunity for that department to convince itself and its colleagues and the administration that it has precisely that position within academia. I'm prepared to believe that and, in fact, to see such instances. And then there are those departments which are quite good, but are rather complacent and haven't given a great deal of thought as to why it is that they have not, let's say, moved up even further in their own estimation and that of others. This is an opportunity, it seems to me, placed upon that department, to move out of its complacency and to ask itself some questions and to get some help from outside in asking those questions in terms of becoming even stronger, or at least, not slipping in respect; or perhaps in answering questions that are of interest about the balance between graduate programs and undergraduate programs. Then there are those departments that are not quite so strong. Not very numerous at Cornell, but there are some, and this is an opportunity for them to do a good deal of self-scrutiny and to get help from outside, and to ask questions, and to help administrators that are trying to stretch those departments as well. Then there is another category of department, very rare indeed, which could fit into any of those earlier categories, but which does not get along very well. This is an opportunity for those departments to sit down and to come to agreement about some of the professional interests, in particular, that are confronting that department, and, if in fact, we learn that the department is unable to go through that process effectively and to consider those issues together, and to arrive at consensus, then we have learned something very important about that department. And to ask people to come in from outside of Cornell in that discipline and to help us with that, we might be able, in fact, to offer assistance of the most important kind. Of the kind that says, 'colleague to colleague, there are things that need to change within this program and we would like to offer you advice on doing precisely that.' All of that, frankly, helps departments themselves, and it also helps administrators. Administrators are often confronted with the question, 'Well, you have to make that decision, but how do you know that we're not doing the best job in this particular discipline but you don't understand it very well.' And this is the kind of
institution where we can get that kind of expert testimony, which is really vital to administrators themselves, who are often not certain about just such decisions. Without going on at greater length, those are some of the reasons why I think it can be helpful. Let me just add two more points.

"One, it is not expensive, except in time. And I will grant that it is expensive in time and faculty time is extremely valuable. The dollars that one spends incrementally on this, are not very high; somewhere probably in the forty to fifty to sixty thousand dollars per year range for all of these reviews on top of what we currently spend on these things. That is not very expensive. Every dollar counts, but it is not a high expense. Faculty time is a very valuable commodity. We take that seriously. The question that faculty should ask is—'Is this worth my time?' That's the right question for faculty members to ask. If, in a particular department, a faculty member thinks 'It is not worth my time', then, so be it. And that faculty member does not have the opportunity to contribute to the process. Those who do find it worth their time, can, indeed make this an extremely effective instrument for the departments as well as for the colleges and the University.

"The last point I want to make is that a fair number of faculty members—I don't know exactly how many—have said to me and to others, that they would very much like to do this in their particular department and they give two or three reasons. We actually have departments that are volunteering for this. Now, some are in fact urgently volunteering. This occurs in cases where the department in its relationship with other, cognate departments has a sense of uncertainty and is not clear on the University's response to that department within the greater realm of departments, within that particular area of emphasis, and does not have a sense of commitment to it from the institution. I think that it's very important to have such an opportunity for departments like those to gain precisely that. That's the end of my brief reply to your question. I'd be happy to take questions or comments on that."

Associate Professor Jeffrey G. Scott, Entomology: "That would certainly be a hard act to follow, but I have something somewhat different to offer. Friends, Senators, and colleagues, I come not to praise this proposal but to bury it. The reasons for carrying out such a review are being distorted, the benefits are very few, and the costs are enormous. First, there is really no compelling reason for more review. Think about it, in most units, you meet annually with the chair of your department who has an idea of what you are doing. After that, you meet every few years. The chairs of the units know who is producing, who is teaching, and who is bringing in grants. The academic units, the colleges, have vast resources. They know what unit is producing the most teaching per FTE, they know who is bringing in the grants; they have vast databases. If they don't have what they need, they have something almost as bad as an A exam, something called a budget hearing, and they can get something out of you at that point. We have lots of reviews. The supposed benefits here are an illusion. The administration has lots and lots of resources. We heard an excellent presentation by Dean Stein last year—'Where did the 1.5 billion dollars
go?" He did a real nice job. No unit had to give him a program review. He was able to find all that information. I suggest that if the administration doesn't really understand productivity of the units, it is not because of a lack of information. The next point is that the cost is astronomical. We have just heard a little bit about the cost. Our department has just finished a USDA review. Here it is, gang. This is not a tiny endeavor. It took us nine months. Not to pick on Dean Cohen, but he said that while the reviews that you'd be asked to do would be not nearly as onerous, Appendix A of the report wants more than what we have put in this. I consider that somewhat onerous. The other point. This isn't just faculty time, this is staff time. The cost to the college is $12,000. That is just out of pocket money that they have spent. Cost to our department was $2,500 to hire additional help, plus hundreds and hundreds and hundreds of person hours lost. The cost is in the tens of thousands of dollars to the department. Sure, faculty are just supposed to give more time to every cause that comes along, but there are only twenty-four hours in the day, even at Cornell.

"I've heard that faculty 'need to have a say' in this review, because it's going to happen anyway. This truck's coming down the road, might as well have a say in whether it hits you in the head or it hits you in the leg. I say, no, if you're going to be tortured, you don't have to approve it. They can take us kicking and screaming but they can't make us say we like it. Reviews could happen without a mandate. We've heard that there are units that would like to have a review. OK. Sure. They ought to do it. If they don't have a good idea of where they are going, they ought to have a retreat, they ought to have some sort of review, but it doesn't have to be shoved down their throats every five to ten years.

"So I'd like to close here by saying that this proposal is a little monster. We must defeat this motion so that it does not become a big monster that consumes huge amounts and blocks of time that are critical to you, me, and our colleagues, for carrying out our scholarly responsibilities. Thank you."

Professor Sally McConnell-Ginet, Linguistics: "I can't compete with the eloquence of my predecessor, but I want to come down on the side of President Rawlings here and say that I am very much in favor of external program review, because I think that we learn things that we don't necessarily already know. I'd like to propose an amendment that I think you all have received, with the aim of protecting the process."

1. Fourth paragraph, lines one and two of Section 2d. Delete the text in brackets below:

The ad-hoc evaluation committee will consist of [two Cornell faculty members from outside of the department being reviewed, and] at least three specialists in the field from outside of Cornell. [The chair of the ad hoc evaluation committee will be one of the outside specialists.]
Footnote 6: [No more than one Cornell faculty member can come from the same college as the unit being reviewed. Furthermore,] None of the members of the evaluation committee can have a significant ongoing relationship with the work of the department.

2. Fourth paragraph, line one of Section 2d.

Delete footnote 7 which reads: The participation of appropriate alumni in this role is encouraged.

**Rationale**

External program reviews are best conducted by people who are external not only to the department but to Cornell. To include Cornell members on such a committee, even if they are outside the department in question, is to jeopardize seriously the integrity of the process. To include members from rather different fields compromises the principle of peer academic review, which assumes that reviewers possess substantial expertise in the discipline or interdisciplinary field being reviewed. Even to prefer Cornell alumni in such reviews seems unjustified. External review committees are standard procedure at most universities. Why do things differently here? The only rationale offered at the Senate meeting for including Cornell faculty in nearby areas was that they might be of some use in assessing the relative strengths of a department or program compared to those of its (Cornell) neighbors, thus assisting in the matters of concern for general area reviews. But the area reviews are a quite separate matter; conflating them with individual program reviews is likely to degrade both. The other rationale offered off the Senate floor has been that "Cornell is special" and cannot be understood properly by non-Cornellians. Each institution is distinctive and Cornell is certainly especially complex, but there is something seriously wrong if our programs cannot stand up to external evaluations unmediated by local colleagues' institutional insights.

The amendment was seconded.

Dean Walter Cohen, Graduate School: "On the second point. I spoke briefly last time on the first one, and the second has to do with alumni. This is just a point of information. As best I recall, the reason for putting that in was rather different from the first one, and I'm just going to mention that. It was a feeling on the part of a lot of applied departments that it was important to cultivate connections with the professions the people were going into because of that in-Cornellness of it. It had a completely different logic to it. That isn't an argument for or against it, it is just a clarification of the rationale of the committee."

Professor Frank C. Keil, Psychology: "I support this on the ground that we have people from within the University, that at the beginning or the end of the process, could contribute to writing the report as a perfect solution to the problem."

Speaker: "If there are no more comments we will vote on the amendment to the motion."

The amendment to the motion was approved.
Professor Frederick Ahl, Classics: "I would just like to make a plea for the members of the Senate, who come from various different segments of our Cornell community, to bear in mind that although they may be, through the requirements of their particular discipline or academic affiliation, subjected to routine and often burdensome reviews, that many segments of the Cornell academic community are not submitted to any kind of routine review whatsoever. And, as I understand it, and perhaps the framers of the motion could have made this clearer, is that the purpose of this intention is to have more programs reviewed. I make the assumption that the intention is not to duplicate review processes that are already in existence. That is to say, not to create further ones but to find some way of integrating the ongoing present structure with future planned reviews and to make sure that certain programs don't slip altogether through the review. I have been at Cornell for twenty-five years. My department has gone through one external review in that period. I do not think that this is an unusual situation altogether, because in many divisions of the University there has been no systematic and regular review. I really thank our colleagues who are in areas who have gone through these reviews, and who I really sympathize with, since I have served on external review committees myself at other universities, and I sympathize with going through it. There are really times when the failure of the University as a whole, to have a policy of regular, routine reviews of programs is going to yield a legacy of disorder and problems. I urge the body as a whole, if you've had a bad experience with program reviews, to simply make sure that as they make suggestions and amendments they do so in order to prevent duplication and further exacerbation of the annoyance of the current problem, but not to prevent those of us in programs who have suffered from lack of external reviews over the years from receiving the reviews that I believe the motion on the floor would give access to."

Associate Professor Andrea Simitch, Architecture: "I just have a question of clarification about this proposal. Were other program reviews, others at Harvard, Princeton, Yale, considered? How does ours, as a system, compare to theirs?"

Dean Cohen: "I don't think that we have written versions from their schools. We have written versions from several schools. I talked to the deans of the graduate school of our peers, all of which have regular program review. What we looked for on the committee, despite what Jeff Scott was implying, is something that would involve less paperwork and less time, on average, than we thought we saw in most of the ones we saw in detail: Rutgers, Northwestern, Iowa, Colorado."

Professor Simitch: "Does Harvard review regularly?"

Dean Cohen: "Yes. Harvard, MIT, and Yale all review regularly. Harvard has overseers that come in. The complaint about Harvard is that there is too great a complicity between the external reviewers and the department. That they are too close. Yale makes sure that the external committee does not consist mainly or exclusively of people who are on the department's list of acceptable reviewers. I would disagree with that myself. I think that they should be on the list. They are
President: "I guess what troubles me most about the proposal is the quantitative nature suggested in Appendix A of the document. It seems we're not asking the right kinds of questions which would give us the most help. For example, it says, 'What are the average GRE scores of matriculants?' It seems to me to be a better question to ask, 'What are you doing to recruit the best possible applicants for the program?', not, 'What is the average GRE score? What are you doing to recruit underrepresented minorities? What is the administration doing with this process?' And the same way with counting grants and publications. It seems to me a more relevant question would be, 'What are you doing to encourage productivity?' Questions like that go to the heart of what we need to do to improve ourselves, not like a lot of the quantitative stuff that our department goes through periodically."

Dean Cohen: "We discussed whether to include Appendix A or not. Those are suggestions, not requirements of the review. The form of the review is to be determined by the faculty committee. The forms of the review could take different natures for different departments. We discussed whether to include this list, that it might be misunderstood as requirements or not, we decided to leave it in. This is a suggested list. This is not what the reviews would look like. The form of the reviews would still be determined."

Professor Terrence L. Fine, Electrical Engineering: "I'd like to oppose the motion insofar as it is proposing an across the board review. I have no issue with people who like to have reviews. If you'd like to have reviews, wonderful. I'm sure that the administration would like to support the conduct of that review. I'd definitely like to oppose the urging of an across-the-board review that we are all subject to. I've had some experience with reviews. In Electrical Engineering, we have a regular accreditation, we have previous Deans who liked five-year plans. I have to say that we've gotten very little value from the effort that we've put into these things, and with regards to duplication, I've currently been launched on paying for yet another review, independent of our accreditation process, by our current Dean of the college. There is no avoidance of duplication. When we talk about not having it; it's about to happen. We've just had one in this very process; one that is not involved with accreditation. When I look at this proposal, when I heard the President speak, and when I look at the rationale, I don't find it. I have to say, and now I will invoke my cloak of tenure, that there is a lot of cliché and inconsistent argument. The document that we were given talks about primarily clarifying existing potential linkages. The one we got before talks about other things. We don't need to know about faculty honor, for example, to talk about linkages. Its clear, from what the President just said, that more is being executed here than just clarifying linkages."
He's looking at the quality of programs. I think that it's good for the administration, if they are suspicious of a particular program, or have some doubts, to want to do an evaluation of it. But I don't think that the evenhandedness is worth the price that you want from us. There is an appearance of the idea that we will all be treated equally, the good, the bad, the indifferent and we'll all have this review. Focus it. The tool may have some value. I'm not going to challenge that where there are some particular problems. I doubt that it has the value that has been assigned to it, when there are not quite problems, and I think that the President agrees. The burden of time on the faculty can be substantial. I'm not going to worry about the tens of thousands, as I would if it were my money, but we've got one and a half billion dollars and it can come out of that.

"Primarily I am concerned about not having this across the board. Norm, I agree with you also on this. Am I persuaded that it is coming, and therefore we must sign on to it? I think that by signing on to it we endow it with a very high degree of legitimacy and respect. I'm not sure that this particular project is deserving of that. We have all made a commitment to rational inquiry, and when somebody proposes something that looks like an exercise in rational inquiry, we are very inclined to sign on to it. This particular exercise does not persuade me that it is worth my time."

Unidentified Speaker: "I'd like to speak in favor of program review. I find it really strange that my colleagues don't think that it is worthwhile, every five or ten years, sitting down and taking a look at your program and talking in a group with your colleagues in your department and trying to decide where you want to go, what you have done. We are very critical of every other aspect of society and we like to tell them how to do everything right, and we need to sit down and tell ourselves how to do everything right."

Professor Paul P. Feeny, Ecology and Systematics: "I was Chairman of my department when we did a review in 1988-89, and it was, as Jeff Scott pointed out, a tremendous amount of work, especially because we thought reasonably highly of ourselves and wondered whether it was really necessary. But in fact, we got some excellent ideas from the review team, which we have implemented, and things have vastly improved, especially the treatment of our first-year graduate students, which was a weakness that we hadn't fully appreciated. I, therefore, am very much in favor of reviews. You can't tell what sort of advice you're going to get, but I think that the work is worth it. My problem with this proposal is with the review of the graduate fields. I think that the extra amount of work involved in reviewing graduate fields would probably not be justified. There is a lot of overlap between the graduate programs and the departments, and in our case, the department review provided a lot of very helpful comments about the graduate program. Graduate programs, in a sense, don't have resources, so I think that's another reason why we might exclude them, or, include graduate programs as part of area reviews, so I would like you to think about, possibly, the option of dropping that, and making the burden lighter."
The previous question was moved and seconded.

Dean Cohen: "I would like to make some clarification to those comments. What we thought that we were saying was that any field that is all related to a department would be reviewed with that department. That takes care of about eighty-five percent of the fields. The legitimate issue that you raised involves the other fifteen percent of the fields, like Applied Math. Arguably, you should review that with Math, although it is a separate field. Or Medieval Studies, which is an independent field. Or Environmental Toxicology. Women's Studies is more ambiguous because it is not degree-granting, but Environmental Toxicology is and has a fair amount of money, and is a self-funding field, by and large. The question is whether those should be allowed to slip through the cracks or not. We thought that they shouldn't, on balance, but we're really talking about a total of eight, so the question is whether to do those additional eight, not whether we're going to do ninety different fields."

Professor Mary Beth Norton, Mary Donlon Alger Professor of American History: "I'd like to speak in favor of the program review on two grounds. One is that, just like Fred Ahl, who has been here the same amount of time that I have, my department has been reviewed all of once. I actually think that it would be extremely useful, as the acting chair, to have somebody come in from the outside and give us some perspective on some problems that we are struggling with. The second point that I would make comes from my experience as an outside reviewer for three different history departments at other places in the country. I have found that an extremely interesting experience for myself. All of the departments that I have been involved in reviewing have responded extremely positively to the kinds of things that the outside reviewers were able to tell them, to help them with making some of the crucial decisions about what was going on. There's also a third point. In this discussion we've been having, one aspect of this proposal has been lost. That is, that it is to be under the direction of a faculty committee. Several people who have spoken against it have envisioned the administration doing that. In fact, this sets up a faculty committee to run it, and I think that that's an extremely important part of the proposal. It does give us much more say in these reviews, and in fact, has been the case in those places where I have been an external reviewer. In all three of those places, I was told what to do by the Dean. I was not handed my walking papers, as it were, my directions, by a faculty committee, and I think that it is extremely important and useful for this proposal to have a faculty committee at the head of it."

Professor Scott C. MacDonald, Philosophy: "I would like to propose a small amendment to the proposal."

Speaker: "My understanding is that amendments have to come in a day early."

Professor MacDonald: "I thought that was only for motions."
Point of Information: "I believe that they can be overruled by the legislation that we adopted last week, and presumably they have to be stated for the Senators to have the opportunity to decide whether to overrule or to allow that amendment to go on."

Professor MacDonald: "The amendment is very simple and it is meant to account for the tens of thousands of dollars rather than concerns that have been raised. I see, that in the most recent issue of the proposal, there was added a clause suggesting that the Provost will supply support for the Dean, who will be charged with carrying out these reviews. My amendment is to add to the end of that paragraph (the paragraph marked number 2 on page 2 of the proposal) the following sentence: 'will be carried out with support from the Provost, if requested.' If you look at the bolded portion that was added to that paragraph, you can just replicate that in the amended sentence the beginning of the sentence being, 'departmental reviews will be carried out', and then add the previous. I was glad to hear President Rawlings say that the financial cost yearly of these reviews was really quite low, and that leads me to think that no one should object to adding this small measure of support for departmental expenses in the process of reviews."

A vote was taken whether to allow the amendment to continue and it was approved.

Professor Ahl: "I see the intention of the amendment but I'd like to oppose it for the following reason. I think that the jam that we're getting ourselves into now is that there are far too many specific details spelled out in the package that is in front of us. As I've been listening to both sides here, from people who want systematic, regular reviews, and those who have been reviewed up the wazoo and don't wish to hear any more about it. It seems to me we would do better to look at this motion and come back with something that says that the Senate recommends that all programs should be reviewed on a regular, standardized basis, period. And then that some suggestions have been made. But that doesn't have to be part of the motion. So, I would oppose this on the grounds that this is dealing with something that falls into the penumbræ areas of this proposal that aren't really at the heart of what I, at least, understand is the intent of the motion on the floor."

The question was moved.

The vote was taken, and the amendment was defeated.

Professor Abowd: "I call the order of the day. We've had a twenty-minute allocation of debate for this and we've been on it for forty minutes. We've extended debate once."
Professor P.C.T. deBoer, Mechanical and Aerospace Engineering: "I don't think that that's a legitimate, binding assignment of time. The body can make this decision with a two-thirds majority."

Speaker: "Those are suggested times, not hard and fast, but we do have a point here, so we will carry on, but I must remind you that we have quite an issue before us, coming up, so we have to keep that in mind. We will go for a moment or two more."

Dean Daryl Lund, College of Agricultural and Life Sciences: "I'm not a member of the Senate, but I presume we can speak at the Senate meeting? I am a faculty member with a discipline, but I tend to be undisciplined. In this case, I just wanted to point out a couple of things if this body adopts a framework. Appropriately so, we in the College of Agricultural and Life Sciences will continue with reviews, Jeff, ad infinitum or ad nauseam, whichever is the case, because they are an important component, in my opinion, of evaluations, and of feedback that we need to have. I appreciate the comments with regard to not having Cornellians specifically encouraged to participate in those reviews. But a couple of other things. On the second page of the main text here, on the bottom of that first paragraph it says: 'Both the reviews of individual units organized by college deans and the broader evaluations under the direction of the FCPR will in some cases lead to the reallocation of resources.' I understand that, the question I had really has to do, as we consider now the specifics of this, is that in the definition of the FCPR, there is no requirement for them to do any evaluations. So I didn't know whether that meant that the FCPR is going to tell other people to do other evaluations, which would come into the Dean. It seems to me that it needs a little bit of clarification there. The other question or comment that I have only for future consideration would also be on the next page, under the fifth paragraph. The very last sentence says: 'The committee will be asked to evaluate the department's principal activities to compare it with leading departments in other universities, to assess its trajectory, and to recommend whatever changes the committee believes are appropriate, under the assumption of constant resources.' It seems to me that the last comment ought to be deleted."

Associate Professor Marianne Krasny, Natural Resources: "I'm undecided about this program review issue, but I guess that one of the things that might help me clarify—the reason that I'm undecided is that while I can see the benefits of a review, there are a lot of other similar activities that we're asked to be engaged in, like program planning, that we're now engaged in, and it would help me out if I felt that the administration were giving some thought as to how program reviews fit in with these similar activities. While each of these has benefits and disadvantages, I think we have to look at them in conjunction with each other. I don't know if anyone has thought of that issue."

Dean Stein: "I've thought about that issue a lot. I'm one of the drafters on this committee and I think that half of the time that committee was spent talking
about that issue. We were faculty members on that committee, not administrators, and we're very conscious of the extra load. We're also conscious of the variety of reviews that go on and the belief in that committee was that we did not want to have another layer of review. What we kept thinking is that what one should do was to build on or make it a part of the other mandated reviews that go on. We didn't exactly quite know how to do it, but that was the spirit in which this was written. There should not be an additional load to it."

Professor Krasny: "I wasn't just talking about other reviews. More like program planning—"

Dean Stein: "All of the other stuff that tends to work in this direction. The critical remark that I want to underscore is the one that Professor Norton just made. The organizing board of this group is made up of ordinary faculty. The FCPR is elected to do that. They are responsible to you. It seems clear to me that that group will be motivated to, in fact, design a structure which has very much the ability to keep in mind the preciousness of faculty time and not ask them to do additional, meaningless things. It was too hard to do that in detail for each of the departments because there is a lot of different sorts of stuff that goes on, but if that committee doesn't do that, they are responsible to you. You can order them through the Senate to do something, you could tell the Nominations and Elections Committee that you want them to nominate people on that committee who are, in fact, sensitive to those concerns."

Professor Kenneth A. Strike, Education: "I don't really feel that through my career here I have been reviewed up the wazoo. I guess I have one observation, and I'm not sure of how to put this and then I have a question for Dean Stein. Several people have suggested that one ought to support this on the grounds of the support of rational inquiry. It is not always the case that reviews always lead to rational inquiry. Particularly when one is reporting up the chain of command and when one is told that resource allocation may be affected by this. What reviews may produce is a process of self-justification. And, in fact, in departments who are inclined to be introspective and to give some conscientious thought to their programs, as mine, I think, tends to be, when we have a review across the table, the consequence is that we stop doing that and we start a process of self-justification. We've actually done something recently. Of course, I wasn't doing that. The observation is that reviews up the chain of command do not necessarily produce a kind of process of departmental self-reflection. The question for Dean Stein is that I am not quite convinced that the language about piggy-backing on future efforts and the like would really substantially lessen the work of what is, essentially, a new review. I'm curious as to why there was not consideration of some language in the document for substitutions of when there were similar reviews being conducted in the same time period. It strikes me that the Cooperative State Research, Education and Extension Services (CSREES) reviews are sufficiently similar to this in their intent and structure that we might not only have the desire to piggy-back on them, but to simply say, 'Here. Read that.' Why not?"
Speaker: "We’ve got hands going up everywhere and we really don’t appear to be coming to any kind of resolution on this. I assume that if I ask you if there is strong objection to calling the question, I would get..."

The question was called and seconded.

A vote on the motion was taken with a count of 43 to 30 in favor. The resolution and proposal as amended was adopted (Attachment 1).

A request was made for the comparison between the number of votes and the number of those present.

6. PROPOSALS FOR REVIEW OF TENURE DECISIONS

Speaker: "We do have another issue to address and that is the review of tenure decisions. The way that we’re going to approach this is that we’re going to have people come down to address Options 6a and 6b and then you will vote on those options. The winner will then compete against Option 3 and we will have a quick discussion on that. The winner will either then be approved or rejected. And then we will vote on Option 7 and that will either be approved or rejected."

Professor Lesser: "Don’t we get a basic chance to discuss the overall concept before we move to considering particular options."

Speaker: "I was instructed that you weren’t."

Dean Stein: "Just to speak on the procedure. This was the procedure that I sent you all by e-mail saying that that’s what we were going to do and I asked for comments or objections. I didn’t get any. This is a procedure as if Option 3 had been introduced, Option 6a was introduced as a substitute motion, and Option 6b was introduced as a substitute motion for that. That’s the situation that we find ourselves in at this point. I mean, if you want, he’ll recognize someone to move Option 3 and then someone to move Option 6a and then someone to move Option 6b."

Professor Lesser: "Can’t we just discuss the basic concept before?"

Dean Stein: "No. Because we do things by motions. People make motions and that’s the way we proceed."

Speaker: "Let’s not debate this here on the floor. We do have a motion from the committee and so we will discuss that. What I would like to do is to recognize one or two people and then I will call on those who are going to tell you about the particulars of those."
Professor Mebane: "Time, being clearly insufficient to consider this, I move for further discussion to go to the next meeting."

Speaker: "You're moving for postponement until the next meeting?"

The motion was seconded.

Discussion of the motion commenced.

Dean Stein: "I want to just point out that we have ten minutes here. We can hear people debate on it. Our time is, in fact, valuable and we've given this time to it, and if you don't want to meet twice a month we should go through this agenda and spend our time doing it. I mean, we're clearly not going to come to the end of this chain by six o'clock, but it seems to me that we could use our time effectively."

An unidentified speaker voiced support for Dean Stein's plan.

A vote for postponement was taken and failed.

Speaker: "Kathleen Rasmussen will come down and discuss for you 6a."

Associate Professor Kathleen M. Rasmussen, Nutritional Sciences: "I can't guarantee that you can all hear me so I will try and speak as loudly as I can. For Option 6, we created a proposal and realized that there was another way to do it, so we are presenting 6a, and then you will have a chance to look at 6b. The idea of 6a is that an appeals committee will be formed to advise the Provost when he or she proposes to deny tenure to someone who has received positive reviews previously. The procedures that we're proposing to use are analogous to those currently at use in the colleges. That is to say, there will be a committee jointly appointed by the candidate and the Provost. This, importantly, is a review of process, not merit. The rationale for this is that it addresses the concern that we heard the faculty express of what to do about the person who, really, previously had had no negative review. We want to protect the candidate's rights to a fair review. In particular, we said in our rationale that this would be a candidate who felt that he or she had been 'hindered in meeting the department standards', where 'there were violations in procedure during the tenure review; the evaluation was influenced by unlawful discrimination or factors unrelated to the performance of the candidate', or finally, that the decision of the Provost was arbitrary and capricious. This is language that comes from prior documents that this body has considered. The procedure that we're proposing would provide input to the Provost but the Provost would retain the power that he currently has to advise the President and the Board of Trustees as to the decision that ought to be made. An advantage to this faculty is that it requires minimal additional investment of time because it applies only to a small proportion of cases, estimated to be less than ten percent of those that are considered each year. Forty cases have been considered annually, so that's about four cases where the Provost is saying no where there have previously been yeses."
Speaker: “Why don’t we get 6b done because these are two competitive ones. Is that agreeable?”

Professor Peter Schwartz, Textiles and Apparel: “I could actually use Kathy’s overheads because much of the rationale for proposal 6b is the same as 6a and that is to provide some equity to a candidate for whom the first negative decision is at the Provost level, in order to provide an equity that is similar to the recourse that the candidate has for a negative decision at a lower level. The major difference between the two proposals, 6a and 6b, is that Option 6b would call for the review to be both on procedural issues and substantive issues. The substantive issues were added because the Provost review committee considers substantive issues as they are advising the Provost and we felt that it would be important for this review committee to have an independent committee that would advise the Provost on the substantive issues of the tenure package. We propose a slightly different construction of the committee to take into account the fact that the issues that the committee would take into account are substantive as well as procedural. We also take into account the fact that this committee is a creature of the Provost and not a faculty committee. For that, then, the difference would be that the committee would be selected by the Provost and the University Advisory Board. In addition, because the issue is going to be substantive, and because of the range of disciplines, and the nature of the University, especially the land-grant mission, and basic versus applied research, we propose in option 6b to have the five persons appointed in such a way that three come from the division, statutory or endowed, of the candidate whom the Provost has decided to recommend negative tenure. The other two would come from the other division. The chair of that committee would be chosen by the committee. In no way does this option do away with the Provost’s obligation to recommend to the President whether the candidate should be granted tenure. It does not interfere with the current Provost’s Advisory Committee in any way. Thank you.”

Speaker: “Are there questions on 6a and 6b?”

Associate Professor Kathryn March, Anthropology: “The composition of the committee is spelled out in detail for 6b, but not 6a, and I wondered if it was the same procedure for choosing the committee?”

Professor Rasmussen: “No. It’s a different procedure. This is a committee, in 6a, that is appointed jointly by the candidate and the Provost. It is not necessarily drawn from the members of the University Appeals Board. So it is analogous to the procedures used at the lower levels.”

Professor David J. Gries, Computer Science: “These two proposals are so similar that I would essentially think of them as the same. I thought, when I first heard about Option 6a, that it would be much more preliminary than this is. In both of these cases, for the committee to be appointed, the candidate has to know about the
preliminary decision, and then he has to appeal. I was thinking, a much better way would be to have the Provost come to a preliminary decision, tell the faculty, appoint a committee of faculty members to review his preliminary decision, without the candidate knowing about it, just to give the Provost more information. I think that that would be a much better alternative to Option 6a, which is too close to 6b.”

Speaker: “Recall in the voting process that neither of these may survive if you don’t appreciate the particulars. We’re not looking to change them.”

Professor Lesser: “Before we go to the voting, I just wondered if I could kindly ask a more basic question about the underlying authority. I had hoped to asked Provost Randel, but he’s not here, and regrettably, President Rawlings has left, so perhaps I could address this to Dean Stein? In our last meeting of last year, on the fifteenth of May, Provost Randel stated: (and I quote from the minutes) ‘The University Bylaws state that the President recommends to the Board of Trustees with a motion for tenure of faculty.’ That authority, here noted, that the faculty does not have the authority to amend the Bylaws, would appear to underlie the process that we are now essentially endorsing. I have a copy here of the January 1996 Bylaws. I’ve read them a dozen times, and I’m afraid that I don’t see where it says in there that, indeed, the President has that authority and responsibility. And I pay particular attention to Article 5, titled ‘President’ and Article 16, referred to as ‘Appointments and Tenure.’ It does say that the Board elects those to indefinite tenure, and the President appoints those offices. But I don’t see where it says that the President recommends. I sent several e-mail messages to Provost Randel, but I regret that he did not reply to them. Maybe Dean Stein could help identify the proper section of the Bylaws.”

Speaker: “Before he does, I think that we’re beyond our time. We’ll take his response to this and then we’ll adjourn the meeting because we’re beyond our six o’clock limit.”

Dean Stein: “No. I cannot help you. I have not done the exhaustive search that you have and I have no idea whether that authority is specifically given to the Provost and the President. I do know that the Board of Trustees has the authority and it has been conventional, as long as I have been here, for the recommendations to the Board of Trustees to be transmitted to it by the President and Provost.”

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

Respectfully submitted,
Robert F. Lucey, Associate Dean and
Secretary of the University Faculty
REPORT OF NOMINATIONS AND ELECTIONS COMMITTEE
FALL 1996

At-Large Member, Faculty Senate

Cornelia Farnum (Vet) - one-year replacement for Howard Howland, on leave

University Faculty Committee

David Gries (Engr) - fall replacement for Benjamin Widom, on leave; and spring replacement for Fred Ahl, on leave

Academic Freedom and Professional Status of the Faculty Committee

Appointments for 3-year terms:  Terrence Fine (Engr)
                               Anna Marie Smith (A&S)
                               Kenneth Strike (CALS)

Academic Programs and Policies Committee

Barry Perlus (AAP) - 2-year replacement for Ritch Savin-Williams, resigned
Joseph Yavitt (CALS) - appointed Chair for 1996-97
Appointments for 3-year terms: Kenneth Hover (Engr)
                               Carlo Montemagno (CALS)

Affirmative Action Committee

Appointments for 3-year terms:  David Holmberg (A&S)
                               Locksley Edmondson (Afr Ctr)

Education Policy Committee

Peter Schwartz (HE) - appointed Chair for 96-97
Appointments for 3-year terms: Rosemary Batt (ILR)
                               Kerry Cook (CALS)
                               Anthony Ingraffea (Engr)

Faculty Advisory Committee on Admissions and Financial Aid (FACAFA)

Appointments for 3-year terms:  David Galton (CALS)
                               Sidney Resnick (Engr)
                               Peter Schwartz (HE)

Faculty Advisory Committee on Athletics and Physical Education (FACAPE)

Andrea Simitch (AAP) - 2-year replacement for Barry Cooper, resigned
Appointments for 3-year terms: William Cox (CALS)
                               Joseph Hotchkiss (CALS)
                               Charles Short (Vet)
Financial Policies Committee

Frank Moon - One-year replacement for Charles Wolfram, resigned; also Chair for 96-97
Appointments for 3-year terms: Richard Darlington (A&S)
                               Peter Harriott (Engr)
                               Andrew Novakovic (CALS)
                               Katherine Stone (Law)

University-ROTC Relationships Committee

Appointments for 3-year terms: Donald Halseth (CALS)
                              Francis Kallfelz (Vet)

University Assembly

Appointments for 2-year terms: Steve Caldwell (A&S)
                               John Cisne (Engr)
                               David Grubb (Engr)
                               John Sherry (Hotel)

University Lectures Committee

Peter Nathanielsz - one-year replacement for Brett de Bary, on leave
Appointments for 4-year terms: Steven Strogatz (Engr)
                               Tom Whitlow (CALS)

University Faculty Library Board

Appointments for 3-year terms: Daryl Bem (A&S)
                               Subrata Mukherjee (Engr)
                               Chris Ober (Engr)
Appointments for 4-year terms: James Gillett (CALS)
                               Ronald Hoy (A&S)
                               David Wyatt (A&S)

Project 2000 Faculty Senate Advisory Group

Ronald Breiger (A&S)
J. Robert Cooke (CALS)
David Gries (Engr)
Robert Milligan (CALS)
Leslie Trotter (Engr)

Project 2000 Council

Frank Keil (A&S)
University Benefits Committee

Lawrence Blume (A&S)
Judith Ginsburg (A&S)
Tove Hammer (ILR)
Scott Maynes (HE)
Anil Nerode (A&S)

Campus Life Committee

Marvin Pritts (CALS)
Charles Walcott (CALS)
Lois Willett (CALS)

Freshman Experience Committee

George Conneman (CALS)
David Delchamps (Engr)
Thomas Lyson (CALS)

Research Council

Nelson Bills (CALS)
Frank DiSalvo (A&S)
Peter Kuniholm (A&S)
Che-Yu Li (Engr)
Bud Tennant (Vet)
**Membership of the Nominations and Elections Committee**

**1996-97**

<table>
<thead>
<tr>
<th>Name</th>
<th>Term</th>
<th>College</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas Gilovich</td>
<td>1997</td>
<td>A&amp;S</td>
</tr>
<tr>
<td>Jerome Hass</td>
<td>1997</td>
<td>JGSM</td>
</tr>
<tr>
<td>David Lipsky</td>
<td>1997</td>
<td>ILR</td>
</tr>
<tr>
<td>Daniel N. Tapper</td>
<td>1997</td>
<td>Vet.</td>
</tr>
<tr>
<td>Carl F. Gortzig</td>
<td>1998</td>
<td>CALS</td>
</tr>
<tr>
<td>Jean N. Locey</td>
<td>1998</td>
<td>AAP</td>
</tr>
<tr>
<td>Kraig Adler</td>
<td>1999</td>
<td>A&amp;S</td>
</tr>
<tr>
<td>Paul McIsaac</td>
<td>1999</td>
<td>Engr.</td>
</tr>
<tr>
<td>Kathleen Rasmussen</td>
<td>1999</td>
<td>H.E.</td>
</tr>
</tbody>
</table>

Peter Stein, Dean of the Faculty, ex officio
Robert Lucey, Associate Dean and Secretary of the Faculty, ex officio - **Chairman**
MOTION ON ACADEMIC PROGRAM REVIEW

WHEREAS, President Rawlings has stated his intention to have all academic programs reviewed on a regular basis, and

WHEREAS, sound academic administration at all levels should be based on a well-founded assessment of strengths and weaknesses of existing programs, and

WHEREAS, a faculty committee jointly appointed by the Nominations and Elections Committee and the Provost has recommended a framework for academic program review that incorporates a representative faculty voice in its management, and

WHEREAS, the Committee on Academic Programs and Policies has reviewed that framework and has suggested certain modifications in its structure,

BE IT RESOLVED, that the Senate recommends to the administration that the attached framework for academic program reviews be adopted.
ACADEMIC PROGRAM REVIEW

Preamble

Early last Fall, President Hunter Rawlings and Provost Don Randel established a committee to propose guidelines for University-wide academic program review. The committee, whose voting members are all from the tenured faculty, was jointly selected by the FCR and the Provost. (For membership, see Appendix B.) The committee received its charge from the Provost, interviewed the Provost and several college deans, studied reports of program review at a number of universities around the country, met regularly to discuss possible approaches, and, on February 12, released a draft proposal to the University community as a whole and to the faculty in particular.

The draft received numerous comments, many suggesting specific refinements, quite a few worrying about whether the benefits would outweigh the costs, and a small percentage expressing strong opposition. This is a revised version of the earlier draft: it attempts to be responsive to most of the suggestions and criticisms. We strongly urge that this report be sent to both the academic deans and the Faculty Senate for review, revision, and approval. We also recommend that, if Cornell opts for University-wide program review, the review process itself be evaluated in five years.

Introduction

We recommend that Cornell adopt University-wide academic program review. Our proposals aim not simply to establish consistent standards across the University (see Appendix A) but also and indeed primarily to clarify existing and potential linkages among related units on campus. The purpose of the entire process is to improve Cornell by encouraging the faculty throughout the University critically to evaluate their academic programs, by providing a sounder basis for planning, and by promoting more effective cooperation across traditional boundaries.

Currently, the frequency of review varies considerably from college to college. Those units systematically engaged in such formal evaluation have generally found it valuable. The procedures outlined here are designed to build on, rather than to repeat, these ongoing efforts. Where units are already reviewed—for instance, in response to state or professional requirements—the Cornell review will be combined with the externally mandated evaluation. In most cases, the University component of the review will necessitate little or no additional preparation by the unit undergoing scrutiny. In no case will Cornell institute a second, separate review. In all cases, bureaucratic requirements should take a back seat to self-improvement and University-wide program development.
We propose a five-to-ten year cycle of reviews for departments, graduate fields, and research centers. In each unit a self-study prepares the way for an evaluation by an ad-hoc evaluation committee consisting of both specialists from outside the University and Cornell faculty members from outside the unit under review. The primary responsibility for carrying out the reviews will rest with the college deans. The self-study, probably the most important part of the process, is designed to clarify the unit's self-understanding and provide a sharper sense of direction to its work. Together with the report of the ad-hoc evaluation committee, it should encourage agreement between the unit and its dean's office about a specific plan of action.

The report calls as well for the establishment of a University-wide Faculty Committee on Program Review (FCPR) to oversee the entire process. The FCPR will also organize a distinct, annual evaluation of a broad, cross-departmental area of scholarship. These reviews, often extending across several colleges, will foster more effective cooperation and higher quality in academic areas where the University has an ongoing, substantial, but often dispersed commitment of resources. Both the reviews of individual units organized by the college deans and the broader evaluations under the direction of the FCPR will in some cases lead to the reallocation of resources.

Program Review at Cornell

1. All departments\(^1\), degree-granting graduate fields, and centers\(^2\) will be reviewed once every five to ten years\(^3\). Whenever possible, fields and centers that can be associated with a department will be reviewed with that department. Where the interdisciplinary nature of the field or center\(^4\) makes combined reviews unfeasible, independent field and center reviews will be carried out.

2. The college dean\(^5\) will be responsible for the unit reviews with support provided by the provost, if requested. A departmental review will consist of two phases: a self-study by the department faculty and an evaluation by an ad-hoc evaluation committee. The department will find appropriate mechanisms to involve a broad spectrum of students in the self-study.

The self-study will address specific issues raised by the dean, the department under review, and the University administration, and will include:

---

\(^1\)The ILR, Hotel, Law, and JGSM Schools, as well as sections in the Division of Biological Sciences (DBS), will be treated as departments.

\(^2\)"Centers" as used in this document includes institutes, programs, and laboratories.

\(^3\)The frequency of reviews will depend on various factors, such as external mandates, the scheduling of Area Reviews, and the urgency as perceived by the dean and the FCPR.

\(^4\)The Dean of the Graduate School estimates that there are ten such fields. The Vice President for Research estimates that there are nine such centers. Fields and centers being reviewed independently will be referred to as "departments" in this document.

\(^5\)In DBS, the "dean" will be the Director of Biological Sciences and the deans contributing to the section acting together. For independent field and center reviews, the Dean of the Graduate School and the Vice President for Research will respectively have the responsibility for the review.
a) A description of the fundamental questions that organize and motivate the current teaching, research, outreach and other scholarly activities of the department, showing how the faculty share intellectual discourse and purpose;

b) A critical analysis of the current state of the work of the department, including graduate and undergraduate teaching (with attention to the purpose and coherence of the curricula), research, and outreach, with whatever quantitative information required by the dean;

c) Specific issues, if any, the department wishes the ad-hoc evaluation committee to address and any other expectations the department has of the evaluation committee;

d) A plan for the next five to ten years, including staffing and resource allocation, and its relationship to the fiscal guidelines supplied by the dean.

The self-study need not be a long or time-consuming process. Thorough and comprehensive annual reviews should provide the necessary background and framework for the study.

Additional university-wide review criteria and required information may be specified by the Faculty Committee on Program Review (see paragraph 3). Examples of possible criteria are given in Appendix A. Every effort will be made to ensure that the University's administrative systems will provide the required quantitative data automatically. When the self-study is complete the department will forward a copy of both to the dean and the FCPR.

The ad-hoc evaluation committee will consist of at least three specialists in the field from outside of Cornell. The dean will form the committee after consultation with the faculty of the department under review. The committee will be asked to evaluate the department's principal activities, to compare it with leading departments in other universities, to assess its trajectory, and to recommend whatever changes the committee believes are appropriate, under the assumption of constant resources.

The committee's activities should include separate meetings with both non-tenured faculty and students. Within six weeks of the review, the committee will report to the dean. The dean will discuss the report with the department chair and faculty. The dean and department will prepare and exchange independent responses to the review that will include specific plans of action. The dean will send the report and the two replies to the Provost and the FCPR.

---

6 None of the members of the evaluation committee can have a significant ongoing relationship with the work of the department.
The travel, subsistence, and honorarium expenses for the external members of the ad-hoc evaluation committee will be provided by the Provost.

3. The Faculty Committee on Program Review (FCPR), a new university-wide professorial faculty committee, will oversee the program review process. The Committee will consist of nine faculty members representing the broad disciplinary areas and academic functions of Cornell and the Vice-President for Academic Programs, Planning and Budgeting ex-officio. Members of the FCPR will be selected jointly by the Provost and the Senate, and will serve three-year staggered terms. The chair of the Committee will be chosen jointly by the Provost and the Senate. Functions of the Committee will include:

a) Determining (after consultation with appropriate deans) the cycle for reviews of departments, fields, and centers to facilitate the Area Reviews (see paragraph 4);

b) Monitoring the quality of the review process by:

   (1) Receiving and reviewing the department's self study and any comments on the plan for review, reviewing and approving the dean's (or other administrator's) detailed plan for each review, including the ad-hoc evaluation committee's composition and charge,

   (2) Establishing and maintaining minimum criteria for reviews to ensure the regular collection of uniform data from the entire University,

   (3) Receiving copies of the individual program reviews, including (a) the self-study, (b) the ad hoc evaluation committee, (c) a response by the department being reviewed, and (d) a response by the dean, which states the action to be taken as a result of the review,

   (4) Receiving an annual report from the Provost giving the results of the area reviews completed or in progress;

c) Commissioning reviews of selected centers, fields, and cross-departmental groupings to be carried out by the Dean of the Graduate School, the Vice-President for Research and Advanced Studies, or a college dean.

Departments or other units being reviewed may approach the FCPR directly at any time.

4. Area Reviews: Each year, the Faculty Committee on Program Review will organize a review of a broad area of scholarship. The areas should be broad enough so that a seven year cycle touches a significant part of the University's instructional, research and outreach activities. Wherever possible, the Area Reviews will be carried out by Area Review Committees, whose members will be drawn from the ad-hoc
evaluation committees. In addition, selected alumni with expertise in the area may be included. The Provost will appoint the Area Review Committees and construct their charge. In the Area Review process, the relationship between the Provost and the Faculty Committee on Program Review will be parallel and similar to the relationship between a college dean and the Faculty Committee on Program Review. Departments and units included in area reviews will also be consulted by the Provost in planning and executing these reviews.

Adopted as amended by the Faculty Senate, September 18, 1996
Appendix A

Note: The criteria listed below are meant to be suggestive rather than comprehensive.

Undergraduate Education:

1. Undergraduate and graduate course enrollments* Number of FTE faculty*.
2. Summaries of course evaluations*.
3. Number and quality of majors in each department*.
4. Number of undergraduates engaged in independent research or study with faculty*.
5. Quality of advising*.
6. Appropriate measures of outcomes (jobs, graduate and professional school, etc.)*.
7. Diversity of students taught, especially majors*, in the relevant categories above.

Graduate Education:

1. Number of students who apply to a field, who are admitted, and who matriculate. Average GRE's of matriculants*. Data provided by the graduate school.
2. Competitive fellowships awarded to graduate students*. Data provided by the graduate school.
3. Measures of graduate completion rates and times to degree*. Data provided by the graduate school.
4. Complete list of initial placement of all doctoral students*. List should include: institution/company, specific department/administrative unit/department, and title of appointment. Where the numbers are small, the same information should be provided for recipients of the master's degree. Where they are large, summary data should be provided.
5. Faculty membership on special committees.
6. Diversity of graduate students in the relevant categories above.

Faculty Research and Scholarly activity:

1. All faculty publications and invited addresses.
2. Grants and contracts in which department faculty are substantially involved. Sources of support, duration, and amount of grants.

3. Information on faculty professional service and consulting outside the university including editorships, and membership on editorial boards and national advisory boards.

4. All faculty awards and honors.

5. Diversity of the faculty.

Faculty Service at Cornell and within the Immediate Community:

1. Service on Cornell committees and in other capacities that reflect important contributions to the Cornell community.

Extension review:

1. Description of outreach groups served* and their economic roles in NYS.

2. Description of process used to determine issues of importance to client groups and to develop resources addressing those issues.

3. Description and self-evaluation of extension programs and resources developed, including comparative information on strongest similar programs in other states. Description of how resources are linked to ongoing research.

4. Evaluations by outreach groups of departmental extension resources and extension programs including: technical quality and utility, educational quality, and responsiveness*.

*This information is to be provided for each year since the last program review (up to a maximum of 10 years). Inaccessibility of data may sometimes make it impossible to provide a full historical record. On the other hand, much of it may be collected annually and hence be readily available.
Appendix B

Members of the Committee

Nina Bassuk, Floriculture and Ornamental Horticulture
Valerie Bunce, Government
Walter Cohen, Dean of the Graduate School (ex officio)
Cutberto Garza, Nutrition
Kent Hubbell, Architecture
Katherine Houpt, Veterinary Physiology
Peter Hurst, Institutional Planning and Research (ex officio)
Frank Keil, Psychology
Sidney Leibovich, Mechanical and Aerospace Engineering
Maureen O’Hara, JGSM
David Shalloway, Biochemistry
Peter Stein, Dean of the Faculty
Lloyd N. Trefethen, Computer Science
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, October 9, 1996

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of the Faculty: "I was thinking about what I was going to say, since I feel a little bit like the Grim Reaper, always coming to tell you about this problem and that problem. Today is a nice day because I am going to open by telling all of you who don't happen to know about it, about a very wonderful thing that happened to my Department and your colleagues and Cornell today. My long-time friends and colleagues, Dave Lee and Bob Richardson were today awarded the Nobel Prize in Physics as well as Douglas Osherhoff, the graduate student who actually performed the experiment and is now a Professor of Physics at Stanford. I just want to say that it is a wonderful feeling. I feel great. I didn't know about it when I came in this morning and then I heard about it, and I've been smiling all day since I found out. I want to tell you that I've known these people for years. They are wonderful people. I can't imagine nicer people for whom this honor could have happened. They are complete citizens in every sense of the word. They are a joy to be in the same department with and I know that what I'm going to propose now is absolutely contrary to our rules. I realize that this motion requires six co-signers. I also realize that it had to be done seven days in advance, but I hope that you will allow me to extend myself and join me in a motion to extend congratulations to them of best wishes and thanks for enhancing our University and our lives. All in favor please say 'aye.' Thank you very much."

At this point, the microphone short circuited, rendering the recording equipment useless. The rest of the minutes have been reconstructed from various notes and recollections, and are not necessarily accurate.

Dean Stein proceeded to read a letter of October 3, 1996 from Philip Lewis, Dean of the College of Arts and Sciences:

"Dear Peter:

At its meeting yesterday afternoon, the faculty of Arts and Sciences passed a sense-of-the-body resolution that urges the university administration to revoke the procedure for handling complaints of sexual harassment that was promulgated last summer and to work with the faculty senate to design a procedure more acceptable to the faculty. The same resolution also urged members of the university faculty to consider whether or not, in light of various objections to the procedure, they should cooperate with its implementation.

I interpret the college faculty's opinion as an expression of strong dissatisfaction on the part of a substantial group of faculty members who have taken an active interest in the sexual harassment procedure. While the vote has no direct bearing on the status of the procedure, one must ask if the procedure is likely to work satisfactorily in the absence of faculty support, or at least acquiescence. Will it, for example, be possible for the Arts College administration to
recruit from the faculty ranks counselors who are fully committed to the use of the procedure? The difficulty ahead of us is obvious.

I believe, therefore, that the University Senate should revisit the issue with the votes of our faculty and the faculty of the Law School in mind and should seek the cooperation of the university administration in such an endeavor.

From the debate at our meeting, one might extract several major concerns on the part of those who oppose the current procedure:

1. They would prefer an approach to the design and crafting of the procedure in which faculty members were participants, rather than merely consulted parties.

2. They object to the adjudicatory authority accorded to deans in the current policy and advocate reducing or eliminating it.

3. They consider the description of the investigative process too vague and want the post-investigative judgment on whether charges should be brought or dropped to be made by a faculty panel.

4. They consider the guarantees of accused faculty members’ rights to be insufficient and support strengthening them; similarly, they consider the specification of procedures for hearings at the various levels of investigation, adjudication, and appeal to be insufficient and seek to have them detailed.

5. They criticize the procedure’s provisions about record-keeping and access to records and argue for reinforcing access of accused faculty while limiting that of administrative officials.

The critics of the procedure have many other, more specific objections. Perhaps what is needed from the faculty senate or a faculty committee is (1) an account of the concerns that an acceptable procedure for handling complaints against faculty members needs to address and (2) a proposal suggesting how the university should do this. Meanwhile, the status of the current procedure remains somewhat elusive. Perhaps the senate should also consider calling either for a return to the pre-July 1 university-wide procedure or for temporary adherence to the current procedure.

On behalf of the College of Arts and Sciences, let me thank you for your interest in this vexing matter.

The Provost was then introduced for a Question and Answer period.

2. QUESTIONS AND ANSWERS—PROVOST DON RANDEL

Associate Professor Jeremy Rabkin, Government, spoke, questioning the willingness of the administration to adhere to the decisions made by faculty bodies, particularly in regards to the Sexual Harassment Procedures.

The Provost responded that the opinions of the faculty will be taken seriously.

There ensued a discussion with the Provost as to whether or not the current Sexual Harassment Procedures affords due process at all levels of sanctions. Professor Terrence Fine, Electrical Engineering, asked a question regarding the fact that the faculty committee will only consider cases involved with "minor sanctions" and Dean Stein replied that all sanctions short of dismissal are considered minor and
that circumstances involving the possibility of dismissal are referred to another committee.

Professor Peter Schwartz, Textiles and Apparel, asked why students in the statutory colleges will now be charged endowed college tuition for all Study Abroad programs.

The Provost replied with a justification to the effect of the following:

The rationale behind charging endowed tuition is to even the playing field for students wanting to study abroad, so that students needing to study in Japan, for instance, would not be penalized for an academic plan that happens to be in an expensive country. Most financial aid is applicable abroad and financial aid packages will be refigured to conform to the higher costs for statutory students. The statutory college tuition is lower than the endowed tuition in the first place because the State chooses to subsidize some of it, but the State does not choose to support our Study Abroad program.

Professor Schwartz replied with a statistic showing that a minority of Cornell students will have the tuition difference made up by additional financial aid because only a minority of students are eligible to receive financial aid.

The Provost answered this by clarifying that while only a minority of the students receive grant aid, approximately half of all students receive some form of financial aid. The question remains, in any case, should one deny study abroad to even the minority of students who receive grant aid.

Professor Elizabeth Earle, Plant Breeding and Biometry, asked how the billing would work for Project 2000: who would be expected to pay for it and when.

The Provost explained that the billing process will be such that colleges will not have to pay the bills for reconfiguration until achievable savings targets have been identified. The billing will be unevenly divided because administrative costs are unevenly spread throughout the University.

The Speaker introduced Associate Dean and Secretary of the Faculty, Robert Lucey, E.V. Baker Professor of Agriculture, for a report from the Nominations and Elections Committee.

3. REPORT FROM NOMINATIONS AND ELECTIONS COMMITTEE

Professor Lucey showed a transparency containing a report of proposed committee members for a committee dealing with retirement issues. They included: Peter Auer, Engineering; William Fry, CALS; W. Keith Kennedy, CALS; Pamela Ludford, CALS; Al Silverman, A&S; and Stephanie Vaughan, A&S.

Professor Kay Obendorf, Textiles and Apparel, raised the point that the list was missing faculty representation from the College of Human Ecology. This was
particularly distressing because Human Ecology is a college whose faculty have extensive knowledge of the lifecourse and of retirement issues.

Vice President Ronald Ehrenberg acknowledged this need and agreed to accept a member from Human Ecology when one was nominated.

Professor Lucey also reported on members for the Faculty Advisory Board on Information Technologies (FABIT) consisting of Daryl Bem (A&S), John Guckenheimer (A&S), and George Jakubson (ILR); and the Community Committee on Incinerator Project, for which David Allee (CALS) was put forth.

The body approved the list of members for all three committees.

4. PROPOSALS FOR REVIEW OF TENURE DECISIONS

Dean Stein presented the Tenure Option Tree overhead and detailed the voting procedure. He then called on Professor Peter Schwartz, to discuss Option 6b.

Associate Professor Alan K. McAdams, JGSM, announced his amendment to option 6b, which had been submitted in a timely fashion, and presented it for unanimous consent. Unanimous consent was not granted, but after a brief debate, the amendment was adopted by the body.

During a debate on the relative merits of Options 6a and 6b, the following Senate members spoke:

Professor Kay Obendorf, Textiles and Apparel
Professor Alan McAdams, JGSM
Professor Peter Schwartz, Textiles and Apparel
Associate Professor Timothy Fahey, Natural Resources
Associate Professor Risa Lieberwitz, ILR
Professor Terrence Fine, Electrical Engineering
Professor Kenneth Strike, Education
Associate Professor Kathleen M. Rasmussen, Nutritional Sciences

After debate, the vote was taken and Option 6b (Appendix A, attached) defeated Option 6a.

Professor Emeritus Donald F. Holcomb, Physics, presented Option 3, using a transparency with the following text:

—Faculty advisory committee replaces Provost's team of advisory administrators
—In contrast to Options 6a and 6b, this is NOT an appeals mechanism—all tenure actions by Deans (+ and -) would flow through Tenure Advisory Committee
The committee would NOT be a second ad hoc committee. It reviews the quality, completeness, and consistency of the dossier, not candidate's credentials.

Committee member distribution based on character of field of study, rather than organizational home (e.g. Grad School area rather than department or college).

Consistent with similar machinery at most universities and first rank colleges.

A debate ensued on the relative merits of Option 3 versus Option 6b. The following faculty members spoke:

Professor Richard E. Schuler, Economics and Civil and Environmental Engineering
Professor Sally McConnell-Ginet, Linguistics
Professor Frank C. Keil, Psychology
Associate Dean Brian Chabot, CALS
Professor Locksley Edmondson, Africana Studies and Research Center
Associate Professor Elaine Wethington, Human Development and Family Studies
Associate Professor Walter R. Mebane, Government
Professor Terrence L. Fine, Electrical Engineering
Professor Gary A. Rendsburg, Near Eastern Studies
Professor Frank C. Keil, Psychology
Associate Professor Risa Lieberwitz, ILR
Associate Professor Vincent Mulcahy, Architecture
Professor Kenneth A. Strike, Education
Associate Professor Jeffrey G. Scott, Entomology
Professor John M. Abowd, ILR
Professor Reeve Parker, English
Professor Emeritus Donald Holcomb, Physics
Walter Cohen, Dean of Graduate School

The meeting was adjourned after discussion without the final vote between Options 6b and 3 and a meeting was scheduled for the following Wednesday.

Adjourned: 6 p.m.

Respectfully submitted
Robert Lucey, Associate Dean and Secretary of the University Faculty
Option 6b: A Substantive and Procedural Review of a Provost’s Negative Tenure Decision
(As amended by the Faculty Senate, October 9, 1996)

The Proposal

In the situation where the Provost’s preliminary tentative decision would be to deny tenure to a candidate who has previously been recommended for tenure by the Dean of the candidate’s college, a procedure would be adopted in which an ad hoc faculty committee, selected by the Provost from the members of the University Appeals Panel, would be formed to advise the Provost about this decision if the candidate chooses to appeal the Provost’s tentative decision. The ad hoc committee would be composed of five members, three of whom would be selected from the university division—endowed or statutory—of the candidate, the other two coming from the other division. The chair of the committee is to be selected by the committee from its members. This committee would be charged with evaluating both the substantive and procedural issues of the case, and making its recommendation directly to the Provost. It is expected that the Provost’s administrative advisory committee will continue in its present role.

The Rationale

This proposal provides for a review of both procedural and substantive issues involved in the tenure review process. Substantive issues are included in addition to procedural issues in order to provide a second, independent opinion in addition to that of the Provost’s administrative advisory committee. This proposal also provides the candidate with an appeal process when the first tentative negative decision would be at the Provost’s level, and thus is consistent with the candidate’s options at all lower levels of review.

The committee is structured to be equitable to both the Provost and the candidate. By using the University Appeals Panel, the candidate is assured that the evaluators are representative of the general faculty. Allowing the Provost to select the members of the committee acknowledges that the ultimate decision rests with the Provost. The composition by university division assures that, at least, the majority of the committee is sensitive to any special circumstances inherent in the candidate’s division (e.g., applied vs basic research and the outreach mission of the Land Grant University).

An ad hoc committee would only be formed when the candidate chooses to appeal a tentative negative decision by the Provost, and in this sense it is similar to such a committee formed to appeal a negative tenure decision at the Dean’s level. Because the Provost’s advisory committee considers substantive issues in making its recommendation, it is appropriate that this appeals committee be given the same latitude. It is expected that the Provost, in making his/her selections for committee membership, take into account the substantive nature of the committee’s charge.
MINUTES OF A MEETING OF THE FACULTY SENATE  
Wednesday, October 16, 1996

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "Let me start by making just a couple of procedural observations. Let me state a couple of the rules that we've always had. I've had a lot of requests from people who say they have to be out of town and wonder if they can send a proxy, or if they can please send someone to vote in their stead. Our bylaws do not allow this. Let me point out that this is just like every legislative body that I'm aware of; I don't know of a legislative body that allows proxies. There is a theory behind this, but in any case, whether you agree with the theory or not, our bylaws do not have any provisions in them for proxies or replacements. If a person is going to be away for a term, then they should resign and have the department select another representative. While a person is a representative, they, and only they, can vote.

"Last time I sort of pulled out of the hat a rule that has been a longtime rule of the FCR and that we sort of brought to the Senate. When the clock strikes six, the meeting adjourns. I think that that is a good rule. A lot of people, including myself, make plans for when we are going to go to dinner afterwards, or have other commitments, and it is a little unfair to these people, when they've sat through a whole meeting, to call for a vote, if in fact, those people can't participate in it. Just to facilitate people's planning, it is my belief that we should adhere to the six o'clock rule, except possibly in a case of extreme emergency. It doesn't seem to me to be quite right to deprive people of their ability to participate by extending the time of the meeting. I would just point out, that I, too, am anxious to avoid these second meetings, and we can all see the clock from where we are. A person who wants to avoid the second meeting should call the question, at something like ten minutes of six, to give us sufficient time for us to take that vote and see if we're going to call the question and settle it. But if it is really close to six o'clock, I think that the fairest thing to do is just to acknowledge that and understand that we are going to have to go to a second meeting to finish up.

2. CONTINUATION OF THE DISCUSSION OF PROPOSALS FOR REVIEW OF TENURE DECISIONS

Dean Stein: "I think that's all I wanted to say in remarks, so let me now set the stage for what we're going to do now. If you recall, Option 6b beat Option 6a and now we're at the point where we're going to have a runoff between Option 6b and Option 3. We were well into that debate. What we, the UFC, decided to do is to ask proponents of Option 3 and Option 6b to briefly repeat the arguments to bring you back to where you were at the end of last week. Then we will continue the debate,
have a vote on 3 versus 6b and then have a vote on whether to accept or reject the survivor. Then Option 7 will be brought up by Professor Trowbridge. We'll debate that and either accept that or reject it. I'll remind you once again, that we are not, by this process, actually bringing into being a particular procedure. If any option survives this test we will form a drafting committee. The drafting committee will work out a detailed proposal, it will come back to you, you will be able to debate it, amend it, squeeze it, distort it, and then pass it or reject it. The real legislative business will follow. We're just now sending this on or not sending it on to a drafting committee."

The Speaker recognized Professor Peter Schwartz to recap Option 6b.

Professor Schwartz, Textiles and Apparel: "Looking at this screen, I think that the faculty who teach in this room get much harsher treatment than those of us in Human Ecology. The students are far more kinder in their reactions to bad lectures. Let me just recap Option 6b and the provisions of this particular option. This option is to devise an appeals procedure. Pure and simple. It makes no pretenses to be anything other than an adoption of an appeals procedure. So, starting off, it provides an appeals procedure with the Provost's negative decision, where none, at least officially, at this moment, currently exists. The procedure is similar, but not identical to, the procedure currently used to appeal a negative Dean's decision. The differences are in the selection and number of the Appeals Committee and also the range of issues that the committee can address. One of the advantages, in my belief, is that this option requires no new committee structure. It makes use of the existing University Appeals Panel to draw its members. And finally, another strength in this option is that it provides for an ad hoc committee, rather than a standing committee, and this ad hoc committee is partially selected by the appellant. There is the issue of fairness to the appellant provided in here. I do feel, that an ad hoc committee may be better able to judge the merits of individual appellants' cases than a standing committee."

The Speaker called on Professor Sally McConnell-Ginet to present Option 3.

Professor McConnell-Ginet, Linguistics: "Don Holcomb, who presented Option 3 last time, unfortunately has an ill wife, and is unable to be here. We miss, not only him, but his nice overheads, which I was unable to prepare. The main way in which Option 3 differs dramatically from Option 6b, is that it is not simply an appeals procedure for negative cases. Rather, it looks at both positive and negative recommendations. We think that even for the purposes of considering appeals of negative cases, it is helpful to have the perspective of other cases. It is helpful to be able to look at the contrast between cases which are being presented for a positive recommendation and those that are being presented for a negative recommendation. It also differs in that the committee is a standing committee. The advantage there is also that the committee has experience with a wide range of cases. I would like to repeat some of the things that Don Holcomb said last time. This is a time of declining resources, and as such, every single tenure decision is very, very
important. These represent commitments of something like two million dollars of the endowed element for at least a quarter of a century. It is a big decision that is being made, and all of us have a stake in these tenure decisions—decisions made in other colleges as well as our own, since this is part of our general reputation. I would also like to remind you that most of our peer institutions and comparable institutions do have faculty playing this kind of oversight role and not simply leaving it in the hands of administrators. My impression, and those who are involved in reading the dossiers in Day Hall can contradict me if this is not the case, is that that group would appreciate some insight from a general faculty group. So, basically, we think that this is a way to both give a more just treatment to candidates who might be unfairly turned down, but also to be sure that each and every tenure decision is made on the best possible terms, and to involve faculty in doing that.

"There is one minor change that I want to note—I believe that you all got it by e-mail—but Professor Edmondson had raised a question about our omission of 'service' from the list. That was simply an omission and you shouldn't take this option as trying to eliminate service as a consideration for tenure."

Dean Stein: "On behalf of my colleague, Don Holcomb, I'd like to ask for a unanimous consent. That is, he would have asked for a unanimous consent could he have been here today. For those who aren't familiar with it, unanimous consent is a device to short circuit the amendment system of debating and voting. If anyone in the room is uncomfortable with unanimous consent, they should have no hesitation in saying 'no' and then we revert to the usual way of dealing with amendments. He asked for unanimous consent to make this change and add the word 'service.'"

The Speaker asked if there was an objection and hearing none, affirmed the change (Appendix A, attached).

Associate Professor Alan K. McAdams, JGSM: "A point of order and a slight modification of my colleague's presentation of 6b. There is not an ad hoc committee that is participated in by the appellant. There is an ad hoc committee that is chosen by the Provost, the majority of whose members would come from the division of the university that the appellant is in. I think that there was just a slight mixing of words there."

Professor Schwartz: "I apologize. You are correct. I misspoke."

The Speaker asked for a show of hands from committee members to facilitate his direction of the debate and opened discussion.

Professor Locksley G.E. Edmondson, Africana Studies and Research Center: "I thought I heard you say that the proposed faculty committee would be welcomed by everyone on the group now advising the Provost, or am I mistaken?"
Professor McConnell-Ginet: "I said I could not really speak on their behalf, but from what I had heard, that was the case."

Professor Edmondson: "The idea, then, is that this group would replace that group? Could we clarify that? I got the impression that this group, would, in effect, replace the current structure of the Provost's advice."

Ron Ehrenberg, Vice President for Academic Programs, Planning, and Budgeting: "I can't speak for the Provost, but what I can say is that the Provost has the authority to ask whomever he wants for advice, so, what this group can do is to legislate a faculty process but can't prevent him from asking for advice from whomever he wants."

Professor Edmondson: "That's not quite what I'm getting at. I just want to know what I'm voting for. I still have the impression from last time that the idea was to insert this presence instead of the three member committee. That is what I originally thought, but I'm hearing something quite different today."

Dean Stein: "The Provost had planned to be here, and I guess that he had other business that kept him from coming, but I have spoken with him repeatedly on this particular subject—to what extent this committee will replace the committee that he has, and I believe I can speak on his behalf on this matter. He might choose somewhat different words, but this is the spirit of what I understood. The Provost has a committee he has worked with. This is a very critical decision. We all understand the tenure decision to be critical. The minute this committee comes into operation, it is not clear that the Provost would say that the other committee goes out of operation and nobody reads those folders anymore. But he is committed to faculty participation. It is his expectation that after a relatively short period of transition, while this committee gets its sea legs and figures out how to read folders and so on and so forth, this committee would, in fact, replace the administrative committee that he now has. Ron is quite right. There is no law that keeps the Provost from consulting whomever he wants, but I am sure, in my own mind, that, in fact, this committee would replace that administrative committee after some reasonable phase in time, and if it did not, then I think that this body might well want to reopen the question, if it passed this, of why it was doing this. But there is every expectation, Locksley, that your original presumption will, in fact, be correct."

Professor Terrence L. Fine, Electrical Engineering: "This is really somewhat outrageous to me. This is not an ad hoc committee, well, yes, it is a standing committee and I know that as well, but it functions very much like an ad hoc committee and that's another faculty committee reading the dossier and passing a judgment about the candidate, which is what an ad hoc committee does. Now, we're hearing that, perhaps it will have another function. Nobody here can guarantee that function, and perhaps it will happen at some point. Frankly, I would like to know that that function will be a guaranteed function before I vote as if it would be. But to hope that maybe it will do that, some time, in the fullness of time, well, come back to me on the fullness of time for that. This thing is a mistake. This
thing is an elephantine response to what I think is a mouse of a problem. I don't think we need this. It is creating yet another so-called faculty voice. Some people honestly feel that we have to have a faculty voice at this level, but we have a faculty voice, and it is at the department level and in the college ad hoc committee. There are options later on to augment the college ad hoc committee and for getting a Provost contribution to it. When you start adding voices you don't clarify any one voice, I think that you confuse them all. You get to pick and choose. You see that there is A and B and C and D, and I'll do what I want. I think you lose clarity in that confusion. I am very much against Option 3, and come to me later on, when there is a done deal, when something like Option 3 will replace the Provost committee, and then I'll consider it. I'm not sure I'd still be in favor of it, because I don't have a problem with the so-called 'Gang of Four.' They are all respectable colleagues of mine and I don't have a big problem with them. But come back to me when you've got that deal. Don't ask me to vote today 'as if'."

Associate Professor Risa Lieberwitz, ILR: "I was on the Option 3 committee, and I say that partly because what I wanted to say is that it is a hard decision. I don't think that this is an easy decision that we're faced with and it seems to me that people have raised really important points for and against Option 3 as well as for and against Option 6b, and so I do want to say that at the outset. It seems to me that the Option 3 committee presents some positive things about having a prior input and hopefully an exchange between a faculty elected, standing faculty committee and the Provost at a point where it can have the most influence, that is, before the Provost indicates something possibly negative. We have an elected faculty committee from a broad range of fields to hopefully have some input and, in my mind, protect the candidate in situations where there has been a positive review and is faced with the Provost's negative. At that point, it is my view that a faculty committee can protect the candidate, early on, by influencing the Provost, perhaps, to not go negative at that point. I think that that is the point at which you will have the most influence. The downside of this proposal, and I think that the point that was made last week is a valid one, is that if you have a faculty committee at this point which sees itself as having too broad a mission, then you have a situation with a too aggressive committee that sees itself as another ad hoc committee. It seems to me that if you have another faculty committee at that point, which is limiting itself to deferring to ad hoc committees and Deans, whenever possible, and not overstepping, then it is serving a positive function. But if this committee, this elected faculty committee, would overstep and start to be a new faculty ad hoc committee, really redoing substantive decisions, then it is not going to work in the way that I envisioned it, and I don't think the way the Option 3 committee envisioned it. So that, I do think that that is a key. This Option 3 must function in a way that defers, as much as possible, to what the committee views were prior to this, in the ad hoc committee and the Dean's suggestions. I think that both of those points are very important.

"In terms of the appeal afterwards, there is a positive base for appeals. We want due process. It is important to note that you are getting the appeal after the Provost is making the negative decision, and so, it would be hard to undo it, but I do think that
it should be a meaningful appeal, and it seems to me that having the Provost have
the control over exactly who is on that appeals committee may be like telling the
Provost to pick people from this appeals panel who you think will go along with
you. Now, if Option 6b is selected, and if the committee who develops Option 6b
has the option also of saying that the Provost does not have total control over who
is on the committee and the candidate, then it seems to me that it would be much
fairer. But it is the downside of Option 6b."

Professor John M. Abowd, ILR: "I was not on the Option 3 committee. I think that
we need to stay focused on the issues. I want to remind the body of a few things that
happened last spring. One is that the legislation that was voted down last spring
had already gone through a significant phase of negotiation with the Provost, and
he, at that time, and he's here now so I can't put words in his mouth, said that he
would unequivocally replace his review procedure with the one that the Faculty
Senate put in place, but that he anticipated that two groups shouldn't do the same
work, and if it went smoothly that is what would happen. The main difference
between Option 3 and Option 6b, is that the standing committee would see files
from all over the University. No other group on campus gets the same kind of
information and if we're going to ask a faculty group to advise the Provost about the
quality of the tenure case, that's precisely the information that we ought to give that
group. We ought to arm the group with the correct information, which is the ability
to see all the files, and then we ought to hope that the Provost will respect the views
of the faculty and allow us to elect the committee. I, for one, anticipate that that
would be the case, but we can ask him, because he's here now."

Dean Stein: "The Provost walked in late and as he walked in, I told him something
of the debate that went on, the point that Professor Fine had made, and I would like
to call on him to answer the question that he didn't hear, but which I have
informed him of."

Provost Don Randel: "First let me tell you what my basic perspective on the whole
set of issues is. It seems to me that it ought to be the faculty that ultimately
represents, upholds, its own highest standards. I have no wish to see that done by
anybody but the faculty. The committee of four really has no constitutional
existence in the bylaws. It has been simply the case that the Provost's office, as the
President's delegate, has reviewed these things. The fact that at the moment it is the
Dean of the Graduate School and Vice President for Research, and another Vice
President is an accident of the people who happen to be there in the offices that now
exist. Over time it has been a sort of revolving group of senior administrative
colleagues. If there were a faculty elected committee, that, in fact, sees what I think
is the responsibility of the faculty to make difficult decisions or to ensure that they
are being made at the appropriate levels, then I think the Gang of Four would,
indeed, almost certainly, wither away like the state. None of us has any wish to
review a pile of stuff about which there is no fundamental doubt."
"It seems to me that the existence of a committee, or the desirable feature of a committee that would see everything is clear from our experience with the infamous Gang of Four. It's not that one is bringing to bear some standard from another galaxy on the individual case, but it is when you read sixteen cases that come to you (in the fall) and you just sort of line them up on the table, it turns out that sometimes there are quite stark differences in the quality of those things. The notion of having a committee that would see all, and not only the difficult ones, does get at the nature of the situation, fundamentally, namely, that they are sometimes not all of equal caliber. The overwhelming majority are, of course, very strong, and it's not hard to discover that, and as my colleagues and I often say as we read these things and discuss them, it is astonishing how good some of these people are. There is no hesitation to recognize that, but I think that there is some utility in having a faculty voice that surveys these things broadly so as to be able to identify and comment on the ones that may not live up to the general standards. The Gang of Four, I think, would have less and less reason to exist. Would there never be such a thing? Well, as long as this faculty committee kept sending along cases saying that they voted unanimously so and so and so on, the Gang of Four might never meet again. But if we started to get a lot of six to five votes, I think that the Provost would almost certainly turn to someone whom he thought he could trust and ask, 'What do you think about this?' The problems we have are in fact the cases that start out nine to eight in the department, ad hoc committee two to one, Dean's Special Appointment Committee four to three, and at that point, you're bound to say, 'What's going on here?' and you're bound to turn to someone you can trust."

Professor Alan W. Bell, Animal Science: "I don't think that any of us disagree with the notion of faculty having input, but I strongly agree with Professor Fine. My colleagues in Animal Science agree that this should come from the grassroots. If the Provost has a problem with the quality of packages coming to his office, he should go back to the Dean. If the Dean has a problem, he should go back to the department, where it originates. This is, perhaps, putting additional responsibility on the Provost, but that is what he is paid to do. This should come from the bottom up not from the top down. I don't think with the best will in the world we could view this standing committee as anything but an impediment. It is inevitable that this will be an extra barrier in the process of tenure. If we are advocates for our young faculty, and for having them successfully cross this hurdle, we have to consider this carefully."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "I also support 6b over 3 mainly because in all the years that I've been here, I think that the tenure process is quite fair. I don't know a single person who I would have thought should not have gotten promoted, that did. To put it another way, I agreed with all of the positive decisions that I have been involved with, and there may be one or two where the Provost was more liberal than I would have been, had I been the Provost, God forbid. I think that Option 3 is trying to replace the whole car for a leaky tire, whereas I think that 6b replaces the car."
Professor Charles Walcott, Neurobiology and Behavior: "We discussed this matter in our section, and it was the strong feeling of my colleagues and I that Option 3, which is the provision for a standing committee elected by this body to offer advice and counsel for the Provost in making this absolutely critical decision, was a sounder way to proceed than is Option 6b. It seems to me that a committee that looks at the range of cases that comes to the office of the Provost will be able to make some sort of sensible judgment that represents faculty opinion. That is a responsibility of the faculty that differs profoundly from that of an ad hoc committee, which is composed of specialists in the area who come to some detailed judgment. This is a more general look at the dossier. For that reason, my section voted unanimously to support Option 3."

Associate Professor Kathryn March, Anthropology: "I have just a question. Is the University Appeals Panel all tenured? Is that part of the selection procedure?"

The questions were answered in the affirmative.

Vice President Ehrenberg: "I've been at this University for twenty-three years. I have been a chaired professor for nine years and I've temporarily, and I underline the word temporarily, been a Vice President for a year and a half. I think that the fundamental issue is whether the faculty of this University wants to assume the responsibility for facilitating tenure decisions or whether they want to assume a blocking role. That is what I see as the fundamental difference between Option 3 and Option 6b. I, obviously, favor Option 3, and, in fact, I was the one who originally suggested to the University Faculty Committee that they consider it. I am very confident in my ability to make decisions. And I'm very confident in this Provost's ability. It's just that I'm not always going to be confident in the people there, and I would rather have the faculty controlling decisions than the administrators. Unlike Walter Cohen, who is not here today, I love reading files. I don't dislike it. I think that it is a most important part of my job. It is a most important part of my job for a couple of reasons. The first reason is because I learn so much about what is going on throughout the University and I become a part of the whole University as opposed to part of a very narrow department. I think that it would be really wonderful for twelve faculty members to be doing that each year also, because over time, then, the tenured faculty would begin to care about the University as a whole, not just the narrow disciplinary areas that they serve. I also love to read the folders because I'm very modest. I start out by saying that I'm a chaired professor and that I've been a chaired professor for nine years, I became a full professor at the age of twenty nine, I mean, I thought I was really great, until I read what some of the other people in this University do, and I was convinced economics was the only thing in the world that is important because I'm an economist. When you read these files, again, you get a much better sense of the other wonderful things that are going on in the different disciplines. Eighty percent of the cases are straight forward and obvious. It is the other twenty percent of the cases that are difficult. The current Gang of Four, which is really a Gang of Three because the Provost is very discreet and never puts anything down in writing, reads
the files individually, and then each of us writes a report and it is only at the end that we see each other's reports. The remarkable thing is that when any one of us raises a question, all three people raise the question. The notion that the framers of Option 3 had, which is that you don't need all twelve people to read files, you only need three, unless there are difficulties, is clear. I wish I could say that tenure processes are the same at all places in the University, but we would be less than honest if we did not acknowledge the heterogeneity of the University and the heterogeneity of the colleges in terms of the processes that are followed. There are some departments in some colleges where it is mandatory that ad hoc committees include people from outside the college, and it is mandatory for the ad hoc committee to solicit letters. In other colleges it is rare that anyone from outside the college is ever involved in the process at all. I think that it would be wonderful for a group of faculty to see this and to start squawking at the Deans, because I think that they would be much more effective. Frankly, the Provost is in a very difficult situation because the Provost has to deal with the Deans on an ongoing basis and depends on a trust relationship between the Deans and the Provost to do anything. Contrary to your belief that the Provost makes a lot of arbitrary negative decisions, it is very rare that the Provost will make a negative decision because he doesn't want to undercut the authority of the Dean. A faculty committee is much freer to look at these things and pass an academic judgment.

"Now, a corollary of that remark is obviously that I believe, as one speaker has already said, that with a faculty committee, there would be more people who would receive a negative decision beyond the level of the college. Do I believe that that is a bad thing? No. I believe, honestly, that that is a good thing because this is a university that aspires to be the greatest University in the world and it should have the highest standards. This is a University that, if it is lucky, can make ten to fifteen new appointments a year. That is less than one percent of the faculty. Every tenure decision that we make ties up a slot now effectively forever. It is not an issue of retirement at sixty or sixty-five, it is a question of whether we will ever get anybody. I don't want to make my job any less enjoyable. The job would be less enjoyable for me if I did not get to read all the files, so if the proxy committee was elected, I would use my influence to ask the Provost to see if I could sneak in and read some of the folders."

The question was called and seconded.

The motion carried and a vote was called.

Option 3 carried 34 to 33.

Professor McAdams: "I really object to the closing off of debate. When someone asks for that and there have been four presentations in favor of Option 3 with no response, and then we vote and it comes out within one vote, I think this body has done itself a great disservice. I don't know why people didn't realize that, in response to the request to go ahead and close debate, but I very seriously resent it
and I think it is a great disservice of this body to operate in that way. Especially when one is the Provost and the other is a Vice President."

Professor Leonard W. Lion, Civil and Environmental Engineering: "I agree with the position that we just heard. If we can't have a dispute about it, I would like, at least, to see a recount."

A calling of the roll was suggested as was a recounting of the vote.

Someone announced that a person had left and argued that a recount was unacceptable under such conditions.

Professor McAdams: "I would like to know if there is a parliamentary way to challenge the vote. That is, to call for a polling of the roll. There has got to be a parliamentary way to challenge this."

The Speaker called on the Parliamentarian, who recommended a calling of the roll despite the fact that people had left.

Speaker: "We did follow procedure. The question was called, two-thirds of the body insisted on the vote. We did vote, there is some question on the vote, and we're at the stage where some people have left. The vote is thirty-four to thirty-three. I do not know how the person who left voted."

Dean Stein: "People do have procedures. People may call the question at any time. People may call the question when they think it is politically advantageous to do so. That is a perfectly good maneuver in parliamentary procedure, if two-thirds of the body believes that the question should be called, it should be called. One cannot attack the motives of the person who called the question. The vote for the question was overwhelming. We have to follow procedures. I voted for this procedure, but if I voted against the motion I would say exactly the same thing. We took a vote, we counted the votes as well as we could. It is unfair for the people who left after waiting for that particular vote, to have a re-vote."

Speaker: "We are at the point where we are trying to decide whether to call the roll. Russ informs me that he has not encountered this before, so we are on somewhat tenuous grounds. Before I recognize Peter, a suggestion has been made that we can ask the body if they want a roll call by a show of hands or a standing count, to let you decide how to proceed here. The issue here is that we have voted and Option 3 is 34 to 33. It was done procedurally correctly, I believe, there was a recall asked for, but some people have left. So now the question is whether the body feels that it is appropriate to call for another vote."

Dean Stein: "I have a stateswomanly-like suggestion to make that was made to me by Senator Earle. Recall that what we're debating at the moment is not to accept or reject something. What we're debating at the moment is to develop a procedure.
What about, this is out of order, I know, what if we develop both procedures. They both have substantial support in this house and we can choose later."

Associate Professor Walter R. Mebane, Government: "Then why have we been discussing this for two meetings, anyway, if we are going to develop both procedures?"

Dean Stein: "The hope was that, in fact, we would end up with a sense of the body that was strongly in one direction or the other. If, in fact, we are going to decide this issue on the basis of who left or who didn't leave, or whether it was counted right or not..."

Professor Isaac Kramnick, Richard J. Schwartz Professor of Government: "It is irrelevant whether anyone has left or not. Roll call is called for—the body has the right to call the roll. If someone has left to go to the toilet, that's his ballot."

Speaker: "The way I have chosen to proceed, and you're free to challenge it, is that I will ask the body to decide on whether or not we should call the roll."

The body voted in favor of calling the roll. Option 6b (Appendix B, attached) defeated Option 3 by a vote of 38 to 34, with five abstentions. (The roll call is attached as Appendix C.)

Professor Fine: "This time I am on the winning side, so I feel a little freer to speak. I have some problems with the Senate because I've felt as though we've been dragged through very divisive issues, sometimes, maybe, in my view, not necessarily. This may not be 'not necessarily'—this may be necessary. I would be reluctant to proceed on an issue this important with a margin this narrow. Given that we have to proceed, I'm glad that it has come out this way, but I would like some mechanism for us to get a little bit more consensus on something that many of us feel very strongly about and that we are very narrowly divided on. I would not like to let it rest at this point, if there is some reasonable way to proceed."

A suggestion was made to send an e-mail ballot to every faculty member and to allow them to vote. This suggestion was then referred to Dean Stein for comment.

Dean Stein: "I don't think that it is the case, nor do I think that it is appropriate to do, since we don't have a fully developed proposal. The only thing I can think of, and I'm reluctant to suggest it, being on the losing side, is the suggestion that Elizabeth made before the vote was taken, of developing both proposals and bringing them back to this body. I don't know that it is in order to move that at this point, and it may not even be necessary to move it. The UFC could do it if there was a sense of the body that people would like to do that. That's the only way to forward Terry's suggestion, that I can think of."

Professor Mebane: "Are we discussing a motion?"
Speaker: "No. There was a question and a clarification as to where we are at. I was going to point out that we are at this point right here, where we decide whether to approve or reject the winner, which is 6b, however I get a sense of a little bit of unrest. What I would like to do is to proceed with what we have on the board here and then, in the meantime, before the next meeting, if some appropriate procedures are followed, perhaps a resolution to quiet some of the problems that are going on could be in order. For this meeting, however, I would like to proceed now and decide between approval or rejection of 6b. Comments from this point on will be on the attributes of 6b. Anything that has to do with 3 I will leave to the body to mull over before the next meeting and follow the appropriate channels."

Associate Professor Kathleen M. Rasmussen: "I still have a question about 6b and its development. Can it change from the Provost having control over who is on the Appeals Committee to something that looks more like due process to me, which is the candidate having input as well, for example, selecting two members of the committee, and the Provost selecting two members of the committee (still from the Appeals Committee). It wasn't clear to me whether that is still open to a committee to further develop that issue. I don't know if anyone on that committee can answer that question. Or has it just been decided that it has to be the Provost who decides the composition of the committee?"

Professor Schwartz: "It would seem to me that there are two mechanisms to accomplish what you have suggested. One is to have the committee consider it as they put together the package and the other is to introduce it from the floor as an amendment. So there are two different ways."

A vote for approval was called and carried. Option 6b was approved to go forward for development.

Professor Peter Trowbridge, was called on to present Option 7 (Appendix D, attached).

Professor Trowbridge, Landscape Architecture: "I wasn't sure that this would ever happen. I wasn't sure that we would ever get to this today. There were two other committee members—Michael Kazarinoff and Susan Suarez—who worked on this option. This is a rather straightforward option given the other discussions that we've had so far today. The intention, fundamentally, is to streamline the tenure review process and not add other layers of complexity to the review process. What we're proposing, in a nutshell, is combining the college and the University review process by having one subject matter based ad hoc committee representative of the faculty that gives recommendations both to the Dean and the Provost simultaneously. It would really eliminate another layer of decision making and review. Rather than have a two step process, like some of the other proposals, as in 3, there would be one body that would simultaneously give advice both to the Provost and the Dean. It's pretty straightforward."
Professor McConnell-Ginet: "Who is going to select this ad hoc committee?"

Professor Trowbridge: "The Dean will select his portion of the ad hoc committee and the Provost would select his. The text reads that there would be six members currently, three from each body."

Discussion on Option 7 was opened.

Professor Trowbridge: "I just want to make one more comment while I'm up here. Listening to all the other comments and the presentations, I have to agree with Bill Lesser. I think that the different groups that worked on these options felt that they had different tasks. I know that our group wasn't looking at this as an appeals committee. It wasn't looking at this as a response to prior decisions that had been made on tenure. It was looking at it as a way of providing information both to the Provost and the Dean in an adequate manner to make decisions on tenure, and also to make the process as smooth and as simple for the person who is up for tenure as possible. Not to add other layers of mystery or complexity, but to make it very straightforward and quick. Not to drag on for six, eight, or nine months."

Professor P.C.T. de Boer, Mechanical and Aerospace Engineering: "I would be very interested to hear the Provost's opinions and reactions to this."

Provost Randel: "I have no objection immediately. The labor of picking all of these independent threesomes would be one thing to think about. That is, part of the fault that has been found with the ad hoc committee system altogether has been the degree to which, by virtue of being ad hoc, there is not a sort of look across multiple cases. If the Dean's and the Provost's office are steadily in the business of each appointing, in effect, an ad hoc committee which will meet jointly, one gives up the feature of Option 3 that was to present a uniform look across. This is certainly something I could imagine myself living with if it is the will of the faculty."

Assistant Professor Carlo D. Montemagno, Agricultural and Biological Engineering: "I have a question for Provost Randel. Would you be inclined to value or weight the results of an ad hoc committee that you have provided the members for any more than you would a committee that was put together by the Dean? Does it buy anything in terms of credibility?"

Provost Randel: "That is a perfectly good question and it is not obvious that, in every case, it would. It is not really the Provost against the Dean, so it is not as though I would have to have some of my guys in there if there were some of your guys in there. There would probably be some added value in some cases, but it doesn't seem as though it would be inherently easier or better than the existing system."
Professor McAdams: "I am puzzled by this proposal coming from the faculty. It seems to cut out faculty. It says that the Provost does something and the Dean does something, but where is the faculty?"

Professor Trowbridge: "It seems to me that there are six faculty members on the committee, and they are us, each and every time. The faculty are being selected differently—it is not the same twelve people. It is all of us. I don’t see what the question is. I mean, we are still faculty whether we are on the ad hoc committee or a standing committee. I don't understand where the issue is. Aren't we all faculty?"

Associate Professor Michael N. Kazarinoff, Nutritional Sciences: "It seems to me that this involves more faculty than any standing committee or anything else possibly could. It seems to me that it preserves the strengths of the current system, which is that at the grassroots, the people who are best able to provide input are being asked for their input."

Professor Frederick M. Ahl, Classics: "I would like to speak against Option 7. I'd like to echo one of the previous speakers to say while this is true that this is faculty who are on this committee, it is also faculty who have been selected by administrative offices of the University. This is, then, one of the problems that many of us are concerned about, and is likely more of a concern in some areas than in others, but the fact is that it is certainly, at least within Arts and Sciences, widely known that ad hoc committees can be selected either for or against a candidate. Therefore, even though one is dealing with a faculty committee, some of us would prefer the election of faculty to a standing committee. I know myself that, all we would be doing, if we approved 7, would be creating extra baggage around the college ad hoc evaluation of the candidate and I don’t see particularly what we would gain."

A question was asked about the possibility of the Dean and Provost reaching opposing decisions on the same case, and the relation of the committee to these decisions.

Professor Trowbridge: "We did not see this as an appeals process. I think that some groups took it on as their responsibility, but I don't think that that was part of our process. The Provost and Dean can always agree or disagree, and they will do that under any of the options that we've presented today."

Professor Mary Beth Norton, Mary Donlon Alger Professor of American History: "I have a question of the backers of this proposal. In the oral presentation, you said that the ad hoc committee that you envision in this would be subject based, i.e. sort of larger versions of the current ad hoc committees, but there is nothing in the written proposals about subject based. It occurs to me that the Provost could, should he or she wish, name somebody else to this kind of ad hoc committee the way it is written, outside the subject area, to provide some kind of different perspective of the sort that might come from the standing committee of Option 3, and that's different
than what you said in your oral presentation. I'm trying to sort it out in my head which it is you have in mind."

Professor Trowbridge: "I think the intention was to have a subject matter based committee, which, I think, was trying to distinguish itself from Option 3, where there was a standing committee where people saw all, be they or be they not have any sort of insight into what this person was doing and what was the responsibility of the college. We heard earlier on that colleges have quite idiosyncratic ways in which they review faculty. Some have more extension responsibilities, some have less, some have higher teaching loads, some have less, some weed out people at the end of a two-year contract, some push them on to the sixth year. So I think that the intention was to have it subject based, but, the Provost could, in a cynical way, perhaps, assign the same three people every time. Who knows."

Professor Mebane: "It seems to me that your original argument that I heard for this proposal seven is that it would be a more streamlined process, but as I'm listening it sounds to me as though it would provide very little, if any, benefit, and would increase, rather than decrease, the administrative burden in the process. The Dean, who usually uses the ad hoc committee to get advice, would change the process by adding those three people who he or she could draw on, perhaps from the entire Arts College, in that case, and the Provost would have the burden to find subject relevant people, figuring out who those people are, and not duplicating the Dean's people. It seems that it is a huge amount more of administrative burden, especially in terms of time. So, I don't see much benefit from this process."

Professor N. David Mermin, Physics: "I ask for myself, should I ever have the misfortune of becoming Provost of this great and broad institution, that I never be faced with this situation of appointing knowledgeable people from a wide and diverse range of colleges. Not knowing what to do, my greatest inclination would be to ask the Dean of the College for advice."

Professor Rasmussen: "I abstained from the vote between 6b and 3 because I am not in favor of either proposal, and I am also not in favor here. I want to come back to the question that we asked ourselves in the spring: What is the problem we are trying to fix? If we have no problem, we can safely turn down this one and 6b and we can turn to other matters. If we have a problem, I think that we need to articulate what it is and have a proposal to address that. At the moment, the proposals that we have before us are so widely different, I have to conclude that they are not addressing what we usually perceive to be an issue. My understanding from what went on in the spring was that we were concerned about the opportunity for a colleague who was turned down for the first time at the Provost's level to appeal. Option 7 does not give us that, and 6b only debatably so. The other issue was faculty input. We have argued persuasively on both sides that we already have it because it operates from the bottom up. We, in our department, as faculty members vote, we, as faculty members, in the college, get another crack at it if we are appointed to the ad hoc committee. The Gang of Four happen all to be faculty members. We also
heard the opposite—that there is no faculty committee or reason to do that. Again, we are not getting that sort of representation from 7 and 6b doesn't address that. I'm not happy, so here we are."

Professor David J. Gries, Computer Science: "I don't think that there is any sense in this option at all. It more than doubles the work. Not only do you have six instead of three people trying to get together, you have the difficulty of getting six people together and talking to them. I don't think we gain anything at all from this option except extra work."

The previous question was moved and the motion carried.

The motion to further develop Option 7 was defeated.

The Speaker called on the Provost to answer a previous question regarding Option 6b.

 Provost Randel: "I have no objection to 6b. It does not serve the same purpose as Option 3 did, but it changes very little except for adding the semi-quasi appeal."

Professor Lion: "I would like to request that Dean Stein provide us, perhaps by e-mail, with some mechanism to give input to the people who are going to be developing 6b, so that they have some way of getting information from the people who have been involved in this debate and have suggestions."

Dean Stein: "Before moving to adjourn, I will promise to send an e-mail message to all of you, requesting participation from all who wish to in this, and we certainly will be open to receiving messages from people."

The meeting was adjourned at 6:00.

Respectfully submitted,
Robert Lucey, Associate Dean and Secretary of the University Faculty
Option 3: A Faculty Committee to Advise the Provost on all Tenure Decisions
(As amended by the Faculty Senate, October 16, 1996)

The Proposal

There will be an elected faculty committee to advise the Provost on all final (negative as well as positive) tenure recommendations by deans.

The composition of the committee will be part of the detailed proposal to be brought to the Senate. One possibility is as follows: The committee will consist of 12 faculty members, elected by the University Faculty; two from each of the four areas of the graduate school, two from the professional schools, and an additional two from the faculty at large. Committee procedures will also be specified in the detailed proposal. They should include a provision that allows the committee, from time to time, to seek advice from a faculty member outside the committee in assessing the depth, breadth or thoroughness of the promotion dossier in a particular case.

The function of the committee will be to determine whether or not the evidence in the file, namely the evaluations by the candidate's peers, students with direct knowledge of the candidate's teaching abilities, the evaluation and the standing of the outside reviewers, and the evaluation by the ad-hoc committee, shows that the candidate has demonstrated scholarship, teaching and University service of sufficient quality (and quantity, where appropriate) to be a tenured faculty member at Cornell. In coming to this conclusion, the committee will limit itself to an evaluation of the breadth, quality and the conclusions of prior substantive reviews.

The Rationale

1. For the foreseeable future, the number of new faculty appointments will be severely limited, and inter-departmental, disciplinary, and college collaborations in teaching and research will become more important. The faculty at large will therefore have a greater stake in the quality of all tenure appointments throughout Cornell. A standing committee elected by the Faculty will provide a faculty perspective on quality that balances a concern for standards with a respect for the judgment of department and college faculties.

2. Oversight of all tenure decisions by a standing faculty committee best ensures fair consideration and uniform application of standards when non-tenured faculty are denied tenure.

3. Cornell, like other publicly assisted research universities, will continue to face severe financial pressures. These pressures should not affect tenure decisions. If the Provost were advised by an elected faculty committee instead of a committee of administrators (as is the current practice), the potential for intermingling financial questions with tenure evaluations would be reduced.
Option 6b: A Substantive and Procedural Review of a Provost’s Negative Tenure Decision
(As amended by the Faculty Senate, October 9, 1996 and approved on October 16, 1996)

The Proposal

In the situation where the Provost’s preliminary tentative decision would be to deny tenure to a candidate who has previously been recommended for tenure by the Dean of the candidate’s college, a procedure would be adopted in which an ad hoc faculty committee, selected by the Provost from the members of the University Appeals Panel, would be formed to advise the Provost about this decision if the candidate chooses to appeal the Provost’s tentative decision. The ad hoc committee would be composed of five members, three of whom would be selected from the university division-endowed or statutory–of the candidate, the other two coming from the other division. The chair of the committee is to be selected by the committee from its members. This committee would be charged with evaluating both the substantive and procedural issues of the case, and making its recommendation directly to the Provost. It is expected that the Provost’s administrative advisory committee will continue in its present role.

The Rationale

This proposal provides for a review of both procedural and substantive issues involved in the tenure review process. Substantive issues are included in addition to procedural issues in order to provide a second, independent opinion in addition to that of the Provost’s administrative advisory committee. This proposal also provides the candidate with an appeal process when the first tentative negative decision would be at the Provost’s level, and thus is consistent with the candidate’s options at all lower levels of review.

The committee is structured to be equitable to both the Provost and the candidate. By using the University Appeals Panel, the candidate is assured that the evaluators are representative of the general faculty. Allowing the Provost to select the members of the committee acknowledges that the ultimate decision rests with the Provost. The composition by university division assures that, at least, the majority of the committee is sensitive to any special circumstances inherent in the candidate’s division (e.g., applied vs basic research and the outreach mission of the Land Grant University).

An ad hoc committee would only be formed when the candidate chooses to appeal a tentative negative decision by the Provost, and in this sense it is similar to such a committee formed to appeal a negative tenure decision at the Dean’s level. Because the Provost’s advisory committee considers substantive issues in making its recommendation, it is appropriate that this appeals committee be given the same latitude. It is expected that the Provost, in making his/her selections for committee membership, take into account the substantive nature of the committee’s charge.
<table>
<thead>
<tr>
<th>Dept</th>
<th>Representative</th>
<th>Coll</th>
<th>Opt 3</th>
<th>Opt6b</th>
</tr>
</thead>
<tbody>
<tr>
<td>ILR</td>
<td>Abowd, John M.</td>
<td>ILR</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Classics</td>
<td>Ahl, Frederick M.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>CompLit</td>
<td>Arroyo, Ciriacio M.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Micro/Im</td>
<td>Baines, Joel D.</td>
<td>Vet</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>FoodSci</td>
<td>Bandler, David K.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>BaileyHo</td>
<td>Bates, David M.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>GermStu</td>
<td>Bathrick, David</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>SCAS</td>
<td>Baveye, Philippe C.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>AnSci</td>
<td>Bell, Alan W.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Bodenschatz, Eberhard</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Hist</td>
<td>Borstleman, Thomas</td>
<td>AS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soc</td>
<td>Breiger, Ronald L.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>HD/FS</td>
<td>Brumberg, Joan J.</td>
<td>HE</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Micro/Im</td>
<td>Campbell, S. Gordon</td>
<td>Vet</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Chem</td>
<td>Carpenter, Barry K.</td>
<td>AS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CE&amp;H</td>
<td>Chi, Peter S.</td>
<td>HE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BiomUnit</td>
<td>Churchill, Gary</td>
<td>Ag</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCAS</td>
<td>Cook, Kerry H.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Physiol</td>
<td>Corradino, Robert A.</td>
<td>Bio</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Econ</td>
<td>Davis, Tom E.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>M&amp;AE</td>
<td>deBoer, P.C.T.</td>
<td>Eng</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>DiagLab</td>
<td>Dubovi, Edward J.</td>
<td>Vet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Earle, Clifford</td>
<td>AS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PitBreed</td>
<td>Earle, Elizabeth D.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>AS&amp;RC</td>
<td>Edmondson, Locksley</td>
<td>Afr</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Phys</td>
<td>Elser, Veit</td>
<td>AS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Farnum, Cornelia E. (AY)</td>
<td>Vet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ecol/Sys</td>
<td>Feeny, Paul P.</td>
<td>Bio</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>EE</td>
<td>Fine, Terrence L.</td>
<td>Eng</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Theat</td>
<td>Gainor, J. Ellen</td>
<td>AS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AnSci</td>
<td>Galton, David M.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>ABEN</td>
<td>Gebremedhin, Kifle G.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>CS</td>
<td>Gries, David J.</td>
<td>Eng</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>RomStud</td>
<td>Grossvogel, David I.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>MatSci</td>
<td>Grubb, David (AY)</td>
<td>Eng</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Fruit/Veg</td>
<td>Halseth, Donald E.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Math</td>
<td>Hatcher, Allen E.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Chem</td>
<td>Hines, Melissa (FT)</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>PitPath</td>
<td>Hoch, Harvey C.</td>
<td>Ge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Holcomb, Donald F.</td>
<td>AS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ClinSci</td>
<td>Hornbuckle, William E.</td>
<td>Vet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C&amp;EE</td>
<td>Ingraffea, Anthony R.</td>
<td>Eng</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S&amp;TS</td>
<td>Jasanoff, Sheila (FT)</td>
<td>AS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GeoSci</td>
<td>Kay, Robert W.</td>
<td>Eng</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Department</td>
<td>Name</td>
<td>Degree</td>
<td>Track</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------------------------</td>
<td>--------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>NutrSci</td>
<td>Kazarinoff, Michael N.</td>
<td>Nut</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>ROTC</td>
<td>Kehoe, Michael J.</td>
<td>RD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Psych</td>
<td>Keil, Frank C.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Kline, Ronald R.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Govt</td>
<td>Kramnick, Isaac</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>NatRes</td>
<td>Krasny, Marianne E.</td>
<td>Ag</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ARME</td>
<td>Lesser, William H.</td>
<td>Ag</td>
<td>Abs</td>
<td></td>
</tr>
<tr>
<td>ILR</td>
<td>Lieberwitz, Risa</td>
<td>ILR</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>C&amp;EE</td>
<td>Lion, Leonard W.</td>
<td>Eng</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Phil</td>
<td>MacDonald, Scott C.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Anthro</td>
<td>March, Kathryn</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>JGSM</td>
<td>McAdams, Alan K.</td>
<td>JS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Ling</td>
<td>McConnell-Ginet, Sally</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Govt</td>
<td>Mebane, Walter R.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>HistofArt</td>
<td>Meixner, Laura L.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Phys</td>
<td>Mermin, N. David</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>ClinSci</td>
<td>Mohammed, Hussni</td>
<td>Vet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Montemagno, Carlo D.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>T&amp;AM</td>
<td>Mukherjee, Subrata</td>
<td>Eng</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Nicholson, Linda K.</td>
<td>Bio</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Astron</td>
<td>Nicholson, Philip D.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Hist</td>
<td>Norton, Mary Beth</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Engl</td>
<td>Parker, A. Reeve</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Art</td>
<td>Perlus, Barry A.</td>
<td>AAP</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Pritts, Marvin P.</td>
<td>Ag</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FoodSci</td>
<td>Rao, M. Anandha</td>
<td>Ge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NutrSci</td>
<td>Rasmussen, Kathleen M.</td>
<td>Nut</td>
<td>Abs</td>
<td></td>
</tr>
<tr>
<td>NEastSt</td>
<td>Rendsburg, Gary A.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>ORIE</td>
<td>Resnick, Sidney I.</td>
<td>Eng</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Music</td>
<td>Richards, Annette</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>C&amp;RP</td>
<td>Saltzman, Sidney</td>
<td>AAP</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Schuler, Richard E.</td>
<td>Eng</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comm</td>
<td>Schwartz, Donald F.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>T&amp;A</td>
<td>Schwartz, Peter</td>
<td>HE</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Entom</td>
<td>Scott, Jeffrey G.</td>
<td>Ag</td>
<td>Abs</td>
<td></td>
</tr>
<tr>
<td>RussLit</td>
<td>Senderovich, Savely</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Entom</td>
<td>Shelton, Anthony M.</td>
<td>Ge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>Sherry, John E.H.</td>
<td>Ho</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>A&amp;EP</td>
<td>Silcox, John</td>
<td>Eng</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arch</td>
<td>Simitch, Andrea</td>
<td>AAP</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>Simons, Tony L.</td>
<td>Ho</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JGSM</td>
<td>Smidt, Seymour</td>
<td>JS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Math</td>
<td>Smillie, John D.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>ChemEng</td>
<td>Steen, Paul H.</td>
<td>Eng</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Microb</td>
<td>Stewart, Valley J.</td>
<td>Bio</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Law</td>
<td>Stone, Katherine V.</td>
<td>Law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department</td>
<td>Name</td>
<td>Title</td>
<td>Code</td>
<td></td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------</td>
<td>-------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>Educ</td>
<td>Strike, Kenneth A.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>RuralSoc</td>
<td>Stycos, J. Mayone</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Anat</td>
<td>Suarez, Susan (AY)</td>
<td>Vet</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Path</td>
<td>Summers, Brian A.</td>
<td>Vet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HortSci</td>
<td>Taylor, Alan G.</td>
<td>Ge</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AsianSt</td>
<td>Taylor, Keith W.</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Engl</td>
<td>Teskey, Gordon</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>EE</td>
<td>Torng, H.C.</td>
<td>Eng</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>LandArch</td>
<td>Trowbridge, Peter J.</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>NB&amp;B</td>
<td>Walcott, Charles</td>
<td>Bio</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>ModLang</td>
<td>Waugh, Linda R.</td>
<td>AS</td>
<td>Abs</td>
<td></td>
</tr>
<tr>
<td>PItBio</td>
<td>Wayne, Randy O.</td>
<td>Bio</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pharm</td>
<td>Weiland, Gregory A.</td>
<td>Vet</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ARME</td>
<td>Willett, Lois</td>
<td>Ag</td>
<td>Abs</td>
<td></td>
</tr>
<tr>
<td>Biochem</td>
<td>Wilson, David</td>
<td>Bio</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law</td>
<td>Wippman, David</td>
<td>Law</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Arch</td>
<td>Woods, Mary N.</td>
<td>AAP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PltPath</td>
<td>Zaitlin, Milton</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Classics</td>
<td>Pres Rawlings</td>
<td>AS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phys</td>
<td>Dean Stein</td>
<td>AS</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>SCAS</td>
<td>Secy Lucey</td>
<td>Ag</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>T&amp;A</td>
<td>Obendorf, S. Kay</td>
<td>HE</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

Page 3
Option 7: A Combined Dean's and Provost's Ad Hoc Committee

The Proposal

It is proposed that the ad hoc committees selected by each college dean would have faculty members added to them by the Provost. This would provide equal representation by the college dean and the Provost. This single ad hoc committee would make a recommendation on tenure to the dean and Provost simultaneously.

It is recommended that the review committee not exceed six individuals, with equal numbers of members appointed by the college dean and the provost.

The Rationale

This proposal preserves the strengths of the current Cornell system for tenure review while increasing faculty input at the university level.

In the current system, faculty who can best judge professional competence and potential are asked for evaluations at the department level and, through the ad hoc committee, at the college level. This proposal would extend the system of faculty evaluation to the university level without increasing the complexity or duration of the process.

In contrast to a system that uses a standing committee, use of the ad hoc committee ensures wider university faculty involvement and distributes the faculty work load more evenly. It provides the Provost (central administration) with flexibility in getting advice, which is the same sort of flexibility afforded the deans under the present system.

Finally this proposal maintains the 'blinded' nature of the ad hoc committee system. A strength of this system in comparison with a standing committee is that it reduces perceived or real political pressures on committee members and potential conflicts of interest.

8/21/96
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, November 13, 1996

The Speaker pro tem, Professor Emeritus Russell Martin, Communication, called the meeting to order and then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "It is my sad duty to report to you a loss in the Cornell community. Our colleague, my colleague and your colleague, Bob Lucey's wife, Ernestine, was killed last night in a tragic automobile accident on the ice. I would like to ask you to join me in a moment of silence to grieve her death and to share our compassion with Bob and his family.

"My remarks will be very brief at this time. I am disappointed that I only received three volunteers for the drafting committee for Option 6b. I think that we need a larger group if we're going to draft a proposal that will be satisfactory to this body, and so, I do ask you. I think that volunteers are better than me choosing who I call up and ask. I really would prefer people that have an interest in this, whether they supported it or didn't support it, so I call on you, within the next few days, to please volunteer for this task. If you don't volunteer, then I will call people up and try to expand the committee myself. I would be more comfortable, and so would the UFC, with people who want to participate in this activity. I will have some further remarks when we reach the Sexual Harassment Procedures part of the meeting."

2. APPROVAL OF MINUTES

Speaker: "The minutes from September 11 and 18 and October 9 and 16 have been on the web for two weeks. We have received no comments. Are there any corrections from the floor? There being none, they stand approved. The chair now calls on Professor Frank Moon, Chair of the Financial Policies Committee, for an interim report from that committee."

3. INTERIM REPORT OF FINANCIAL POLICIES COMMITTEE

Professor Frank Moon, Joseph C. Ford Professor of Mechanical Engineering: "Thank you very much. I appreciate the opportunity to tell you about what our committee is doing. The mission of the Financial Policies Committee is to study the long-term financial issues affecting the health of the University. This year our focus is on the need for a strategic plan to maintain faculty excellence in the next decade. I was tempted to call it 'Faculty of the Future', but I understand that there was another study called 'Faculty of the Future' two years ago, so maybe it is 'Faculty of the Future 2007'. The members of this committee involve faculty from both the statutory and endowed sides, and if you have any questions or comments about any of this material, and also from the two speakers after me, I'd appreciate if you'd contact the nearest representative here, and give us some of your impressions or the
impact of this report, to them. The premises of this study on the need for a strategic plan for maintaining excellence of the faculty, are that Cornell is, and should remain, a 'Top Ten' research institution, that we are an eight to ten year (or, depending if you want to include post-docs) educational institution, going from the Bachelor's degree to the Ph.D. degree, and students are drawn from a national and international pool. Given the above three premises, reputation counts. It is important that we maintain our reputation, and that, also, faculty quality is closely tied to University income in both ways. A substantial portion of the income to the University comes through research grants, which are, at least on the endowed side, approximately twenty-five percent of the income. They are written and administered by the faculty and their students and laboratories. Therefore, it is of great importance that Cornell continue to maintain an excellent faculty and graduate research program. Again, on the statutory side, sponsored research is of the order of twenty-five percent of the income.

"Why are we undertaking this study? Because there are certain warning signs regarding faculty quality. One is continual slippage of faculty salaries. This is data that Peter Stein has put together (Appendix A, attached) but there is also data that Ron Ehrenberg's office has put together and you'll see another report after me, that our ranking relative to peer institutions has been falling for a number of years. The other worry is a decrease of Ph.D. enrollment. The Physical Sciences seems to have the greatest decrease in enrollment, but there is also a drop in entering Ph.D. candidates. In Social Sciences there is a drop, Humanities has dropped, Biological Sciences seems to be oscillating about some sort of a mean; but these three areas, certainly, have been falling, with entering Ph.D. students. This is cause for worry.

"The other area of worry is stagnating research support. Data from Norm Scott's office shows sponsored research expenditures by division. Research has been basically stagnant for the last few years. On the other hand, there is anecdotal evidence from a few universities, namely from Berkeley, that their research has gone up, so amongst our peers, it is not true that everybody's research support is going down. Certainly with salaries, the gap has been widening. This is a cause for concern.

"One of these maybe you could worry about, but it is when you have both. We also have a few star faculty resignations, which, at least anecdotally, are not connected with salary. These people don't say that it is salary, but there is a worry that we may be seeing some softness in the ability of the University to keep very, very top faculty here. What is the committee planning to do? We want to study elements of a strategic plan to maintain the quality of the faculty. We realize that the President and the Provost and other members of the administration have put forth a number of elements of the plan, but we see some need for an integrated strategic plan, so we are studying financial options to increase both the endowed and statutory salaries vis a vis peer institutions. This means that we will try to make recommendations with regard to priorities within the University. The other important ingredient in maintaining quality is to study the need for financial plan increase for graduate
education support. The demise of the fellowship program, I think, has hurt the ability of certain fields to attract graduate students, but we really don't know, why, for example, the research has remained constant and then the numbers are dropping, in some cases, quite dramatically. We will look into the possibility that we really need substantial aid in the graduate program area. Let me just say that if we think of the University as an eight or ten-year educational institution, things look quite different. If we had had a drop in the undergraduate enrollment of this magnitude, we would have been hearing about this two or three years ago. The fact that we've had this drop in the graduate program and there has been no voice is disturbing.

"The other issue is the role of retirement plans in faculty age and rank distributions. I understand the role of the Transitions Committee, and we'll not try to duplicate that, but we will take into account what that committee is doing. The other thing that we'd like to do is to survey faculty mobility and attrition within the last few years and to see who has come and who has gone and maybe figure out why, and then look at the overall attractiveness of Cornell in terms of salary, graduate student quality, facility, quality of life, diversity, spousal employment. All of these things are important in attracting and maintaining top faculty. Our goal, if we meet it, is to have something before the Senate around March 1997, and if any of you have any input, anecdotal, or thoughts or questions, please contact committee members. You can send them e-mail or send me an e-mail at fcm3@cornell.edu. I'd be happy and I'm sure that they would be happy to get any of your input or information on other universities. We heard some evidence that Stanford was going to build an endowment for its graduate programs of several hundred million dollars. Anything like that would be important to be heard. I guess our chair here will have to introduce the next speakers, but they will be giving a follow-up report also on the faculty salary issue."

Speaker: "Thank you, Professor Moon. Note that we're deviating slightly from our normal agenda in order to accommodate various people's schedules. The Chair next calls on Professors Paul Sherman and Tom Gavin for a report on faculty salaries."

4. REPORT ON FACULTY SALARIES

Professor Paul Sherman, Neurobiology and Behavior: "Tom and I are close friends and colleagues. We work together in the field during the summers in Idaho, and for several years we have been concerned about faculty salaries at Cornell and the future of the University. We became concerned enough last June to actually gather some data on this using public sources suggested to us by Vice President Ehrenberg. What we found was even more concerning that we had originally envisioned. We shared our results with President Rawlings and Provost Randel at the end of August. Our concern at that time was, and is today also, the continuing ability of Cornell to recruit top faculty, keep the top faculty for their careers, and also, faculty morale. There was a great deal of serendipity going on here. Two weeks after we
sent our report, Dean Stein spoke to this body on faculty salaries. He had conducted an independent analysis, some of which you’ve seen today from Professor Moon. These analyses were independent, arriving at very similar conclusions, but with different data. We shared our information with the President and the Provost the very afternoon of the faculty meeting. I believe, that you went to the Board of Trustees meeting, and President Rawlings announced that faculty salaries were his number two priority, right behind straightening out relationships with SUNY. There seems to be a great deal of agreement in the air. Since that time, both the President and the Provost have spoken to the news media about the importance of this issue. I have a feeling that there is a sense of unanimity on this issue, that the faculty and the administration are really together on this. I’m delighted by that. I think that it is time now to share the information that we have shared with the President, the Provost, the Dean of the Arts College, the Dean of Ag, and Dean Stein, with you, our faculty colleagues.

"Let me start out with some good news. The good news is that a man named Mark Brenner, who is the Dean of the University of Minnesota Graduate School, took the latest NRC rankings of graduate faculty, published in 1985, and looked at all the universities in the country. This is his ranking (Appendix B, attached). As you’ll see, Cornell came out number three. We have increased in the quality of our faculty by five places since the 1982 survey, which was ten years before. We are the highest ranked University in the Ivy League, and we aren’t just top ten, as Professor Moon pointed out, we are in the top three. However, our faculty salaries do not reflect that level of excellence. Let me compare our salaries first with the other salaries in the Ivy League. Here you see, broken down, faculty salaries for all the Ivy League universities (Appendix C, attached). Assistant professors are at the bottom, associate in the middle, and professors at the top. Tom Gavin will speak more about the statutory colleges. I’ll only say that for all ranks, the statutory colleges are at the bottom. These salaries, all the salaries that we present information on, are all published in the journal Academe, which is the AAUP publication. The April/May issue of every year publishes the comparative data. These are all normalized to a nine month year.

"In terms of the endowed colleges, which is my focus in the presentation, you can see here, assistant professors are one of the top three, associate professors in the middle, and full Professors at the bottom except for Brown University. In other words, there is a gradual loss in our rank as we move towards the professors realm. Let’s take a little bit broader sample. Let’s look at major research institutions across the United States. This (Appendix D, attached) is a sample of thirty that I picked because they seemed to me to be the most major research institutions I knew of. I’m comparing here, 1985-86, with 1995-96 data. Cornell statutory ranks second from the bottom out of those thirty schools, twenty-ninth out of thirty in both surveys, but I want to focus our attention now on the endowed colleges. Cornell was about halfway, about fifteenth out of thirtieth, we have dropped in the last year to twenty-third out of thirtieth. The universities that have vaulted by us are Northwestern, Duke, Emory, Notre Dame, Vanderbilt, Michigan, Wellesley, and Dartmouth.
"Now, not only has our ranking slipped from twenty-fifth to thirtieth, but the actual salary gap has widened. If you look at the y-axis here, in 1985-86, we'll take Harvard, which is the top-salaried university, the average salary for Harvard professors was $66,000 and for Cornell professors $54,000. A twelve thousand dollar disparity. In 1996, Harvard professors are making $107,000 on average, and Cornell professors (in the Arts College) are making $82,000. The gap has now widened to twenty-five thousand dollars. So, it has more than doubled.

"Among the private universities that ranked in the top ten in the NRC report, Cornell is the only one whose salaries did not rank in the top ten, the top fifteen, or the top twenty. There is not a reflection in the excellence of this faculty in the salaries that are being paid to this faculty. These drops did not occur suddenly. These (Appendix E, attached) are data that Dean Stein independently put together and has kindly allowed me to use today. This is a subsample of seventeen major research institutions and showing the percentages of change in salary relative to endowed Cornell over that ten-year period. This is the increase in their salaries relative to our salaries. I mean, I don't have to say more, because it is obvious what is going on.

"This erosion in our salaries has not occurred suddenly at all. You have seen that before when Stein presented it and Moon presented it, but I am going to present it again to make sure that you understand what is going on here. This (referring to Appendix A) shows that the erosion in our salaries was not a sudden drop in a particular year, but rather has been a continual erosion through the last ten years. The last decade has seen nothing but loss in the endowed salaries. This is our salaries relative to the average salaries in those other seventeen institutions. The way that you read this is that Cornell's salaries in 1985-96 was 96% of the average of those seventeen institutions. In 1995-96 it has dropped to 87% of the average. There is this continual decline year after year. If we were to do statistics on it, it would be obvious what we're dealing with.

"Now, what about our actual salary increases? Our percent salary increased like this over the last ten years (Appendix F, attached). This is the average increases every year that we have looked at for the overall endowed colleges. You can see the decline. This decline also has been seen in tuition. These are obviously percent increases—we are looking at a decline in percent increases. Is everybody with me? So, both the tuition has gone and the percentage increases.

"There is one other point to be made and then I'll turn this over to Tom Gavin. Those increases that you see there, many of you remember your own paychecks, you remember what it has been like over the past few years, they may look a little high. The fact is that the vast majority of faculty, apparently, have not experienced those exact increases. There is always a considerable discrepancy between the declared raise pool, that is, what the University declares and sends in letters to the chairs, and the average salary increases that are published. The disparity is apparently due to
special adjustments that are made in salaries. Here we have over the last ten years, the declared raise pool in the left-hand column and the average salary increases, as published in the AAUP, in the right hand column (Appendix G, attached). You'll see anywhere from a 6% disparity to usually, about a 2% disparity every year. The one on the left is the one that you are most likely to see as individual Arts professors. This paints the situation as clearly as I can possibly paint it in the Arts College. I would like Professor Gavin to give you a synopsis of what's going on in the statutory colleges."

Associate Professor Tom Gavin, Natural Resources: "Understand that this is typical of our collaborative relationship. He always gets to go first, he gets to present the good news, and then I have to come along later and clean up the mess that he has left behind. My job is a little easier than his because I don't have to set the stage. You have already seen the data from the endowed colleges and what I am going to show you is basically the same kind of data for public institutions to compare to Cornell statutory colleges. Here we have a comparison of where Cornell stood among twenty-five public institutions, research institutions, in 1985-86, compared to where they stand in 1995-96 (Appendix H, attached). These are research institutions that we believe if we sent a questionnaire around the room and asked you to name the top twenty or twenty-five or thirty research institutions, you would probably come up with this list. At the top of this list are Berkeley, UCLA, Rutgers, Virginia, and so on. At least in 1985-86, we were ahead of Indiana, Wisconsin, Iowa, Michigan State, Kentucky, and a couple of others. We lost some ground during this period, relative to these other public institutions. We were surpassed by Wisconsin, Indiana, Iowa, and so forth. We were even surpassed by the University of Nevada at Reno.

"So, at the present time we are basically twenty-third out of twenty-five public research institutions. This (Appendix I, attached) is a different sample than what Professor Sherman showed you. Again, some data here, put together actually by Peter, showing what has been the percentage of change of Cornell average salaries for full professors relative to other statutory universities. You'll see that this list at the top, Rutgers, Michigan, etc., have gained in average full professor salaries over this period relative to Cornell. We did gain some ground over the same ten-year period over these institutions: Virginia, North Carolina, Illinois, and three schools in the University of California system. However, if I put the graph that we just saw back up here again, these universities are still ahead of us. They have just quit getting ahead of us as quickly as they were in the previous five or ten years. Again, Cornell compared to fifteen other public institutions, with data put together by Peter Stein, is the same kind of data that you saw with Paul. Over the ten-year period, 85-86, the average full professor, statutory college, faculty salary was about 89% of the mean of those other fifteen institutions. We started to gain some ground over the late 80's, early 90's, and we have lost that ground, so at the present time, we are back where we were ten years ago relative to those other institutions. At about 88 or 89% of salaries for full professors.
"Is there a relationship between the percent increase in tuition for the statutory colleges versus percent increase in faculty salaries? The relationship here (Appendix J, attached) is perhaps a bit different than it was in the endowed salaries. Here you can see that over the past ten years, if we were to fit a line over those dots, I don't know exactly what that slope would look like, but it is certainly downward. The percent increases over the past ten years have gone down, on average, in the statutory colleges, but on the other hand, our annual tuition increases have stayed right in there at 5 to 7% per year. Similar to the point that Paul was making with the endowed side of the University, we look at these dots and we know, in the statutory colleges, that most of us haven't gotten raises in four out of the past six years, but you will notice that none of those dots are on the zero axis. So again, we can look at the annual declared raises, that percentage that deans would put in letters to chairs, saying, "Here is the raise pool we have to deal with this year." Here are the actual salary raises as reported in the journal Academe (Appendix K, attached). There is a discrepancy that averages about 1.5 or 2% per year. The reason for this discrepancy is confusing and complicated. We have queried Vice President Ehrenberg to help us understand what that different is. There are obviously some accounting procedures that are involved here, but there may be some other factors as well."

Professor Sherman: "I have one final point. So you now have seen the data as best as we can present them. They are all available, published, to be checked upon, and I would be happy to make any of this information available to any of you to check it or to make any analyses that you'd like on it. I think that the point that I'd like to leave you with is the real one. I love this University. I think that it is a wonderful place. It has done wonderful things for me and for my colleagues. I would like to see it continue at the level of excellence that it has now achieved. To recruit the best faculty, to retain the best faculty, and to maintain our faculty morale, we need to really all of us, be part of this consensus that this is an issue that has to be dealt with, aside from our own personal salaries, which is obviously important to all of us, we need to maintain the quality of the University through the salary process. It seems to me that if I had to trade a beautiful campus for a second-rate faculty, I would always take the first-rate faculty, and perhaps put a little bit less into other programs. Thank you very much."

The Speaker asked for questions. There being none, he announced the question and answer session with the Provost.

5. QUESTIONS AND ANSWERS WITH PROVOST DON RANDEL

Provost Don Randel: "Let me say at the outset, in response to what Professors Sherman and Gavin have said, the President meant it when he said that faculty and staff compensation would be a major priority in the process of developing the budget, a process that we are now engaged in, and on which we gave a presentation to all of the deans and vice presidents and other leading administrators yesterday. We do sketch out a measurable increase in the amount going into faculty
compensation on the endowed side—faculty and staff both. We have some good reasons to believe that there will be a salary program for the statutory colleges as well, coming from the state in the coming year, and are actively engaged in inventing methods to supplement that. We have some flexibility, but not a great deal, with respect to the SUNY salaries. We have some, and we plan to exercise that. We look forward to having a salary improvement program on both sides of the university this coming year."

Professor Frederick M. Ahl, Classics: "Don, in relation to the reports that we have just seen here and several of the points that have been raised in terms of maintaining competitiveness in salaries, one of the most distressing things, to me, personally, is the fact that as I look at the average declared salary and find my own, a full professor's, below that of Cornell, after twenty-five years of service here, I find myself concerned about the future. If we're trying to get people to maintain a commitment to the University, what we see, very frequently (I speak only from a limited range of experience in my own department) is no relationship between length and distinction of service and salary paid. Whoever comes in most recently, comes in with the highest salary. This can be, often, very depressing, and damaging to morale. I'm wondering if any effort is going to be made for adjustments of salaries. Not simply to gauge that who is new in town gets paid the highest salary, but whether there will be any effort to relate distinction of service to remuneration."

Provost Randel: "I had a discussion with all of the academic deans this very morning on that subject; that is, the administration of whatever resources we are able to provide for faculty compensation. I think that there is general agreement that we must, in fact, find a way to use what we can make available, as carefully and as specifically as we possibly can. It will not do us any good to sort of jack everybody up by an equal percentage amount which causes the rich to get richer faster and the poor less poor. What form that will take I don't know, but it is likely that, in assigning budgets to the Deans, we will stipulate some amount that must be distributed based on concrete, describable needs. We did this this past year in the endowed side and almost an additional full percent was made available for the Deans, for which they applied to me with ideas of what they wanted to do with it. I looked across what had been submitted by the colleges, and decided how much to give to each college based on their plans, and then the colleges were left to distribute that in carefully targeted areas. I think it is essential for us to use salary improvement funds in a way that will reward excellence as teachers, scholars, and for service to the University."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "Just to share an observation. I appreciate that you and the President seem concerned about this problem. Some ten years ago, maybe, when this was called the Faculty Council of Representatives, I remember Professor Schuler sitting here, who chaired a committee on a similar note. After a lot of deliberation and a lot of research, I believe that the committee came up with a recommendation for five or six percent, I don't remember exactly. A few months later, Provost Nesheim came here and said,
without any explanation whatsoever, that the raise was going to be two or two and a half percent. This was without the slightest reference to all the work that had gone on. I found that somewhat surprising."

Provost Randel: "It will not be. I will herewith promise you that if we're not going to do anything about it, I'll tell you why. We are going to make an effort. We will do something and it will be notably better than recent years. Certainly on the endowed side, and we remain optimistic about what we can achieve on the statutory side as well. But, it would be misleading of me to suggest that it is going to be easy. You saw the pie chart earlier about our resources. To be sure, research is a major part of what clothes the University, but the part of the pie chart out of which our salaries are paid, at least on the endowed side, is overwhelmingly the tuition side. We find ourselves in an environment in which the rate at which we can grow is severely constrained. You saw that data as well. The rate of growth of tuition steadily being depressed—there's considerable demand around the country that anything greater than the rate of inflation in the economy is an outrage for an institution like ours. If the major source of our revenues can only be allowed to grow at three percent but we'd like to grow faculty compensation at say, five or six percent, and furthermore, other kinds of cost pressures on us are also growing faster than our revenue can grow, there is a collision waiting to happen. It will require us ultimately to think about what kinds of things that we now do that we shouldn't do at all or should do less of. It is a complicated set of trade-offs. It is not that there is one thing that is in competition with faculty salaries. But for example, indirect cost recoveries, which have a profound effect on the institution, not only in the sciences, where sponsored research is done, but all sectors of the faculty are affected by that. If that component of income, which is rather considerable in the upper thirty millions of dollars, declines absolutely, or even if it holds level while our other costs continue to go up, it has an impact in our ability to move faculty salaries along. We expect to be able to do this. We expect this to be the first of a five-year effort to do this. With luck, we will make the gains that we need to get it. We have sort of formulated this, in some degree, as an effort to at least return to the position that we once occupied on some of these charts over a period of five or six years."

Associate Professor Jeffrey G. Scott, Entomology: "One of the ways that it would appear that you could in fact, supplement salaries without an increased cost to the University, on the statutory side, would be to move the salaries to nine months. To allow people to do the same thing that is done on the endowed side, i.e. to try to generate more income to support their salary and help bring that up from near the bottom. Has that been considered as an idea?"

Provost Randel: "Yes, and in some sectors of the statutory colleges, the nine-month salary is more nearly the norm. Making the shift, however, is not as trivial in relation to SUNY as you might suppose it was. That is, the danger of going to SUNY and saying that we only want to pay people over nine months is that they would say, 'Fine. You can have nine elevenths of that.' There is also a considerable difference with respect to fields. Some of the comparisons between statutory and
endowed are difficult to make and in some moments it is almost misleading, because of the nine and eleven month phenomenon. In some fields, clearly, in the statutory colleges, there would be the opportunity to get summer salaries through sponsored research and if you could get what you were formally collecting in eleven in nine, that would be a net addition. In some of those fields, however, there are no opportunities for summer salaries for sponsored research and in those cases it matters not a great deal whether it is paid over nine or eleven. There the comparison with the endowed is a comparison with people whose nine month salaries is all they get now. How to normalize these things on two sides of the fence is not a straightforward proposition. But, yes, that is one of the things to look into. It is slightly complicated politically given our relationships with SUNY."

Professor Emeritus Donald F. Holcomb, Physics: "I guess one of the things that distresses me here is the apparent lack of concern for institutional memory in Day Hall. This is certainly not directed at specific people, but it has been going on for ten years. Not only the faculty's Financial Policies Committee when Dick Schuler was chair, but I was the chair subsequently, and as administrations come and go in Day Hall with their own particular enthusiasms of the moments, issues come and go as being on the screen with the laser beam. There is something wrong here when something can go on for this period of time without having forcefully caught the attention of the primary academic officers. By having let it go on for this long, it becomes more difficult to fix. The things that were said about the sources of revenue and the difficulty of finding money are always true. The longer you let something like this go, the more difficult it is. Is it possible for this to be a lesson?"

Provost Randel: "This would require consulting some actuarial table about how long I might be expected to live, and certain other people in Day Hall, or how long we might be able to stand it. I think that we have an understanding of precisely what you described. It took us awhile to get where we are, and it is going to take us awhile to get out of it. Some things have changed about the environment that make it more difficult for us to get out of it than it might have been a few years ago. It also has to be said that we have a lot of things that we like to spend money on. It is in the nature of a non-profit organization to maximize the amount of money that we spend. We don't raise the price, reduce the cost, and declare a dividend in the middle. One would have to look at all the things we have been spending it on instead. We have been spending it in on other stuff and you could point to categories in our expenses that have climbed. One of them that needs to be talked about is fringe benefits. We have been talking strictly about salaries here, but one does have to bear in mind that total compensation has been going up distinctly faster than salaries have been going up because our fringe benefits—those of you who are on grants and contracts or have had reason to fill out those forms know first hand, but anybody who studies their paycheck also knows—the fringe benefit rate has risen in recent memory from the twenties somewhere and now will climb this year from thirty-seven to thirty-eight percent. The main driver in that climb has been the cost of health insurance for all of us, faculty and staff alike. One does need to think a little bit about that. That rate will increase by seven percent or so by
next year. If we didn't want to have as rich a health care program, we could have a richer salary program. We, all of us, need to think somewhat more broadly about that. This is not to minimize the seriousness of the question. The need, if we're serious about faculty salaries, to decide what we're going to spend less on, and many of the things that we're going to spend less on are things that we all know and love and are accustomed to and want to have in our daily life."

Professor William H. Lesser, Agricultural, Resource, and Managerial Economics: "Provost Randel, this is on a different subject, and, I'm afraid, just a little bit long. It, in fact, has to do with a decision that was made in the Senate last month. As you well know, the Senate approved a proposal for the creation of a process of reviewing the first negative decisions in a tenure review case. That review is to be part of a procedural review—it is to be a predominantly procedural review. The drafting committee, as Dean Stein mentioned, is now in the process of being formed. If you could describe what actually the process is for the review and what that process is that you will use for the procedural part of the committee's review. Of course, appeals at the earlier stages of the tenure review process, that is at the department and the college levels, are also predominantly procedural, but there the procedures are set out in considerable detail in the Faculty Handbook. My understanding is that there are really no guidelines for your review that apparently all the files are read by the so-called 'Gang of Four', who make the final decision. Is that understanding substantially correct? If so, do you have any suggestions for how the process could be reviewed procedurally? In addition to that, you also have the right to ask for additional comments, which of course, raises some intriguing procedural questions, but the one I want to raise, in particular, occurred in July. Members of the field of economics would be asked to comment on files of all economists on campus outside the economics department. Apparently you are the one who is going to decide who, and who is not, an economist for the purpose of that review. Apparently the appeal just made the decision last week as to what that common process would involve and what I saw indicated that all field members would be invited to write a comment, and again, on the contribution of the individual to the field of economics, even if that contribution was not included in the position description. For those of us in the statutory colleges, this may not be what state taxpayers think they are employing us to do. Apparently comments are to be on research only, because the only materials presented to these field members will be the vitae and a few sample publications. I have been assured by Vice President Ehrenberg not to be concerned about that because you may choose to utilize and incorporate those comments in your final decision or not, at your discretion. Could you please describe how that indeed constitutes a reviewable process for the procedure that the committee just now was set up to draft?"

Speaker: "Don, can you please respond to that in a few short sentences?"

Provost Randel: "How many semi-colons do I get? Your omnibus question includes a number of specific points, not all of which can be taken up here. I take it that the rhetorical thrust of the question is to suggest that this is an outrage.
Ultimately, the President is responsible for all personnel of the University, academic and non-academic, and is the person who carries to the Board of Trustees the recommendations. Ultimately, the President reserves, to that office, the right to make the final decision. Now, is there a long list of rules? The answer is no. The elements that will go into such a decision will be rather the same as those that will apply at every level. We ask, at the very first level of review of faculty members, about their performance in relation to their assigned duties and in some cases those duties, certainly in the statutory colleges, may vary and are stipulated. Certainly, in the endowed colleges, everyone has the responsibility to teach, do research, and serve the community. Depending on the nature of the job description, different criteria may be brought to bear. Let me not be misleading about that. Ultimately some sensible people the President asks to advise him about this—at the moment, the infamous 'Gang of Four'—try to read these things carefully and honestly to make a judgment that we would hope that responsible academics would make in any such case. On the specific matter of the economists on the campus, I have met, repeatedly, now, with the chairman of the Department of Agricultural, Resource, and Managerial Economics to discuss this matter, and I have agreed with him readily. There are some people in that department who do a kind of work which is not typically rewarded with the Nobel Prize in Economics, and that's for very good and sufficient reason and no one should challenge that fact. We can bring to bear, however, the highest intellectual standards to extension, just as we can to research and teaching. What is the role of the field of economics in this? The field of economics used to be essentially co-terminus with the Department of Economics in the College of Arts and Sciences. That is no longer the case. The Department of Economics only makes up half of the field at this time. I expect that balance to continue to shift as more economists from other departments become part of the graduate field. Given the existence of that graduate field, we would like to understand the view of leading economists on the campus, that is, those engaged in graduate teaching and research, about other members who exercise a sufficiently similar position. When a position comes up in the Department of Economics, it too, will be reviewed by the graduate field of Economics, which, for the first time, will mean that Arts College faculty members are having their careers evaluated by members of the department of ARME. This is not a one-way street. The use of the graduate field in this way is simply an effort to bring together the strength that we have in economics across the campus and to put a broader array of faculty to work in thinking about what the nature of that discipline is on this campus. It cannot be said to be a threat to anyone who is engaged, even if they have a Ph.D. in Economics, in something outside the realm of things that is taught in the graduate field. In any case, they will be invited to write letters and they may or may not. One evaluates letters as carefully as possible, reading between the lines if necessary."

The Speaker called on Professor Kraig Adler, from the Committee on Nominations and Elections, to present a report from that committee.
6. REPORT OF NOMINATIONS AND ELECTIONS COMMITTEE

Professor Kraig Adler, Neurobiology and Behavior: "Thank you. I'll be brief. On behalf of the Nominations and Elections Committee, I would like to report two lists of names to the Senate for its action. The first is a list of two names to be added to the Faculty Advisory Committee on Retirement Issues, this is the 'Transitions Committee.' The names are Robert Gibbons from the Johnson Graduate School of Management and Karl Pillemer from Human Ecology. So, I offer those names for your action."

It was moved to adopt the recommendations and the motion carried.

Professor Adler: "Next I would like to report to you the names of the individuals proposed for the Program Review Committee. I think you are already familiar with some of the background for how this group of names was produced. It originated from our committee and the original plan was that the Provost would accept some names from this committee and then propose some of his own. In this event, the Provost accepted the entire slate of names, although we should not take this as a precedent-setting step. The Chairmanship of the Committee is listed as Peter Stein. I should just make one further comment. The Committee worked very hard to balance this group of nine people to represent all of the portions of the campus, including the Geneva Experiment Station, in terms of extension, basic and applied, the humanities and creative arts, etc. I hope you will agree that the Committee came reasonably close to the ideal."

<table>
<thead>
<tr>
<th>Disciplinary Area</th>
<th>College</th>
</tr>
</thead>
<tbody>
<tr>
<td>Creative Arts, Humanities</td>
<td>A&amp;S</td>
</tr>
<tr>
<td>Social Sciences</td>
<td>ILR</td>
</tr>
<tr>
<td>Applied Physical Sciences</td>
<td>Engr.</td>
</tr>
<tr>
<td>Social Sciences</td>
<td>A&amp;S</td>
</tr>
<tr>
<td>Extension</td>
<td>H.E.</td>
</tr>
<tr>
<td>Professional Schools</td>
<td>Vet.</td>
</tr>
<tr>
<td>Applied Biological Sciences</td>
<td>CALS-Geneva</td>
</tr>
<tr>
<td>Basic Physical Sciences</td>
<td>A&amp;S-CHAIR</td>
</tr>
<tr>
<td>Basic Biological Sciences</td>
<td>CALS</td>
</tr>
</tbody>
</table>

It was moved to adopt this slate of candidates and the motion carried.

The Speaker called on Dean Stein to set the context for the Sexual Harassment Resolution.

7. RESOLUTION ON SEXUAL HARASSMENT POLICY

Dean Stein: "As Dean Lewis is fond of saying, 'this is a vexing issue that has troubled us greatly over the past year'. What it is that we're going to talk about is a bit complicated and a bit convoluted, so I thought that it was worthwhile to spend
just a few minutes trying to set the context and tell you how we got from there to here. Bear with me if you follow these issues more closely than other people. This saga starts approximately a year ago in November 1995, when we first had a Sexual Harassment Policy proposed jointly by the Provost and the University Counsel—the so-called Mingle-Randel draft. That draft was presented late in November. The Academic Freedom Committee, with great diligence, rapidly got together and read that draft. The people that proposed it proposed a very short timeline for adopting it. That committee met in early December and proposed some recommendations to it. It brought those recommendations to the FCR in December. Those recommendations were debated and adopted, essentially without change. They were presented to the Provost for consideration. While it is hard to exactly figure out what happened, in my opinion, those recommendations were mostly adopted into the next draft. The next draft came out sometime in early Spring, in March I believe. Again, that draft was presented to the Academic Freedom Committee. The Academic Freedom Committee met, and suggested six changes to be made in the draft. That was brought to the April meeting of the Senate, where it was debated. Those six recommendations were eventually brought to the Provost, and the so-called final draft was produced. It is hard to calculate exactly how many were adopted and how many weren't adopted, but in my opinion, those changes were mostly not adopted in the final draft. The Academic Freedom Committee was very upset about that. They, together with the University Faculty Committee, jawboned aggressively the Provost and the University Counsel, and I'm pleased to report that—"

Provost: "That the Provost proved to be the spineless administrator that he is."

Dean Stein: "The spineless administrator adopted five and a half and arguably six of the changes that were suggested by this committee. That, then, became what was called the final Sexual Harassment Policy. That adoption took place in July of this year. In the fall of this year, a month or so ago, there were two, rather spirited resolutions passed by the College of Arts and Sciences, overwhelmingly by the College of Arts and Sciences and the Law School, where they suggested that this policy was insufficient or inadequate. The Dean of the Arts College sent that to me and the University Faculty Committee met. We decided that we would present to you a resolution asking this same Academic Freedom Committee to actively look at the current Sexual Harassment Policy in light of the various suggestions that have been made on it and to present to this body, within two months' time, their recommendations for improving this policy. Now, it is a little bit more complicated than that. It is very important that you distinguish between the Sexual Harassment Policy and the Sexual Harassment Procedures. You have to keep those two phrases straight.

"Anyway, the Sexual Harassment Policy is what evolved from the Mingle-Randel draft. I love to say that—the 'Mingle-Randel' draft has a nice ring to it. That turned into the Sexual Harassment Policy. It has three essential phases to it (Appendix L, attached). This is what happens from a time that a complaint is made, presumably
from a student against a faculty member. A student brings a complaint to a faculty member in phase one, and that is heard by Cornell's Office of Equal Opportunity. That complaint has four possible outcomes in phase one. One, a satisfactory arrangement is reached by both parties. Two, it is dismissed. The Office of Equal Opportunity, in conjunction with the Faculty Co-Investigator, finds the charge without merit. The third possibility is that they find the charge with merit and they suggest sanctions and the charged party accepts those sanctions. The fourth possibility is that the charged party does not accept the findings and sanctions by the Office of Equal Opportunity and requests a hearing from the Academic Freedom Committee. That is Phase One.

"Phase Two is what happens after the charged party requests a hearing. There is a hearing. That hearing has certain procedures—that is the word 'procedures' that you have to keep straight from 'policy.' The Academic Freedom Committee hears the charges. The Policy suggested but did not precisely state, but strongly suggested, that the Academic Freedom Committee not have any fixed procedures. The Academic Freedom Committee should have essentially the ability to make the procedures fit the case. The Academic Freedom Committee met and was uncomfortable with that. It was felt that this would not be acceptable to the community-at-large to have variable procedures where the charged party did not know, going into this, what the procedures were going to be. They felt that both they and the rest of the community would be much more content with a fixed set of procedures that were published and public. There was some question as to whether a fixed set of procedures could be inserted into a policy that called for variable procedures. We consulted the University Counsel, who, in the way that lawyers see things, that 'variable' could be interpreted as 'fixed.'" So, it was possible to have a fixed set of procedures within a variable policy framework. In Phase Two, in those procedures, the Academic Freedom Committee either finds the charges without merit, or finds the charges with merit.

"Phase Three is what happens after that. What happens after that is the Dean can either adopt or modify, according to this policy, the recommendations of the Academic Freedom Committee. Now the Academic Freedom Committee decided to bring to you its draft procedures for your comments and for your adoptions. They also felt that they were unwilling to adopt procedures that did not have your blessing. They opted to defer to you in setting up their procedures. That is what is going to follow today.

"At the same time, something else happened. What else happened is that Dean Lewis asked the Senate to look into the policy as a whole. Two things are going to happen today. Professor Earle will introduce a motion asking the Academic Freedom Committee to look into this policy, which is essentially all the phases. In addition, because the Academic Freedom Committee believes that no matter how this policy gets modified, one part will certainly be a hearing by the Academic Freedom Committee, they wish to have your comments about their current state of
thinking about what those procedures should be. So that is what you will now be considering."

Professor Elizabeth D. Earle, Plant Breeding and Biometry: "On behalf of the University Faculty Committee and in response to the concerns that had been raised about the policy as it currently stands, we present the following resolution:

WHEREAS, the Faculties of the College of Arts and Sciences and the Law School have expressed concerns about the University Sexual Harassment Policy implemented in July 1996, and

WHEREAS, the fairness and effectiveness of the Sexual Harassment Policy is of great concern to the entire faculty,

THEREFORE BE IT RESOLVED, that the Senate instructs the Academic Freedom and Professional Status of the Faculty Committee (AFPS) to conduct a thorough review of those provisions of the University Sexual Harassment Policy that apply to faculty members, with the understanding that the review will include soliciting the opinions of individuals with a variety of perspectives, and

BE IT FURTHER RESOLVED, that the AFPS Committee shall report back to the Senate no later than its February meeting with its recommendations for improving the fairness and effectiveness of the Policy.

This is Phase One of the rest of today's agenda."

The Speaker called for comments and discussion before the vote.

Associate Professor Jeremy Rabkin, Government: "Peter Stein's summary of the history of this leaves out something very central. The Academic Freedom Committee had a crack at this, then they had a second crack at this, and the reason why it is now proposed to send it back to them is that they didn't do a very adequate job. I'm not saying this in order to cast recriminations. I think that what happened was that people agreed to be on that committee without any notion at all of the fact that they would be responsible for reviewing the Sexual Harassment Policy. It seemed to me that from the meetings, from the way people talked about it, they got tired, they got distracted, and when this was dumped in their laps, they just weren't too interested. They did a rather perfunctory job. One example. There may be a dispute about how many of the resolutions of the fall were adopted in February—I think that about half of them were and half of them weren't—but one of the remarkable things about when that committee came back in the spring is that they didn't even bother to comment on what happened with the resolutions that they had made in the fall and had been rejected by the Provost. They didn't bother to comment. Did they not care? Did they not notice? They just went straight ahead and came up with a new set of perfunctory recommendations. This committee has
a history of being not very energetic, not very focused, and not too interested. Again, I don't say this to be recriminatory, but I had a question for Professor Earle. Is it going to be different now? Do you guys really want to do this now?"

Professor Earle: "Well, first of all, for the information of the Senate, let me present the membership of the Academic Freedom Committee. Just so you see who the people involved are.

Richard A. Baer, CALS
Robert C. Fay, A&S
Terrence L. Fine, Engr.
Robert A. Green, Law
Sarosh Kuruvilla, ILR, Chair
Anna Marie Smith, A&S
Barry Strauss, A&S
Kenneth Strike, CALS

"I think that it is true that the level of concern and interest in this policy has been increasing as people are reading it more carefully and it has been discussed more widely. I don't think that there is any particular reason to think that a new, completely different batch of people, would, at the present time, do a better job than the committee that has been working with this policy for a while. However, I certainly invite comments from the Senators."

Associate Professor J. Ellen Gainor, Theatre, Film, and Dance: "I also serve on ACSW, which is the Advisory Committee on the Status of Women here at Cornell. Recently there it was brought to my attention, that the Sexual Harassment Policy that is in place currently, is supposed to apply not only to faculty/student or faculty/other kinds of arrangements, that are primarily a concern to this body, but would also apply to student/student interactions, staff/staff interactions and so on. What I'm wondering is how might the potential for revisions, or whatever will go on, consider embracing these other constituent groups? Has that even come up?"

Professor Earle: "The resolution directs the revision to provisions that relate to the faculty, but it is inevitable that there will be inter-relationships and the committee is encouraged to solicit opinions from relevant and interested parties. There would be opportunities to look into whether any of the other provisions might have implications for other members of the community."

The vote was taken and the motion carried.

The Speaker called on Professor Kuruvilla, the chair of the Academic Freedom and Professional Status of the Faculty Committee.
8. SEXUAL HARASSMENT PROCEDURES

Associate Professor Sarosh Kuruvilla, ILR: "I am the Chair of this unfortunate committee. I want to emphasize that the committee keeps changing every semester as people keep coming and going. It is not the same bunch of people that some people have pointed out. We have been laboring—every week, I might add—on one small portion of the policy. The draft that we have circulated that is on the World Wide Web, pertains to the procedures that we have circulated to handle this particular part of the policy. You've just made a resolution asking us to look at everything so I guess we have our work cut out for us over the next two months. You've seen the procedures (Appendix M, attached), and if you have any questions, I'd be glad to answer them. If you have comments, I'd be glad to hear them. If you want to send us comments by e-mail, my e-mail address is 'sck4@cornell.edu.'"

The Speaker announced that Professor Green was also present at the meeting.

Professor Mary Beth Norton, Mary Donlon Alger Professor of American History: "I have been asked to read a letter from Colleen Akehurst, the Student Assembly Representative. She is not allowed to speak to the Faculty Senate and I agreed to read this letter on her behalf: 'The proposed procedures for contested findings and recommendations will most likely cause some concern among students at Cornell. There is currently a student member who serves as part of the Committee on Academic Freedom and Professional Status of the Faculty. However, if the Committee were to hear a case of sexual harassment, this student no longer acts as part of the Committee.' If you read the procedures as drafted, they specifically exclude the student from participation in these hearings. She goes on to say: 'Student members of committees such as the AFPS serve to provide a unique viewpoint on issues. This viewpoint is a positive contribution to the decision-making process. Most students can be trusted with making reasoned and logical decisions in the midst of difficult times. The student complainant presenting information to the Committee will be insured that his or her side is being adequately heard. This would happen because the student member of the Committee has the unique perspective of being a student in faculty/student interactions and relationships. The same rules for excusing a member of the Committee would apply to the student member. A student member in the same department or who has taken or would take a course taught by the accused faculty member would excuse him or herself. Knowing this policy applies to the student member as well as to the other member alleviates concern that the student member could seek retribution towards the faculty member. I hope that the faculty could acknowledge that allowing students to serve on the Committee during sexual harassment proceedings will only enhance the process. A student involved in such proceedings would serve to provide a unique perspective which would not otherwise be present.'"
Professor Kuruvilla: "The Committee discussed this issue and the majority opinion was that since this committee was dealing with a procedure that was dealing with the grievance of a faculty member that it would be appropriate to have only faculty deal with the grievance."

Associate Professor Walter R. Mebane, Government: "I'm a little perplexed about some of the features of this proposal and how we can act on it without knowing the status of the full policy. For example, point 17 says that, 'The Committee shall encourage the OEO to turn over...all...evidence in the investigatory files.' Should it occur that the revised policy does not involve the OEO in a substantive manner in the earlier steps, then this particular point would have no meaning. There are other features of the procedure that assume that other parts of the policy will remain in place. I wonder if it is appropriate to act at this time on these procedures without having a judgment about the entire policy."

The Speaker announced that there would be no action taken at this meeting. He explained that the issues were only up for discussion.

Professor Kuruvilla: "It is true that the policy might change and that we might change it in ways that would force the procedure to change as well, but it was important, we felt, to get a sense of where we are coming from in this respect. This is just for comments and criticisms and so on."

Professor Norton: "I would now like to speak for myself. I have a couple of comments and a question. I guess I will start with the comments. The first comment pertains to the last couple of sentences of Item 6. I have already expressed my views to the Committee on this, but I'll say it to the full Senate. I think that it is an extremely bad idea for the chair of the Committee to authorize whatever legal advisor the Committee appoints to run the hearings. I think that the chair of the faculty's Committee ought to run the meetings and that the legal advisor should be a legal advisor. The ability to chair the meeting should not be turned over to the legal advisor. I think that that is a very bad mistake. Even if the Committee added, in response to my original objection, the idea that the Committee, with a vote of the majority of the members present, might withdraw the authority from the legal advisor, and may overrule any decision made by the legal advisor, I think that is nuts. The faculty should run its own hearing and the legal advisor should be an advisor.

"My second comment has to do with Item 7 and something I feel very strongly about. This has to do with the ability of a complaining party to have the services of an attorney or an advisor. An advisor is no problem. I have objected, all the way along in these procedures, that a complaining party should not be abjected to a cross-examination by the charged party's attorney and would therefore be forced to pay for an attorney for him or herself. I believe, if this is something that a student or an assistant professor complainant against a full professor, sees this and says, 'Oh my God! If I bring a complaint, and there is a hearing where the charged party can opt
into—where I have no say about whether there is going to be a hearing or not—and I'm going to go in there, and unless I pay for an attorney to protect me, I am going to be subjected to questioning by some high-powered attorney brought in by the charged party. I think that this is a big mistake. I think that this is going to lead complainants not to bring in complaints under this procedure, which, presumably, is not our point. Our point is to make these user-friendly for both sides. It is a very bad mistake for us to say that the University will not supply an attorney for a complainant should the complainant want one. Those are my comments and I feel strongly about both of them.

"The question pertains to Section 2, 'Informal Procedures.' I don't see any point for informal proceedings. It seems to me that if a faculty member is going to opt for a hearing that the faculty member is going to want formal proceedings. Under what circumstances does the Committee envision that a faculty member, having just found informal proceedings with the OEO not satisfactory, is going to opt for informal proceedings from a faculty committee? I don't see that happening and I don't see why that is there."

Professor Kuruvilla: "I can quickly tell you what the Committee's thoughts were on both of those points. On the first one, there was largely a feeling that the Committee is composed of people who are more often than not lawyers, and this is a procedure that allows lawyers on both sides. It was the feeling that sometimes the chair would be comfortable having a legal advisor conduct the hearings, making it easier to make lots of decisions about whether something is appropriate or not, which might be something that he or she is not completely qualified to do. Hence, the legal advisor provision.

"The second is the issue on lawyers. The only reason that we have that paragraph in there is that we know that the University is unwilling to pay for hiring lawyers for the complainant as well as the charged party. So we're stuck, unless by writing a new policy, we can actually get the University to agree to something like that."

Professor Richard E. Schuler, Civil and Environmental Engineering and Economics: "I'd like to follow up first of all on Professor Norton's observation on the hiring of attorneys. I abhor a process that burdens parties on either side with the expense of hiring attorneys, but I think that what Professor Norton was suggesting was giving a tilt to the complainants. We saw in an earlier presentation on faculty salaries, that it is likely, in certain circumstances, that the accuser, the complainant, would have more resources. Without biasing the process, one would have to, if one were to include that provision, go to the extreme of providing counsel to all parties in order to be fair. That is a question of expense to the University.

"My real question to the chair of the Committee had to do with Item 26. What I find truly regrettable are the divulgence of confidential information. On the other hand, requiring the participants to sign a statement seems to me to be a fairly innocuous
proceeding unless there are formal sanctions associated with the violation. Do you contemplate such formal sanctions?"

Professor Kuruvilla: "No. We don't. We had it there because that was the only logical place we could put it to insure that there was some sort of confidentiality, but none of the confidentiality issues, either on point 26 or point 7, are really enforceable."

Associate Professor Risa Lieberwitz, ILR: "I also had a question about confidentiality. I'm not so sure that it is not enforceable. I don't like the idea of having people forced to be gagged based on what happened, so I'm not so much in favor of a confidentiality pledge in general. One concern that I have is that if someone were to breach the confidentiality, in particular, if it is a faculty member, then that person might in fact have some fear of having some kind of disciplinary action brought. So it is not clear to me that it is not enforceable in some way. So it seems to me that one of the accompanying aspects of having proceedings is that people might talk about them. That is the nature of people talking about issues that are in the public interest. It may just be that people would like things to be confidential, but they may not end up being confidential, and so you might just have to leave it alone. Also this may have something to do with what Mary Beth Norton brought up about encouraging people to pursue certain processes. Because if you require people to sign a confidentiality pledge, they might just go to court. I wonder if you could consider those."

Professor Kuruvilla: "I might just add that under the University procedures, when we drafted this document, the policy actually says that the AFPS Committee has to conduct a confidential inquiry. In order to be consistent with the policy we have to take into account the confidentiality issues, knowing full well that some of them are enforceable but might have other problems. If we are going to change the entire policy, that is something that we will have to think about."

Professor Lieberwitz: "That doesn't mean, if you conduct things in a confidential way, that there has to be a requirement that the individuals affected by it are gagged in terms of what they have to say."

Professor Mebane: "Regarding this question of attorneys. Could you interpret for me point 14 that says that 'The University shall provide an attorney whose sole responsibility...shall be to support the findings and recommendations of the investigation report. This attorney shall be entitled...to cross-examine witnesses.' My impression is that this is a grievance hearing, so the only possible content of the investigation report would be a finding that the charged party was guilty as accused, and, so, in effect, this University-appointed attorney would be acting on behalf of the complainant."

Professor Kuruvilla: "The background to that is as follows. This committee is actually supposed to be making a judgment as to whether sexual harassment
actually took place or did not take place. The OEO is the report on which we are acting. The OEO's report is what the faculty member is grieving against. If we have to have a hearing that examines the grievance, it is necessary that someone acts as a prosecutor, someone who will defend the OEO report because that is the report that the faculty member's lawyer is going to argue against. In this particular case the OEO has refused to stand in defense of its own report or act as a prosecutor. Therefore, we need somebody else to do that because this committee is acting as judge here, and cannot be prosecutor and judge at the same time. So, the only other option, the only other party in the case, is the University. The University has to provide an attorney to defend the OEO's report. If the OEO is willing to do that, then we will not need to have the University there at all."

Professor Terrence L. Fine, Electrical Engineering: "This is not a question. It is more of a plea. We have now been sent by a vote of no dissent this thing to spend another two months or so on. Most of us do not welcome spending more time on this. We have spent quite a bit of time on this, even though it may seem perfunctory to somebody else. When we come back with this thing, I doubt that we will have a document that is going to get unanimous consent and support. I hope that you have thought about this. You have given us a task to do. It is not easy. There are at least three entities in this thing, from what I've heard. There is a complainant, there is the person who is being complained against, and there is the University. They have somewhat different positions and I'm not sure they can be reconciled. We have heard strong arguments on all sides and I don't think that we're going to come back with something that nobody is going to find objections to. I hope that you think about that, so by the time that we come back to you, we won't have wasted the two months on this issue. We're going to do the best we can, but it is not an easy issue. It is not going to be something that you're not going to find objections to."

Professor Rabkin: "I thought that this committee did a terrific job. This year's committee did a terrific job on what they put on. I would ask that you would try and do the same procedure. That is, circulate a draft so that people can comment on it and you can then try and incorporate that into the draft before you bring it to the Senate."

The meeting was adjourned at six o'clock.

Respectfully submitted,

Robert F. Lucey, Associate Dean and Secretary of the University Faculty
PROFESSORIAL SALARIES:
CORNELL ENDOWED vs. 17 PRIVATE UNIVERSITIES

Academic Year

85-6  86-7  87-8  88-9  89-0  90-1  91-2  92-3  93-4  94-5  95-6
Graduate Faculty
Ranking of universities based upon the scholarly quality of the graduate faculty.

<table>
<thead>
<tr>
<th>University</th>
<th>1993 rank</th>
<th>Change from 1982</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of California - Berkeley</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Stanford University</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Cornell University</td>
<td>3</td>
<td>+5</td>
</tr>
<tr>
<td>University of Michigan</td>
<td>4</td>
<td>+2</td>
</tr>
<tr>
<td>Harvard University</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Princeton University</td>
<td>6</td>
<td>-3</td>
</tr>
<tr>
<td>University of Chicago</td>
<td>7</td>
<td>+2</td>
</tr>
<tr>
<td>University of California - Los Angeles</td>
<td>8</td>
<td>-4</td>
</tr>
<tr>
<td>University of Pennsylvania</td>
<td>9</td>
<td>+5</td>
</tr>
<tr>
<td>Massachusetts Institute of Technology</td>
<td>10</td>
<td>+3</td>
</tr>
<tr>
<td>Yale University</td>
<td>11</td>
<td>-4</td>
</tr>
<tr>
<td>University of Wisconsin - Madison</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Columbia University</td>
<td>13</td>
<td>-3</td>
</tr>
<tr>
<td>University of Texas at Austin</td>
<td>14</td>
<td>+1</td>
</tr>
<tr>
<td>University of California - San Diego</td>
<td>15</td>
<td>+14</td>
</tr>
<tr>
<td>University of Washington</td>
<td>16</td>
<td>+3</td>
</tr>
<tr>
<td>California Institute of Technology</td>
<td>17</td>
<td>+1</td>
</tr>
<tr>
<td>Johns Hopkins University</td>
<td>18</td>
<td>+5</td>
</tr>
<tr>
<td>University of Illinois at Urbana-Champaign</td>
<td>19</td>
<td>-8</td>
</tr>
<tr>
<td>University of Minnesota</td>
<td>20</td>
<td>-4</td>
</tr>
</tbody>
</table>

Source: Analysis of National Research Council data by Mark Brenner, dean of the University of Minnesota Graduate School.
Average 1995-96 Faculty Salaries* (Ivy League)

Professor:
- Harvard
- Princeton
- Yale
- Pennsylvania
- Columbia
- Rutgers
- Dartmouth
- Cornell (Endowed)
- Brown
- Cornell (Statutory)

Salaries:
- $25,000
- $50,000
- $75,000
- $100,000

Associate Professor:
- Rutgers
- Pennsylvania
- Columbia
- Princeton
- Cornell (Endowed)
- Harvard
- Yale
- Dartmouth
- Cornell (Statutory)
- Brown

Salaries:
- $25,000
- $50,000
- $75,000
- $100,000

Assistant Professor:
- Pennsylvania
- Harvard
- Cornell (Endowed)
- Rutgers
- Columbia
- Yale
- Dartmouth
- Brown
- Princeton
- Cornell (Statutory)

Salaries:
- $25,000
- $50,000
- $75,000
- $100,000

Source: Academe April/May, 1996
Average Salaries (Professors) at Major Research Institutions

1985-86

1995-96

Source Academe April/May, 1986, 1996
CHANGE IN PROFESSORIAL SALARIES
RELATIVE TO ENDOWED CORNELL
1985-1995

<table>
<thead>
<tr>
<th>Institution</th>
<th>Percentage Points of Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYU</td>
<td>15.00</td>
</tr>
<tr>
<td>Duke</td>
<td>14.00</td>
</tr>
<tr>
<td>Northwestern</td>
<td>13.00</td>
</tr>
<tr>
<td>Penn</td>
<td>12.00</td>
</tr>
<tr>
<td>Princeton</td>
<td>11.00</td>
</tr>
<tr>
<td>Chicago</td>
<td>10.00</td>
</tr>
<tr>
<td>Yale</td>
<td>9.00</td>
</tr>
<tr>
<td>MIT</td>
<td>8.00</td>
</tr>
<tr>
<td>Stanford</td>
<td>7.00</td>
</tr>
<tr>
<td>Columbia</td>
<td>6.00</td>
</tr>
<tr>
<td>Dartmouth</td>
<td>5.00</td>
</tr>
<tr>
<td>Harvard</td>
<td>4.00</td>
</tr>
<tr>
<td>Georgetown</td>
<td>3.00</td>
</tr>
<tr>
<td>Brown</td>
<td>2.00</td>
</tr>
<tr>
<td>USC</td>
<td>0.00</td>
</tr>
<tr>
<td>Carnegie Mellon</td>
<td>-1.00</td>
</tr>
<tr>
<td>Hopkins</td>
<td>-2.00</td>
</tr>
</tbody>
</table>
Average faculty salary increases and tuition increases at Cornell, 1985-1996

Endowed

Faculty Salaries (ranks combined)**

Tuition*

* (data supplied by the Office of the Bursar)

** (data published by Academe, April/May issue 1985-96)
<table>
<thead>
<tr>
<th>Year</th>
<th>Arts Declared Raise Pool (%)*</th>
<th>Arts Average Salary Increases (%)**</th>
</tr>
</thead>
<tbody>
<tr>
<td>85-86</td>
<td>5.0</td>
<td>11.5</td>
</tr>
<tr>
<td>86-87</td>
<td>4.7</td>
<td>6.7</td>
</tr>
<tr>
<td>87-88</td>
<td>6.0</td>
<td>7.8</td>
</tr>
<tr>
<td>88-89</td>
<td>4.5</td>
<td>7.0</td>
</tr>
<tr>
<td>89-90</td>
<td>5.0</td>
<td>7.5</td>
</tr>
<tr>
<td>90-91</td>
<td>No data</td>
<td>7.7</td>
</tr>
<tr>
<td>91-92</td>
<td>4.0</td>
<td>6.4</td>
</tr>
<tr>
<td>92-93</td>
<td>4.0</td>
<td>5.5</td>
</tr>
<tr>
<td>93-94</td>
<td>3.0</td>
<td>3.9</td>
</tr>
<tr>
<td>94-95</td>
<td>2.75</td>
<td>4.1</td>
</tr>
<tr>
<td>95-96</td>
<td>3.0</td>
<td>4.0</td>
</tr>
<tr>
<td>96-97</td>
<td>3.0</td>
<td>No data</td>
</tr>
</tbody>
</table>

** Academe, April-May issues 1985-96

*** Data supplied by Planning and Policy Analysis Office, Lincoln Hall
Average Salaries (Professors) at Major Public Institutions

Source: Academe April/May, 1986, 1996
CHANGE IN PROFESSORIAL SALARIES RELATIVE TO STATUTORY CORNELL 1985-1995

- Rutgers
- Michigan
- Penn State
- U Washington
- Purdue
- Wisconsin
- Texas
- Maryland
- Minnesota
- Virginia
- North Carolina
- Illinois
- UCLA
- UC Berkeley
- UCDavis

Percentage Points of Change

-8.00 -6.00 -4.00 -2.00 0.00 2.00 4.00 6.00 8.00 10.00
Average faculty salary increases and tuition increases at Cornell, 1985-1996

**Statutory**

Faculty Salaries (ranks combined)**

* (data supplied by the Office of the Bursar)

** (data published by Academe, April/May issue 1985-96)
<table>
<thead>
<tr>
<th>Year</th>
<th>Ag Declared Raise Pool (%)*</th>
<th>Ag Average Salary Increases (%)**</th>
</tr>
</thead>
<tbody>
<tr>
<td>85-86</td>
<td>9.0</td>
<td>0.1</td>
</tr>
<tr>
<td>86-87</td>
<td>6.0</td>
<td>13.4</td>
</tr>
<tr>
<td>87-88</td>
<td>6.0</td>
<td>7.0</td>
</tr>
<tr>
<td>88-89</td>
<td>6.0</td>
<td>8.3</td>
</tr>
<tr>
<td>89-90</td>
<td>6.0</td>
<td>8.6</td>
</tr>
<tr>
<td>90-91</td>
<td>6.5</td>
<td>7.4</td>
</tr>
<tr>
<td>91-92</td>
<td>0.0</td>
<td>1.2</td>
</tr>
<tr>
<td>92-93</td>
<td>0.0</td>
<td>1.5</td>
</tr>
<tr>
<td>93-94</td>
<td>5.0</td>
<td>5.4</td>
</tr>
<tr>
<td>94-95</td>
<td>6.25</td>
<td>6.4</td>
</tr>
<tr>
<td>95-96</td>
<td>0.0</td>
<td>2.7</td>
</tr>
<tr>
<td>96-97</td>
<td>0.0</td>
<td>No data</td>
</tr>
</tbody>
</table>

* Data supplied by Human Resources Office, Roberts Hall

** Academe, April-May issues 1985-96
Sexual Harassment Policy: A Primer

The Three Phases

1. A complaint is mediated/investigated by Cornell's OEO, and is either
   - Mediated by mutual agreement of the parties, or
   - Dismissed, or
   - Charged party does not contest findings and sanctions, or
   - Charged party requests a hearing by AF committee

2. Hearing Procedures: The AF committee hears the charges, and
   - Finds the charges without merit, or
   - Finds the faculty member guilty, and may recommend sanctions

3. Administrative actions: Dean adopts or modifies the recommendations of the AF committee
Appendix M

Preliminary Draft
October 29, 1996

Committee on Academic Freedom and Professional Status of the Faculty

Procedures for Adjudicating Contested Investigatory Findings and Recommendations in Sexual Harassment Cases

Preamble

According to the University's sexual harassment policy (Policy 6.4), if a faculty member contests an investigation report's findings or recommended sanction in a case where the recommended sanction is short of dismissal, the faculty member shall have recourse to an adjudicatory process conducted by the Committee on Academic Freedom and Professional Status of the Faculty (hereinafter the "Committee"). This is a preliminary draft of the Committee's procedures for adjudicating such cases.

In drafting these procedures, the Committee does not endorse the University's current sexual harassment policy. Nor can this draft correct all of the flaws in the University's policy. However, the Committee is charged with adjudicating contested investigatory findings and recommendations under the current policy, and we feel that we should be prepared with internal procedures in the event that a sexual harassment case should arise.

It is the Committee's expectation that the Senate will likely present to the administration proposed changes to the University's current sexual harassment policy. We believe that one of the key elements of any such policy will be a hearing by peers. That hearing will have to be governed by a formal set of procedures, which must be acceptable to the Faculty Senate. We therefore present this preliminary draft to the Senate for their reaction and suggestions.

I. General Provisions

1. Any member of the Committee whose personal or professional relationships might interfere with providing a fair and unbiased hearing shall recuse himself or herself from the proceedings. A member of the Committee who is in the same department as the accused shall recuse himself or herself. [Footnote: The Hotel School, the Johnson Graduate School or Management, the Law School, and the School of Industrial and Labor Relations shall be treated as departments for purposes of this sentence.] The charged party and the complaining party or parties may challenge any member of the Committee who does not recuse himself or herself. Following such a challenge, if a majority of the other members of the Committee, not including recused members and student members, votes in favor of recusal, then the challenged member shall recuse himself or herself.
2. The remaining members of the Committee, not including recused members and student members, shall participate in the proceedings. If there are fewer than five such remaining members of the Committee, the Committee shall decline to hear the grievance until the Nominations and Elections Committee of the Faculty Senate adds members to the Committee to make a complement of five participating members. The participating members will be referred to hereinafter as the “members of the Committee.”

3. A majority of the members of the Committee shall constitute a quorum for any hearing. Decisions of the Committee shall be rendered by a majority vote of the members present.

4. Each person who appears before the Committee shall be advised that he or she is obligated to treat everything that is said in the proceedings as confidential, and may not disclose this information to any other person, unless compelled to do so by law.

5. The members of the Committee shall elect an Administrative Chair (hereinafter the “chair”) from among themselves. Subject to paragraph 6, the chair shall control the conduct of all proceedings and shall make such procedural rulings as may be necessary to assure fairness and to avoid unnecessary delay, including rulings on the relevance of suggested witnesses or lines of questioning. The Committee may overrule any such ruling by a majority vote of the members present.

6. The Committee may appoint a faculty member who is a member of a state bar to serve as an independent legal advisor to advise the Committee on all matters relating to the performance of its responsibilities hereunder. The legal advisor shall not be a Committee member and shall not have a vote in the Committee’s decisions. At the invitation of the Committee, the legal advisor may be present at any time during the proceedings and during the Committee’s deliberations. The chair may authorize the legal advisor to control the conduct of the proceedings and to make procedural rulings. The Committee, by a majority vote of the members present, may withdraw this authority at any time and may overrule any procedural ruling made by the legal advisor.

7. The Committee shall recommend that the Faculty Senate maintain a list of qualified individuals who have agreed to serve as volunteer advisors or attorneys for the parties in the Committee’s proceedings. Nothing in these procedures shall be interpreted, however, to obligate the Faculty Senate or the Committee to guarantee that the charged party and the complaining party or parties will be able to obtain the services of an advisor or attorney.
8. The Committee has a responsibility to conduct fair and even-handed proceedings, and to make sure that all parties and witnesses are treated in a polite, respectful manner.

9. The members of the Committee shall first read the investigation report and the written grievance of the faculty member.

10. The Committee shall then conduct formal hearings as provided in Section III, unless the charged party waives his or her right to such hearings, in which case the Committee shall conduct informal proceedings as provided in Section II. Any waiver of the right to formal hearings shall be irrevocable.

II. Informal Proceedings

11. This Section shall apply if and only if the charged party waives his or her right to formal hearings. Section III shall not apply in such a case.

12. The Committee shall invite the charged party to explain why he or she feels that the recommended sanction and/or the underlying investigation findings are unjustified. The charged party may be accompanied by an advisor or attorney of his or her own choice, who may advise the charged party but may not participate in the proceedings in any other way.

13. The Committee may also call the complaining party or parties and any witnesses. A complaining party or witness who is called may be accompanied by an advisor or attorney of his or her own choice, who may advise the complaining party or witness but may not participate in the proceedings in any other way.

III. Formal Hearings

14. The University shall provide an attorney whose sole responsibility in these proceedings shall be to support the findings and recommendations of the investigation report. This attorney shall be entitled to present witnesses and to cross-examine witnesses (including the complaining party or parties and the charged party) who appear before the Committee.

15. The charged party shall be entitled to be accompanied and represented by an advisor or attorney of his or her own choice.

16. The charged party, either personally or through his or her advisor or attorney, shall be entitled to give evidence and to present witnesses in his or her own behalf, to hear the evidence against him or her, and to confront and cross-examine adverse witnesses (including the complaining party or parties) who appear before the Committee.
17. The Committee shall encourage the OEO to turn over to the charged party all exculpatory evidence in their investigatory files.

18. Each complaining party shall be entitled to be accompanied and represented by an advisor or attorney of his or her own choice.

19. Each complaining party, either personally or, if accompanied and represented by an advisor or attorney, through that advisor or attorney, shall be entitled to give evidence and to present witnesses in his or her behalf and to confront and cross-examine adverse witnesses (including the charged party) who appear before the Committee.

20. Witnesses may raise objections to any question posed to them, either personally or, if represented by an advisor or attorney, through that person. The Committee shall rule on such objections in accordance with paragraphs 5 and 6.

21. The members of the Committee may question all those who appear in the hearings. The members of the Committee may (and are encouraged to) adjourn temporarily to consult concerning the questions to be asked.

22. Formal rules of evidence shall not necessarily apply. The Committee shall endeavor to evaluate all of the relevant facts of a given case. Prior convictions of sexual harassment and prior mediation agreements in sexual harassment cases shall be admissible, but records of prior accusations not leading to convictions and records concerning prior similar behavior not subject to the complaint(s) in the case shall not be admissible. Testimony about prior accusations or prior similar behavior shall be admissible, but only if the behavior in question satisfies the time requirements set forth in the section of the University’s Sexual Harassment Procedures entitled “Time Period for Filing a Complaint.”

23. The Committee shall base its findings of fact and conclusions solely on the evidence (including but not limited to the investigation report) presented at the hearings.

24. All hearings shall be tape recorded. The Committee shall permit the charged party and the complaining party or parties to listen to the tape recordings upon request.

IV. Decision and Report

25. The Committee shall decide by a majority vote of the members present whether there is clear and convincing evidence to find that the charged party is guilty of each of the charges specified in the investigation report. In the case of a tie vote, the Committee shall find that the charged party is not guilty.
26. The Committee shall make a written report setting forth the Committee’s findings of fact, conclusions, and recommendations. The Committee shall transmit this report to the Dean and to the parties in the case. Before being given a copy of the Committee’s report, the charged party and the complaining party or parties shall be required to sign a statement of confidentiality affirming that they will not divulge the contents of the report to any other person, unless compelled to do so by law. The Committee’s report shall include a discussion of the rationale for its findings of fact, conclusions, and recommendations.

27. The Committee shall have discretion to release a public statement of its findings of fact, conclusions, and recommendations. In exercising its discretion, the Committee shall take into account concerns about confidentiality.

28. These procedures and any subsequent amendments shall become effective upon ratification by the Faculty Senate.
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, December 11, 1996

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He continued: "Today we're missing a few. Peter's not here, and we won't have the Provost or the President, so we'll get a report from Associate Dean Robert Lucey, and then we'll move into some of the agenda items. I think that we will have a quorum. We are getting close, at least. I inquired as to what to do if there is not a quorum, and we can discuss the issues, but we can't vote on anything. All right, so if that's the case, then we'll discuss things and then postpone the vote."

1. REMARKS FROM ASSOCIATE DEAN

Professor Robert Lucey, E.V. Baker Professor of Agriculture and Associate Dean and Secretary of the University Faculty: "I first would like to express my and my family's appreciation for the kindness, sensitivity, and support that we received from this group and many other groups in the community. I can't thank you enough.

"The reason that I'm here is that Peter is on vacation in Vietnam. But he hasn't forgotten you. He wants me to make two comments. One, he is concerned about hearing from you about program review. He knows that there are a number of you who are deeply concerned about the process and he is most anxious to receive your comments and your views on program review. Peter is chair of that committee, and he would like to give attention to the comments that you have.

"The second comment he wants me to make is that he is equally concerned, as are other members of the University Faculty Committee, that they hear very little from the faculty regarding what should be on the agenda. If we reflect back over the first part of this year, and back over last year, Peter and the members of the University Faculty Committee have received only a few comments from members of the Faculty Senate regarding items that should be on the agenda. He is reminding you that your views and comments are most welcomed."

Speaker: "That's the shortest Dean's report we've had in a while."

Speaker: "Okay. I've been informed that we do have a quorum, so nobody leave, since we're right on the edge of it. So, we will hear the report from the Nominations and Elections Committee."

2. REPORT FROM NOMINATIONS AND ELECTIONS COMMITTEE

Professor Lucey: "Well, the Nominations and Elections Committee meets about every two weeks, and the reason that they meet about every two weeks is that the people who are on these committees seem to go on leave or return from leave, so
there are adjustments that need to be made periodically. These are the most recent actions taken by the Committee on your behalf:

**University Faculty Committee**
Subrata Mukherjee (Engr), spring replacement for Frederick Ahl (A&S), on leave

**Academic Freedom and Professional Status of the Faculty Committee**
Robert Green (Law), Chair for spring term
Michael Gold (ILR), spring replacement for Sarosh Kuruvilla (ILR), on leave
Melissa Hines (A&S), spring replacement for Robert Fay (A&S), on leave

**Option 6b Drafting Committee**
P.C.T. deBoer (Engr), will chair the Committee

The motion to accept the report was seconded and adopted.

Speaker: "We will move on now to the issue of the Ward Lab. Make sure to pick up the corrected version of the resolution if you haven't. It is on a yellow sheet and the changes are talked about there. There is an amendment, which came through the system appropriately, so you should have a copy of that available for further reference. We'll start out with Joe, who'll give us a brief report on this."

3. **RESOLUTION RE WARD LAB**

Assistant Professor Joseph Yavitt, Natural Resources: "I am the chairman of the Committee on Academic Programs and Policies (CAPP). I am not representing the Ward Lab; there are other people here who represent that. I am simply reporting to the faculty on this motion and will lead the discussion of it. What I'm going to do is to read the motion, and I want to provide a bit of history about this motion, especially what led us to include this last statement, which I expect might incite a bit of discussion. After my brief comments, I'll open up the floor for discussion.

WHEREAS, the disbanding of the Program of Nuclear Science and Engineering by the Engineering College leaves the PROGRAM'S TRIGA Mark II nuclear reactor and gamma cell housed in Ward Laboratory without an administrative home in Cornell, and

WHEREAS, the Ward Laboratory Advisory Board, a faculty committee appointed by the Dean of Engineering and the Vice President for Research and Advanced Studies, found that the analytical facilities in Ward Laboratory provide a diverse array of services to the Cornell community and beyond, and

WHEREAS, an explicit goal of the Ward Laboratory Advisory Board is to put the Ward facility on firm financial footing, which would best be carried out as a reorganized Ward Center for Nuclear Sciences, administered through the Office of the Vice President for Research and Advanced Studies, and
WHEREAS, the Committee on Academic Programs and Policies has reviewed the framework for the reorganization,

THEREFORE BE IT RESOLVED, that the Faculty Senate recommends that Cornell operate the nuclear reactor, gamma cell, and associated analytical facilities in Ward Laboratory as the Ward Center for Nuclear Sciences, GIVEN the stipulation that within three years the Center becomes financially self sufficient without using General Purpose funding from Cornell apart from funds specifically appropriated by College Deans.

"This motion came to CAPP as an executive summary from the Ward Laboratory Advisory Board, and we were quite unclear, as to what exactly was entailed in this executive summary. This was several meetings ago of our committee. We had to get more information. We invited several other people to come in to explain what this meant to us. We were not aware, at that time, that the Program of Nuclear Sciences and Engineering had been disbanded. It was an oversight, but we simply did not know that. Thus we learned that the reactor was left without an administrative home. Apparently there was a question at that time about whether the reactor should be de-commissioned. This is an expensive proposition and it would essentially put the reactor out of business forever. We learned that. The Dean of the College, John Hopcroft, and Vice President Scott then organized a faculty committee of users of the Ward Lab, the Ward Laboratory Advisory Board, to determine the fate of that facility. One option was de-commission and another option was to continue running it. That Advisory Board recommended keeping the facility alive as a University Center. This would allow the Center to hire a new director, but would mean that the University would absorb some of the costs of running the reactor that the College of Engineering had previously been responsible for. We had a long discussion that we believed that this set a dangerous precedent, to transfer facilities from Colleges to the University. We, through our discussions, came up with this stipulation. If that were to happen, let the College Deans be responsible for appropriating the funds for that, if faculty in their colleges are using the facility. In other words, the power would still lie with the College Deans for funding. We recognize the way our statement is written it may sound like the Deans have to apply for those funds on a year to year basis, to the Vice President, and that's not really what we intended to say. The motion, as written, is that the College Deans are responsible for that power. That is the brief history. I'd like to open it up for discussion."

Professor Frank C. Keil, William R. Kenan Jr. Professor of Psychology: "I guess I don't understand the point of this. Are we being asked to evaluate the merits of the Ward Lab, which I really don't think we should be doing? And if not, I wonder what broad principle we are being asked to address—whether the central administration can be in charge of this unit for how long? It seems to me unclear."

Professor Yavitt: "We were equally unclear. This is a faculty governance issue."

Professor John Abowd, ILR: "As I understand it, you can't create the thing without the approval of the Faculty Senate."
Professor Yavitt: "That's right. You can't create a Center without the approval of the Faculty Senate."

Professor Keil: "But how can we possible create the Center, in any informed way, without the faculty giving some evaluation?"

Professor Yavitt: "That's what our job in CAPP is—to read the entire proposal by the Ward Laboratory Advisory Committee. They put together a proposal, we got a copy of it, we read it, we contemplated it, as faculty we evaluated it, and we felt that it had sufficient merit to be retained as a Center, given the stipulation that it was not in perpetuity to be funded by the University."

Professor Keil: "Have experts in the academic area evaluated it, like a review?"

Professor Yavitt: "I can't answer that."

Assistant Professor Carlo D. Montemagno, Agricultural and Biological Engineering: "I'm on the same committee as Joe. The packet was given to the committee with the understanding that all we had to do was decide whether or not we wanted to make it into a Center or not. It existed already, but they just wanted to put the name in front of it and call it a Center. We looked at what was really required to make it a Center, and the criteria is that it has to have a significant academic component. It just can't be an instrument to be a Center. We also looked at what was going on, what was associated with this whole process, and our initial decision was that the documentation that was given to us did not warrant it to be a Center. Based on the documentation, we decided that it was best to talk to other people. We talked to Norm Scott, personally, when he came to address the committee. We talked to John Hopcroft, and we talked to principal members of the Advisory Board. At the end of this, we decided that there is strong potential for it to have a strong academic component. It does not exist yet. The members of the Advisory Board outlined a plan which integrated it and made it into an academic enterprise—more than just being a user facility. For that reason, we decided that it was worth giving it a shot to become a vital center. At the same time, we felt that this center would be highly specialized, and, as such, it should be independent. It wasn't something that we felt that the cost of operating it should go to the whole University. It should go to the people who use it, just like the people in the Center for the Environment or the other self-sufficient organizations (or at least supposed to be self-sufficient). They had a plan, which was that by the end of the three years they would be fiscally self-sufficient and would not rely on any University funds. Given this plan, we felt that there was no real loss allowing this to proceed. However, we also felt that there was a risk in that we set a dangerous precedent, where, if we had an expensive piece of equipment which had a small user base, and we created a Center, with full support of the Senate, that people would say, 'Oh, the Senate supports it, so the University should keep on funding it.' And for that reason, we elected to include the disclaimer that at the end of three years, it comes back to the Senate. That is the
crux. They have a plan to make it into an integrated program. It is a unique facility—it is something you can't replace if you decide to shut it down. There is already funding in place to keep it running for three years, so by making a Center with this stipulation, we are giving it a shot to be a vital concern. If we say no, I believe we cut it off prematurely."

Associate Professor Valley J. Stewart, Microbiology: "It seems to me that the issue of the Ward Reactor must have been raised in the College of Engineering process to dissolve this program. It looks to me like the College of Engineering has decided not to continue supporting this facility. I am uncomfortable with the idea that the Faculty Senate is asked to step in here. I would like to learn more about what the College of Engineering thinks about this, and why they no longer support this facility."

Professor Montemagno: "Dean Hopcroft, when he evaluated it, said the following, which I will paraphrase and hope that I don't get anything wrong. They did the evaluation and decided that Nuclear Engineering was not going to be a major thrust of the College of Engineering in the twenty-first century. Based on that, he decided to disband the Nuclear Engineering Program and to shut down the Ward Reactor. But, the Ward Reactor has a broader base. People in Geology use it, people in SCAS use it—there is a broad base of users outside of the College of Engineering, and these users, up until now, have not contributed to the operating costs of it. There are many users outside of Nuclear Engineering, outside of the College of Engineering, who use the facility, so these users expressed dismay that this facility, which was integral to some of their research, was being shut down. For that reason, John took the issue to Norm Scott, as the Vice President for Research, and said, 'This should really be a University facility if you want to keep it alive. The base for a user facility rests throughout the University, not just in the College of Engineering.'"

Professor Gordon Teskey, English: "Do we have a response of any kind from the College Deans? Have they said anything about their willingness to carry this on?"

Professor Yavitt: "That would be difficult to obtain at this time. It would be asking them to commit for three years down the line. Our belief is that no Dean would say that three years down the line he would throw money into it. The point is that there are users, and that if those users were sufficiently productive, the Dean would step behind them and be willing to commit some money when that time comes. You are caught in a difficult position. How do you secure that funding for periods of time without having to go piecemeal, year by year, to grovel for the money, and that's not the issue that we wanted to deal with here. We put this statement inhere to put the focus on the Deans for the commitment."

Professor Seymour Smidt, Nicholas H. Noyes Professor of Economics and Finance: 'I'd like to hear some more about the de-commissioning costs. You mentioned that it was inappropriate for the University to be responsible for the running costs of the Center, but the running costs of a nuclear facility, to my understanding—and I'm
not an engineer, but I've done some work in this area—would be a small proportion to the de-commissioning costs. Maybe, if it were a thousand dollars to run it, it would be ten to fifteen thousand dollars to shut it down. A dean might look at this and say, 'It isn't worth a thousand dollars, but I don't want to have to spend fifteen thousand dollars to shut it down, so let's keep the thing going.' This is an important issue, to make sure that decisions are made in a decent way. The University's ordinary budgeting system doesn't provide any very good way for administrative officers below Day Hall level, to look across more than one year."

Professor Montemagno: "The funding for closing the reactor is set aside as part of its licensing agreement. There is already two million dollars plus. I'm not sure of the exact amount, but it is already set aside. This issue is already taken care of, so the question is whether or not we want to keep it going. It is something that we really want to try to do. We want to let this facility be operational to give it a chance to become a full-blown user facility that is integrated into many academic departments. John Hopcroft committed two hundred thousand dollars a year for three years to keep it going. So, he put himself behind it, to give it the seed money to allow the transition to occur. It is the responsibility of the people who will run this facility, who will benefit from this facility, to, after three years, come up with the two hundred thousand dollars a year necessary to keep it going."

Professor Charles Walcott, Neurobiology and Behavior: "Isn't it customary, when establishing a Center to have a slate of faculty who are responsible for this in some fashion? Who, really, in terms of faculty, are behind this thing? I'm eager to see that."

Professor Robert Kay, Geological Sciences: "There is an Advisory Board of ten faculty members and an Executive Committee of that Advisory Board. Those are the faculty members who are in charge of looking after that facility. There is a report of February of this year that outlines that in some detail, and we'd be happy to answer questions about that. So, there's been some work done on that."

Professor Keil: "Does it make sense not to call it a Center until it proves itself more viable? Could we give it transitional status for a few years until it shows that it is viable? It doesn't need the label—can't it go under the auspices of the Provost's office or Norm Scott's office?"

Professor Yavitt: "That was one of the first issues that came up. We discussed that at length—what are the criteria for a center? We found out that they are fairly loose. We got off the subject, frankly, about what are the roles of Centers at the University and where they get funded and we strayed too far away from the Ward Lab. The Advisory Board specifically wants it labeled a 'Center', and their reasoning for that, I think, is that it allows them to hire the strongest possible director that they can. They've got to go out now and hire a director who is going to take command and forge and move this on for several years, and if it had one or two years of funding, and looked like it was going to go out, how would you ever be able to hire a strong
director? It is a non-faculty position. The director will be a non-faculty position, but as a Center it gives it some weight in the University and some permanence in the University."

Professor Montemagno: "Note also that it doesn't say that at the end of three years it is no longer a Center. What it says is that at the end of three years the Senate is going to look at what is going on if it requires external funding. It may be that at the end of three years they have enough money to provide two-thirds of the operating costs, and they are making sufficient progress. It just provides a review."

Professor Teskey: "You sort of mentioned that as a Center it is an academically viable institution, but it sounds like, from what you said, that there is a variety of kinds of research that goes on there. Is it the sort of facility that would also attract people to the University? That is sort of what 'Center' means. Would graduate students want to come to work there? Is it that sort of facility? Or is it just for the work of the people who have projects here now and useful for teaching?"

Professor Emeritus Donald Holcomb, Physics: "I was part of the Executive Committee of the Advisory Board. I have a few comments, stimulated by the question there, that might be useful in understanding what kind of an animal we are talking about. This has been thrown on many people here in the Senate without being really aware of what we are talking about.

"It is an unusual history. As I hope has become clear, it was operated under the umbrella of the College of Engineering since its beginning. In fact, it turns out that most of the people using it, not all, but a substantial fraction, are simply spread around the University in different colleges. These are faculty and graduate students who use the laboratory facilities as an important part of their research and Ph.D. work. These are undergraduates who do undergraduate research projects there, and includes a directed, occasional function. There are several courses, including one that I was involved in, where we took the two hundred students who were taking the course through a kind of a demonstration/lab experiment through the facility, running them through ten students at a time. It has a very strong academic component now. The thing that is unusual is that there are only a couple of faculty whose central professional interests lie in the laboratory. There is a category of Faculty Associate which is put forward in the Charter to take care of such people as Professor David Clark, who has been the director for many years, remains professionally interested in his own research that goes on in the lab, and one or two other people. It is a little bit unusual in the sense that it ended up on the street as an orphan to find its right place in the University, and the Center seemed to us on the Committee to be the natural umbrella. It is a little different than some other Centers, but if you go down through the list of Centers in the University, you'll find that, in fact, every one is different from the rest of them. It has a strong academic component. It does not have a nucleus of faculty. So, if your question is whether it would bring faculty from other universities here to be professors of whatever it might be, connected with Ward Lab, the answer is, 'No.' It has a different role. It is
a strong supportive entity for graduate student research, undergraduate research, and courses, but it is just different.

"I would like to propose the following amendment to the motion which would replace the last clause beginning 'GIVEN the stipulation...':"

THIS RESOLUTION is subject to the stipulations that

(a) a third-year review of the new Center's activities be carried out during the 1998-99 fiscal year to determine whether it is meeting the goals set forth in the February 20, 1996 report of the Executive Committee of the Ward Lab Advisory Board, and

(b) that any funding for the Center subsequent to July 1999 from the General Purpose Budget be drawn from then-existing appropriations of the several Colleges from which come the faculty and student users of the Center, by agreement with the relevant Deans.

The motion was seconded.

Professor Holcomb: "This amendment is not intended to alter the purpose that, I believe, CAPP intended with this stipulation. It is an attempt to put what I think is better wording for the specific clause that is given there, plus to introduce a specific allusion to a review committee. It was certainly the intent of the Executive Committee of the Advisory Board, who gathered the report, that the Center be evaluated, to see whether it is a viable enterprise. We believe it will be. My amendment includes a specific reference to a review committee at the end of three years. Coming out of the operations of that review committee, one would then presume to make a decision on whether it was doing its work as proposed. The wording here is a little bit different than that. The word 'self-sufficient' you need to be very careful about. I know of no Center or other academic enterprise in this institution which is completely 'self-sufficient', in the sense of an enterprise unit covering all of its expenses. So, in my amendment, the word 'self-sufficient' is missing. On the other hand, I think that it is a more explicit version of the last couple of lines. It is an attempt not to alter the intent of the given clause, but to clarify it.

"One last comment. My experience is that attempts by the faculty to write resolutions to control the financial actions in Day Hall are not good things. I suspect that we might suffer some of the same fate here, but I think that intent is to express the understanding of the Senate on this issue."

Discussion on the amendment was called.

Professor Montemagno: "As a member of the Committee, I can't speak for everyone, but I speak for myself when I say that Don is more eloquent than any of us were, I will offer my support to the amendment."

It was moved to vote on the amendment and the motion passed.
Further discussion on the main motion was called.

Professor James Burlitch, Chemistry: "I am a member of the Executive Committee and I just wanted to amplify some of Don's comments about the users. As part of the process for developing a plan for Ward Laboratory, we took a survey of all the people we could possibly think of who used or would use, possibly, that facility. I just want to give you a flavor of the extent, over this university, of the potential users. In the middle, particularly, is a list of the departments and colleges. People characterized their potential uses as 'important' or 'very important' and include areas from Textiles to Entomology to Soil/Crops, Geology, and many others. In addition to all these users in-house, what wasn't mentioned, perhaps, was that there are many external users—industries—who use the facility, for example, to calibrate instruments that measure nuclear radioactivity. So, they are, of course, providing some financial support as well. One further point, in terms of attracting people—you may have heard of a medical treatment for some kinds of brain tumors called Boron Neutron Capture Therapy. The idea is to take a compound that may be injected or somehow attached to the tumor, and somehow irradiate that tumor. Because the Boron has a very high cross-section for the absorption of neutrons, that area specifically gets a lot of radiation and so the tumor is destroyed and not the surrounding tissue. Well, there is some indication from the Vet School that this might be a useful thing to institute in the Vet College to use in attracting a person to work in that area. Having the facility would be crucial in attracting someone in that area."

Professor Yavitt: "As the author of the 'GIVEN' clause, I am not offended by the amendment. I think that the amendment captures the spirit of what we were trying to say—to tie the Center into the University review process, and, as it sets off, to continue to be a facility, but with faculty control and something to say about it."

Professor Paul P. Feeny, Ecology and Systematics: "I am wondering if anyone could comment on the Dean of Engineering's decision to shut down the reactor. Was that just a capricious decision by a Dean who has priorities? Or does it reflect the general opinion that, well into the next century, nuclear engineering is something that we're never going to want again as part of the Engineering College."

Speaker: "I recognize that anyone's response to that would be their interpretation, but is there somebody who can address that? I think earlier there were comments made regarding that."

Professor Kay: "Am I correct that you said that he shut down the reactor?"

Professor Feeny: "I meant to say that he shut down the program."

Professor Montemagno: "I think that you have to make a distinction between using a nuclear reactor as a research tool versus studying nuclear engineering. I think that
that is where the distinction lies. I believe that John Hopcroft made a management decision that there were other areas that would be more fruitful for the College of Engineering to pursue in study than nuclear engineering. He elected, at that time, not to allocate any more funds towards nuclear engineering. The Ward Laboratory is using a nuclear reactor as a research tool, and not using it for the study of nuclear engineering, per se. There might be some people who are working in that area, but principally, the reactor will be a tool for other investigations."

Professor Frederick M. Ahl, Classics: "I am somewhat at a loss as to how we in the Senate can responsibly support this resolution, simply because we have very little in the way of hard facts in front of us, about the amount of money that is going to be involved, or about the faculty involvement. For example, Professor Coleman from my department uses the Center. While this is true, as far as I can imagine, it is only a tiny proportion of the work he is doing. Perhaps it would be interesting to talk to the people in more detail. We're looking at an enormously expensive project, and as the previous speaker noted, we've got the determination of the Engineering College to jettison it and leave it in some nonexistent collective flat. I can't see how, since we have no budgetary control of the university, and so have little sense of what the financial impact of this is going to be, how we can advocate this resolution at the present time. I am not trying to be a humanist philistine against scientific progress and study, but it is a very difficult question to be asked to support given the kind of information that we've been provided."

Professor David Wilson, Biochemistry, Molecular and Cell Biology: "We never have the expertise or the knowledge to evaluate the merits of something—that's done by other people, who, in fact, in the administration, or in this case, the administration and one of our own committees, makes a recommendation. They have said that they recommend that this Center be given a three year chance to see whether it can be viable and continue in the future. It seems to me that we've done this many times in the past. I know that I've voted for Centers and previous things that I am hopeful that the people who have brought this to us have done their job. I don't see why we should deny a number of our colleagues the opportunity to continue their research through a program that has been here for a long time and that has to be here for some people to function. The Dean of Engineering, as I understand it, has, in fact, put up the funding to continue this for another three years, so there is not that much risk, either in principle or in practice. To me it is very reasonable that a Dean would say, 'This is a program I don't want. I don't want to train more nuclear engineers because we haven't built a nuclear plant in this country for fifteen years,' or something like that, and yet the equipment and the research being done with it, might be very valuable for the University as a whole." The Speaker asked if there was an objection to the question being called and there was.

Professor Ahl: "I would just like to come back to the comment of the previous speaker. I suppose what is bothering me most in the resolution as now amended, is that funding be drawn from the then existing appropriations of colleges. Where are
the Deans going to get the money from? Existing appropriations for what purpose? Will the relevant Deans be able to say, 'We need x dollars in order to keep this Center going and therefore we will take it from other areas of the College budget.' I am concerned about the specificity of the amendment, which makes it much easier, thinking back on this, than the motion before amendment, because there is a sense there, in which we are making a good part of the resolution as amended a statement to the relevant Deans that if they make the decision that they want to support the Ward Lab, that they are entitled to look within the range of their given allocations and expect money from that taken from other programs. Perhaps no one else shares this anxiety of mine, but I wanted to express it anyway."

Professor Elizabeth D. Earle, Plant Breeding and Biometry: "Did I hear correctly that one of the strong arguments for designating the reactor a Center was that this would make it easier to recruit a strong director, because a Center is a more permanent enterprise? If so, how does that relate to the stipulation for a three-year review, which might, perhaps, cut off funding for the Center?"

Professor Kay: "From the Executive Summary, from Point 4, I will briefly read: 'There are reasonable expectations that aggressive and opportunistic management will result in increased revenues and decreased costs over a four-year phasing period,' which means that we looked at a three-year budget projection and we made an argument for increased revenues and decreased costs and this argument was bought by the Dean of Engineering and the Vice President for Research, at which point the administration was transferred to Norm Scott at this time. So, we did a budget job, as much as one could."

Professor Keil: "One thing that confuses me. There are a number of Deans who oversee Centers in which only a few of their faculty are involved, because they think it is a good idea and the money comes in. I can't believe that Hopcroft signed off on this because he believed that this wouldn't be a growing concern in a few years. Why would he not want to continue to have this Center in his holding if it were to be a vibrant Center, a resource to the University, another thing, another feather in his cap? Is part of what is going on that he doesn't think that it is going to work out, that he doesn't think that it is going to make it in three years? That is what concerns me."

Speaker: "Okay. We're starting to get a lot of people with their hands up. Are there any new comments on that?"

Associate Professor Alan K. McAdams, Johnson Graduate School of Management: "I've heard some interesting numbers. One number is two million dollars, sitting in the bank, earning interest, ready to shut the thing down. If you take the standard rule of thumb, that the interest rate is likely to be ten percent of what the earnings are, you have two hundred thousand dollars. I've heard that it takes two hundred thousand dollars a year to run the thing, so it seems to me that if the shut-down funds are generating enough funds to run it...We do have to take care of inflation,
but if the Deans take care of inflation, it seems to me that this thing should be able to run into perpetuity."

The question was called and seconded, and the body voted to cease debate.

The vote was taken and the resolution as amended was adopted as follows:

WHEREAS, the disbanding of the Program of Nuclear Science and Engineering by the Engineering College leaves the Program's TRIGA Mark II nuclear reactor and gamma cell housed in Ward Laboratory without an administrative home in Cornell, and

WHEREAS, the Ward Laboratory Advisory Board, a faculty committee appointed by the Dean of Engineering and the Vice President for Research and Advanced Studies, found that the analytical facilities in Ward Laboratory provide a diverse array of services to the Cornell community and beyond, and

WHEREAS, an explicit goal of the Ward Laboratory Advisory Board is to put the Ward facility on firm financial footing, which would best be carried out as a reorganized Ward Center for Nuclear Sciences, administered through the Office of the Vice President for Research and Advanced Studies, and

WHEREAS, the Committee on Academic Programs and Policies has reviewed the framework for the reorganization,

THEREFORE BE IT RESOLVED, that the Faculty Senate recommends that Cornell operate the nuclear reactor, gamma cell, and associated analytical facilities in Ward Laboratory as the Ward Center for Nuclear Sciences.

THIS RESOLUTION is subject to the stipulations that

(a) a third-year review of the new Center's activities be carried out during the 1998-99 fiscal year to determine whether it is meeting the goals set forth in the February 20, 1996 report of the Executive Committee of the Ward Lab Advisory Board, and

(b) that any funding for the Center subsequent to July 1999 from the General Purpose Budget be drawn from then-existing appropriations of the several Colleges from which come the faculty and student users of the Center, by agreement with the relevant Deans.

Speaker: "The next item on the agenda is a resolution amending the Code of Academic Integrity from the Educational Policy Committee. Peter Schwartz—"

4. RESOLUTION AMENDING THE CODE OF ACADEMIC INTEGRITY

Professor Peter Schwartz, Textiles and Apparel: "Before I present the resolution, what I'd like to do is to just give you a brief background as to why this resolution is before you now. The current resolution came to the Educational Policy Committee about a year and a half ago, when we were still an ad hoc committee of the Faculty Senate, before we gained official status. It was prompted by several past cases, three
in particular, that were a long time in adjudicating and making their way through
the University and part of that reason, it was felt, was because of some ambiguities
and lack of clarity in the Code of Academic Integrity as written. Particularly, it
centered around a student's right to appeal a decision of the Academic Integrity
Hearing Board, one of which exists in each college, and the role of the student's
Dean in modification of any recommendation of the Academic Integrity Hearing
Board, especially when the violation occurs in one college and the student is
matriculated in a different college. These issues were brought before the chairs of all
the Academic Integrity Hearing Boards in all of the colleges, and the issue was
referred again to the Subcommittee on Educational Policy, which is now the Senate
Committee on Educational Policy (we don't have to change the monogram, at least).
In 1995-96, the Subcommittee/Senate Committee discussed and passed the
recommendations. It was not brought to the Senate because of other items on
the agenda, and hence was brought again before the new Senate Committee in 1996-97.
We slightly re-wrote part of the previous committee's recommendations because we
felt that it should be clarified. Those were re-written and passed unanimously.
Dean Stein shared the recommendations with the Student Assembly and, at least, as
of last Friday, had received no comments from the Student Assembly. That is the
background.

Professor Schwartz presented the resolution:

WHEREAS, maintaining the highest standards of Academic Integrity is among the primary
responsibilities of the University Faculty, and

WHEREAS, proper maintenance of these standards requires that they be explicit and clear to
faculty, students, and administration,

THEREFORE BE IT RESOLVED, that the Committee on Educational Policy recommends that
the following three proposals be approved by the Senate and amended in the Code of Academic
Integrity.

PROPOSAL #1

Add the following to II.C.4 The Board may act in one or more of the following ways:

c. The dean of the student's college shall be notified of the decision of the college
Hearing Board within 7 days. Unless an appeal is filed under the guidelines
established below, the dean of the student's college shall ensure that the decision of
the Hearing Board is carried out and shall notify all parties of the implementation
and the decision.

PROPOSAL #2

Completely replace the current II.C.5 with the following:

5. Review of Decision. The student may appeal a decision of the Hearing Board in
writing. The appeal shall be directed to the dean of the student's college, and shall be
constructed according to one or both of the guidelines established below. The appeal
shall normally be submitted within 4 weeks of notification of the Board's decision, but
exceptions to this deadline may be granted by the dean on showing of good cause. If the Board’s decision involves students from more than one college, the deans involved shall consult with each other.

a. Appeal of a finding of guilt. A student who has received a finding of guilt from the Board, or whose finding of guilt in a Primary Hearing was upheld by the Board, may appeal on one or both of the following grounds:

i. Additional evidence which might have affected the outcome of the hearing became available following the hearing.
ii. A violation of procedure by the Hearing Board might have prejudiced the outcome of the hearing.

The dean may deny the appeal or send the case back to the Hearing Board for reconsideration.

b. Appeal of a penalty. The student may appeal the findings of the Hearing Board regarding penalties. The appeal shall specify the reasons why the student believes the penalty is inappropriate. After consultation with the Hearing Board, the dean may take one of the following actions:

i. If a grade penalty has been exacted (II.C.4.b.i-iii), the dean may recommend to the faculty member that the grade penalty be reduced.

ii. If another penalty has been exacted (II.C.4.b.iv-viii), the dean may modify or decline to carry out the recommended penalty.

In all but the most unusual circumstances, it is the expectation that the findings and recommendations of the Hearing Board will be upheld by the dean. The dean’s decision cannot be appealed.

PROPOSAL #3

Completely replace the current II.C.8 with the following:

8. Records of Action. If a 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. The record keeper shall disclose this record to Hearing Boards considering other charges against the same student, to deans or associate deans of colleges in furtherance of legitimate educational interests, to the Registrar for notation on the transcript when provided by the decision of the Hearing Board and the dean, but to no one else unless specifically directed by the student.

If the student is found not guilty by the Hearing Board, all records of the case, including the report of the primary hearing, shall be expunged from the files of the record keeper.

Professor Schwartz continued: "Proposal #1 indicates what the prerogatives are of each of the Academic Integrity Hearing Boards in each of the colleges."
"Proposal #2 replaces the current II.C.5, which are the guidelines listed above, in the interest of clarity keeping in our mind that the faculty are responsible for grading in their courses and that in the case of anything that is executive in nature, the Dean has full prerogative.

"Proposal #3 came about because there was some unclearness about who was responsible for maintaining confidentiality of the findings of the Hearing Board. This proposal was meant to clear that up and to indicate that the Record Keeper in the student's college or in the colleges involved are the responsible persons for maintaining confidentiality of the Hearing Board's decision."

Speaker: "There is the motion before us. Comments?"

The question was called and seconded. The motion to cease debate was approved.

The Speaker called for a vote on the resolution and it carried.

A call was made for a quorum count. Upon finding that there was no quorum, the vote was nullified and action on the resolution was postponed until the next meeting.

Adjourned 5:45 p.m.

Respectfully submitted,

Robert Lucey, Associate Dean and Secretary of the University Faculty
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, February 12, 1997

The Speaker, John Pollak, Professor of Animal Science, called the meeting to order. He then called on Dean Stein for remarks

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "Well, let's see, I was not at the December meeting. I was on vacation in the sunny vacationland of Hanoi, which is sort of interesting and it got my mind off of the Senate. Well anyway, when I came back, I started to read the minutes and I have a couple of comments I'd like to make about something that happened at the last meeting. What I want to talk about are 'calling the question' and 'calling quorums'.

'The basic construction of Parliamentary procedure is that people talk for something and they talk against something, hear everything, and then make up their minds. Of course, there's always the question of when we've talked enough. One of our problems is that we'll talk forever about just about anything. 'Calling the question' is the appropriate way to limit that but it does seem to me that when someone introduces a motion and then speaks for it, it is not according to the spirit of Parliamentary procedure to call the question immediately, because there has been no opportunity for the other side to be heard. It seems to me that judicious people should wait until there has been at least one or two sequences of arguments back and forth before calling the question.

'Comment number two relates to 'quorum calls'. Robert's Rules says the following. Once a quorum is called, it is assumed that there is a quorum until it is shown to be otherwise. Which is to say that quorum calls are not done retroactively. But then, there is a little qualifying clause which adds: '. . . unless it is absolutely clear to the speaker that there was not a quorum at the previous vote.' It seems to me that this is a good idea - that quorum calls not take effect retroactively. One of the worst things that can happen to a legislative body is to have some confusion about what the body decided, whether the vote taken was legal, what the count was, and so forth. You can imagine a situation where a series of votes are taken and then somebody calls the quorum and then the quorum is missing and then there is the question; well, was the last vote legal, what about the second to last vote, what about the third to last vote? It calls into question the whole integrity of the process. It also strikes me that calling the question after a vote is a little like the student who wants to decide whether to take a grade in a course of S/U after the letter grade has been assigned. It just doesn't seem quite right that if you have lost the vote, that it is fair to ask for a second bite at the apple and to declare the vote illegal.

'The other quick comment that I would like to make is that I think people should try to stay here until the end of the meeting. If there are items that you are not
interested in, I think it's really unfair to the other people here who are interested in the points that may come up to leave the meeting because that may make it impossible for the Senate to decide anything. People's time is valuable. I learn this all the time. But of course, it's just as valuable for the people who stay in the meeting as it is for the people that leave. I think we should ask members of the Senate to make this commitment from 4:30-6:00; to be here and to stay here once they come. And that concludes my remarks."

2. APPROVAL OF MINUTES OF NOVEMBER 13 AND DECEMBER 11, 1996 FACULTY SENATE MEETINGS

The Speaker called for approval of the minutes from the past two meetings, November 13 and December 11. Hearing no corrections, the minutes were approved.

He next called on Professor Robert Lucey for a report from the Nominations and Elections Committee.

3. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Robert Lucey, E.V. Baker Professor of Agriculture and Associate Dean and Secretary of the University Faculty reported on the following recommendations from the Nominations and Elections Committee.

ACADEMIC FREEDOM AND PROFESSIONAL STATUS COMMITTEE

Elaine Wethington, H.E. - spring replacement for S. Kay Obendorf, on leave

AFFIRMATIVE ACTION COMMITTEE

Gary J. Simson, Law - appointed chair

FINANCIAL POLICIES COMMITTEE

Paul Sherman, A&S - spring replacement for K. Stone, on leave

MINORITY EDUCATION COMMITTEE

Ronald Booker, A&S - appointed thru 1999
Beena Khurana, A&S - appointed thru 1999

RESIDENTIAL COMMUNITIES COMMITTEE

Donald Barr, H.E.
David Delchamps, Engr.
On a vote call, the report was approved.

The Speaker called on Professor Peter Schwartz to revisit the Academic Integrity proposal postponed from the last meeting.

4. CONTINUATION OF RESOLUTION AMENDING THE CODE OF ACADEMIC INTEGRITY

Professor Peter Schwartz, Textiles and Apparel: "If I may make one quick comment and that is the resolution that you have in front of you has two minor stylistic changes suggested by some of the members who came up to me after the meeting. The stylistic changes are in proposal two, number five, and also in proposal three."

There being no discussion, on a vote call the resolution was adopted as follows:

WHEREAS, maintaining the highest standards of Academic Integrity is among the primary responsibilities of the University Faculty, and

WHEREAS, proper maintenance of these standards requires that they be explicit and clear to faculty, students, and administration,

THEREFORE BE IT RESOLVED, that the Committee on Educational Policy recommends that the following three proposals be approved by the Senate and amended in the Code of Academic Integrity.

PROPOSAL #1

Add the following to II.C.4 The Board may act in one or more of the following ways:

c. The dean of the student's college shall be notified of the decision of the college Hearing Board within 7 days. Unless an appeal is filed under the guidelines established below, the dean of the student's college shall ensure that the decision of the Hearing Board is carried out and shall notify all parties of the implementation and the decision.

PROPOSAL #2

Completely replace the current II.C.5 with the following:

5. Review of Decision. The student may appeal a decision of the Hearing Board. The appeal must be directed to the dean of the student's college, in writing, and shall be constructed according to one or both of the guidelines established below. The appeal shall normally be submitted within 4 weeks of notification of the Board's decision, but exceptions to this deadline may be granted by the dean on showing of good cause. If the Board's decision involves
students from more than one college, the deans involved shall consult with each other.

a. Appeal of a finding of guilt. A student who has received a finding of guilt from the Board, or whose finding of guilt in a Primary Hearing was upheld by the Board, may appeal on one or both of the following grounds:

   i. Additional evidence which might have affected the outcome of the hearing became available following the hearing.

   ii. A violation of procedure by the Hearing Board that might have prejudiced the outcome of the hearing.

The dean may deny the appeal or send the case back to the Hearing Board for reconsideration.

b. Appeal of a penalty. The student may appeal the findings of the Hearing Board regarding penalties. The appeal shall specify the reasons why the student believes the penalty is inappropriate. After consultation with the Hearing Board, the dean may take one of the following actions:

   i. If a grade penalty has been exacted (II.C.4.b.i-iii), the dean may recommend to the faculty member that the grade penalty be reduced.

   ii. If another penalty has been exacted (II.C.4.b.iv-viii), the dean may modify or decline to carry out the recommended penalty.

In all but the most unusual circumstances, it is the expectation that the findings and recommendations of the Hearing Board will be upheld by the dean. The dean's decision cannot be appealed.

PROPOSAL #3

Completely replace the current II.C.8 with the following:

8. Records of Action. If a student is found guilty, a record of the outcome of the case and the nature of the violation shall be kept by the Hearing Board, and copies shall be sent to the record keeper in the student's college, if different from the College in which the violation occurred. The record keeper shall disclose this record to Hearing Boards considering other charges against the same student, to deans or associate deans of colleges in furtherance of legitimate educational interests, to the Registrar for notation on the transcript when provided by the decision of the Hearing Board and the dean, but to no one else unless specifically directed by the student.

If the student is found not guilty by the Hearing Board, all records of the case, including the report of the primary hearing, shall be expunged from the files of the record keeper.

The Speaker then called on Dean Stein for introduction of the budget to be followed by questions with the Provost.
5. DISCUSSIONS WITH PROVOST RANDEL ON THE BUDGET

Dean Stein: "One of the features of FCR meetings and now Senate meetings for time immemorial is, around this season of the year, to have the Provost come and give a presentation on the budget. It is customary for the Provost to give the talk or some version of the talk that he gave to the Deans' Council, the Trustees, and the Executive Staff, and at various other places. Those of us who have sat through many of those felt that it was not the best use of the Provost's time or the faculty's time to go through that whole presentation. It's a little hard to grab the numbers off the wall and sort of formulate the questions. We thought we would try something different. Namely, we mailed the transparency to you beforehand, so that the time can be used with him instead for a discussion on various items. Now, if you haven't read it, then of course you are in trouble. But, hopefully, people read it and have questions. With that, I call on the Provost to answer the questions."

The Provost called for questions.

Professor Charles Walcott, Neurobiology and Behavior: "There is an item in here on a salary increase. I wondered if you could give us in general terms how that is likely to move the endowed salaries with respect to its peer institutions, and the same sort of thing on the statutory side?"

Provost Randel: "There is a clear recognition, plenty of evidence to suggest that we have lost ground in relation to peers on both the statutory and endowed sides. On the endowed side where we are more nearly the masters of our circumstances, but not entirely, what we have planned in the budget for next year is the beginning of a five year program to try to regain some of that ground. This will entail some reallocation on the part of us all. Whether we actually gain back some of the ground before depends in part on what the competition does. And we are, of course, enjoined from conspiring with them about this matter.

"On the statutory side, of course, the ability to mount a full-scale salary improvement program does depend on the State's willingness to do such a thing and as we all know there has been a couple of years without such a program although in the current year we have been able to exercise some flexibility on that frontpiece of the statutory side. It is our belief that there will be a program for salary improvement for the coming academic year that is a function of negotiations with the union that represents SUNY faculty. So we will once again not have a strong role in determining, with SUNY, what that program ought to be. We must develop over time with SUNY and it has been difficult over the past year because there has been such a vacuum in SUNY leadership. What we must develop over time is some greater flexibility for ourselves to generate our own resources for faculty salary improvements. That's not a trivial proposition. If SUNY were to see us able to generate resources for salary resources while the rest of SUNY wasn't, there would be the temptation on their part I fear to reach for a piece of those resources for themselves or to lower their appropriation to us. We have it very much in mind on
both sides of the house that the obstacles on the statutory side are not entirely of our making."

Associate Professor Randy O. Wayne, Plant Biology: "I wonder if the obstacles are so high for the top administrative salaries and I was wondering what the percent increase is over these years to your salaries and how well you fare in comparison with various institutions."

Provost Randel: "Well, the first year I was Dean of Arts & Sciences, I remember having a talk in Mal Nesheim's office, and he said: 'Don, I want you to take this job and I want you to know we can reward performance.' There was no salary program that year on the statutory side and Mal announced at one of our Dean's meetings, that in solidarity with our statutory brethren, there would be no salary increase for any executive officer or dean anywhere in the University, statutory or endowed. I thought OK. Then came lag pay for the statutory side, but no lag pay for endowed. I took a beating thanks to that one year. We clearly think of the endowed salary program as necessarily being somewhat independent. We are all sympathetic but if the State of New York doesn't allow salary improvements, I think we cannot say to everybody, even lowly administrators on the endowed side, no increase. I can tell you for a fact that coming into this year's budget the salary pool for Senior Executive Staff was 3%, that's the way it was for faculty and the President was quite insistent that the Senior Executive Staff should not have an enhanced pool."

Assistant Professor Anna Marie Smith, Government: "In light of the fact that Cornell has concentrated less on our support staff than on all our complements to the University and that 80% of the employees on this campus covered by the U.A.W. bargaining unit, are currently receiving wages under the poverty line, what are you doing to raise their wages so that they are being paid appropriately given the value of what they do?"

Provost Randel: "The President and I have committed the University to enhancing faculty and staff compensation. An enhanced pool on the endowed side will be made available for staff compensation as well as for faculty. How that works out in the case of those employees who are represented by a bargaining unit is subject to negotiations. It's not so easy to comment on that. But, yes, we aim to try to improve staff salaries as well as faculty salaries at levels above what we've already been able to do."

Associate Professor Walter Mebane, Government, raised a question on the importance of indirect cost recovery.

Provost Randel: "The stream of income that comes from indirect cost recoveries is very important to the entire University. One of the first things that we all ought to understand is that even if we don't do sponsored research ourselves, the financial health of the University depends on being able to recover certain kinds of costs through the indirect cost rate. In Cornell's case, a very substantial chunk of what's
recovered goes to support the library and the library's research capacity, its capacity to do Musicology and Classics as well as Physics and Chemistry. The Feds have steadily pressed down and sometimes in quite arbitrary ways the rate that they allow us to recover. So we now recover certainly not more than 80% of what we would be entitled to recover under established rules. Further caps look as if they will be in the offing. If in the mean time, research volume does not grow, that further depresses that stream of income from indirect costs, and the costs don't necessarily go away. So the result is a hole in the University's general purpose budget. And that is sort of worrisome. If the rate were to go down two more points, and if in changing from one agency to the next we are disallowed the amount that we now charge for libraries, we would all come to know about it and have to deal with it in ways that may not be altogether pleasant. Another thing, for example, the Theory Center produces an extraordinary amount of indirect cost recovery upwards of three million dollars. If all of those grants going to the Theory Center were to go away, the building would still be there, and many of the indirect costs that we try to cover through the rate would still be there, but we'd have three million less in revenue to deal with it. It's a serious issue."

Francis Moon, Joseph C. Ford Professor of Mechanical Engineering: "In this last item, since these funds come from writing proposals is there any thought to creating some sort of incentive for faculty to engage in more efforts to create more research dollars. There is evidence that there are peer institutions that are increasing their research budgets quite substantially, while in recent years ours has been stagnating."

Provost Randel: "We are increasingly called on to supply matching grants from institutional funds. In point of fact, whether pursuant to the renewal of the Materials Science Center, the hoped for renewal of the Theory Center, the hoped for upgrade of the Arecibo project, a whole range of these things, more institutional funds are going in and that is itself worrisome, as we think of providing cash incentives, that in the end is going to have to come from undergraduate tuition dollars. The thing to understand about the overhead rate is that it is a reimbursement system, you cannot make a profit by this method. You can only set a rate that recovers money that you have already, in fact, spent by some method. So when we say that we ought to kick back some percentage of the overhead rate there are limits to the degree that you can do that without giving money away twice. Namely, you spent it, and instead of recovering that cost, you give it away to somebody else, and so you've spent that dollar twice in effect. The situation on the Statutory side is entirely different than on the endowed side. The State covers most of those indirect costs, pays for them directly, and the colleges get to keep the amount that comes in as an overhead reimbursement. So, that's one reason why the rates are lower on the statutory side, those rates are being covered. Anything that comes in under indirect costs is, as it were, gravy. My worry about that is the State may decide that this is not to their advantage and too much to our advantage and someday they may want a piece of that as well."
Dean Stein: "Don, first a comment, and then a question. The comment is that when one looks at this sheet, that has got the major drivers of the budget and you start to look at items of revenue and items of expense the first thing that pops into your eye is that tuition is only going up by only 4.5% but faculty salary by 5% and staff salary is going up by 4%. But that's really not quite right, because my understanding of it is that five and four is really only three that is a burden on the general purpose budget and that the two is from reallocation from the colleges. Is that correct or incorrect?"

Provost Randel: "Institution-wide it is certainly true that contributions don't grow faster than tuition or than any other stream of revenue except for certain endowment funds, given that we've increased the payout from them. Institution-wide, therefore, if you want to pay out more than you are taking in is that you have got to get it from somewhere. And so the only way we can fund steady increases in compensation at rates exceeding growth of any of our revenue streams is to reallocate within the budget, and to cut certain budgets in order to put more money into salaries. We have sort of a mixed approach in which we have gone to the colleges and said, 'we'll provide a certain amount of money, you'll have to come up with a certain amount of money, but we're not going to charge you for this sort of thing.' It's a little bit complicated, but here are some of the things.

"The colleges have had, on the endowed side, a tax to pay for the campaign. Nobody wants to continue paying a tax after the good is supposedly got, but we agreed to this going in and now we are sort of locked into it. We have reduced that tax, and have looked into other ways to pay for development expenses. But what we've been obliged to do is to say, 'Alright you don't have to pay as much for the campaign (which for Arts & Sciences was upwards of $600,000-$800,000 per year), we'll reduce that tax, but you've got to take the savings from that and put it into salaries.' Another thing we did was increase the payout rate on the endowment, which created something of a windfall in all restricted endowments. And we've said, 'O.K., what you have to do there is reduce the unrestricted money by an amount comparable to the increase in the restricted money and take that difference and put some of that to work towards the salaries.' So for this year, we are asking colleges to generate some of the resources for this purpose, but in most cases, it should be close to a wash within colleges. In future years, it is absolutely clear that the only way to find more money for salaries when every other revenue stream is flat or declining, will be to cut people's budgets and so to take it from one thing and put it into another."

Dean Stein: "Can I ask the second part of my question? Another thing that strikes my eye is that the number of FTEs is constant over this five year period (1996-97 - 2001-02), and one wonders how this jogs with the savings we were supposed to see from the re-engineering efforts."

Provost Randel: "Well, we are certainly not far enough along in the re-engineering effort, so called, to have captured any savings from it directly. I mean we have not
yet implemented any of the systems that we have been talking about in Project 2000, nor have we gotten far enough along in the redesign of these work processes. Yes, you can do with fewer people. One of the things about our FTE count is, especially with respect to faculty, that we don't have very good attendance rated data systems. It is not easy to know centrally how many faculty we have for whom we have a permanent position. Colleges know that, but the central administration is in the dark. Well, it is often said, and I'll say it again, a lot of the neatest things that happen at Cornell happen because the central administration is in the dark about it and we should keep it that way. But the FTE count, that we can create centrally derives simply from looking at the payroll and seeing who gets a check every other week. What we don't know is if that's a pre-fill appointment that's going to go away next year, or if that person is just a visitor who's just on the payroll for a year. We know that over time, every college certainly on the endowed side, has had some number of pre-fills. I can assure you that in the College of Arts & Sciences the number of permanent FTE faculty has come down, by something like twenty-five in the last four or five years."

Professor Philip D. Nicholson, Astronomy: "I think you answered most of my question before, but I was puzzled, considering the indirect cost rate, whether the loss that you see coming along in off years is really a serious problem at the moment or whether to some extent it is in the noise of the projections and the predictions. And do you see that as mostly a problem with paying these salary increases while keeping the tuition level reasonable, or is it mostly from the indirect cost rate coming down that this problem arises?"

Provost Randel: "The biggest driver of our fortunes around here really is undergraduate education on both endowed and statutory sides. As you know, for a long time we have had the policy here that we put people's academic year salary one hundred percent on our money. We have not followed the policy that places like M.I.T. and others have done and asked people to charge a portion of their academic year salary to grants. That is a prudent thing for us to have done in one way, but if they change the rules on us, we may come to regret it. So, in any case, it is undergraduate tuition dollars that pay the major part of that bill. So, what happens to tuition, financial aid, the regular things around those concerns, are the biggest effects. So if indirect cost recoveries don't keep up with the rate of growth of the costs that we are trying to recover them for, then they make this hole. For us to go out there and try to find a million dollars is never easy in the end."

Professor John M. Abowd, ILR: "I want to make one comment and then I'll ask a question, I want to discuss the indirect cost rate, because in the language of my profession, it's predetermined. The money that is coming through from indirect cost recoveries is not something that you can adjust to balance the annual budget in the negotiations. Subsequent years are very important and have to be a concern of the Provost's plan, but there was no point in talking about adjusting the indirect cost recovery to balance the budget. That said, my question is what are we going to do
about the 4.5 million in the brackets under 1997-98, because I don't think that I'm speaking out of school when I say that the latest projections continue to have that."

Provost Randel: "Well, we believe ourselves to have methods for dealing with next year. One of the things is that increasing the payout rates has helped a lot but we have to have the discipline to capture the good of it. I'm already starting to hear from people around town, 'yes, I know that you've increased the amount of my endowment payout rate, but surely you're not going to cut my unrestricted funds at the same time, because that endowment was mine, and the unrestricted was mine too.' So we'll have to maintain some self-discipline on that. But, there are several methods by which we will close the 4.5 million dollar gap, and we are presenting to the Trustees in March a more fully worked out budget, and in May the final deal, which will have us in balance for the next year. Now, for the year after, we have not developed the plans for coping with that. Our aim was to get through next year with as little disruption as possible taking advantage of techniques that will enable us to do that, so as to give ourselves time to think with colleges and operating units about the longer term problems. So we will be, this spring within the next month or so, beginning the discussions with everybody about what it is going to take to close the gap in the years beyond next year."

Professor Emeritus Donald Holcomb, Physics: 'I'd like to quote from John Abowd's words on behalf of the Financial Policies Committee, under 'Balancing the Cornell operating budget in the long run.' It says, 'long run budget balancing in all of Cornell's operating budgets is primarily a matter of controlling personnel costs.' I believe that sentence could have been lifted from almost any financial policy report in the last five years. That does not mean that it is not true. It's a little bit like the federal entitlements in that everyone knows this is true, but nobody wants to take it seriously. I was struck by, I think Peter's question, about the assumption about fixed numbers over a five-year period. In the long run, if we have fixed numbers, we will never balance the budget."

Provost Randel: "That's exactly right, especially if you want to pay those fixed numbers at rates higher than we are able to grow any of our revenue sources. This is Keith Kennedy's immortal formulation of the horses and hay problem, and that's why we will have some serious work to do in the out years. At last we have met the enemy and the enemy is us. Because when we talk about reducing the administration and having fewer people, everybody can subscribe to that notion in a large gathering. Take it to the department and say that means you're prepared to do without this or that, it gets to be more difficult. Many of our costs of administration at this University are not in Day Hall, they're in the departments all over town. Computer support people don't all work for CIT, many of them work in the departments. That's for very good reasons, but we will have to learn to deal with that at all levels or we will not be able to fix it."

Professor Tom Davis, Economics: "Who determines what the payout rate will be?"
Provost Randel: "The Board of Trustees has the responsibility for setting the endowment payout rate, which they do on the recommendation of the administration. This is a matter that is of considerable scrutiny, it had not been raised in some time. It operates on the basis of a five-year rolling average, which tries to keep it within a band where it does not fluctuate too much. All of us remember 1987. If we had a policy that tied our payout on the endowment to good years like this one, it would also have to be tied to bad years. So we try to have a policy that is prudent with respect to the long term outcome. One of the key features of this policy is that we set an increase in the amount of payout, that is the dividend per share to grow at basically 5.6%. So if you, as a department, own certain shares of the endowment restricted to the use of your department, those funds are growing faster than any general purpose allocations you're getting.

"The aims are two-fold then, to provide a predictable rate of increase for that which is in fact better than we're growing tuition, and to keep the whole thing inflation-proof, that is to prevent the principle from going down. Now because of very good performance, the effective return on total investment, that is the consequence of this policy, had in fact fallen to the very low edge of the band in which we try to keep it. So on that basis, we approached the Trustees with the recommendation that the payout rate be stepped up. It is by that method that we have gotten some new resources to apply to a variety of things here, it has enabled some reallocation. This is a matter that we think very hard about, but the ultimate goal of it is to produce some prudent kind of stability over time and not simply that we should take advantages of the ups without having to deal with the downs. I see Senior Vice President Rogers in the back of the room and he is sort of a wizard on this topic."

Fred Rogers, Senior Vice President and Chief Financial Officer: "You've done quite well, the only thing that I would add is that at the moment the target is 4.4%.

Professor Wayne: "I have a very technical question. I'm wondering if when we use an L-order to buy things, for example, locally they charge me ten dollars and I pay the University ten dollars. How much does the University pay the vendor?"

Provost Randel: "Fred are you raking off anything on L-orders? If he pays an L-order for ten bucks, are you giving that ten bucks to a vendor or are you raking a piece off the purchasing somewhere?"

Senior Vice President Rogers: "Not that I know about, but I'd be happy to check that."

Provost Randel: "I know that I'd like to look into it."

Professor Wayne: "Would you? Would you and report to us?"

Provost Randel: "Pardon?"
Professor Wayne: "Would you look into it and report to us?"

Provost Randel: "Oh I would be glad to look into it. But, I am fairly confident that we are not making a commission on those sales, and what I was going to look into was whether we could."

Professor Wayne: "There are rumors."

Provost Randel: "Well, I mean we have told this story many times. The University does drive bargains with bulk purchases, but those savings are passed directly on to you consumers."

Professor Gary Rendsburg, Near Eastern Studies: "Most of the figures on the five-year projections remain the same or very close to the same. One that is not is 'currently budgeted Provost initiatives,' which is 5.8% this year, going up to 11.4% in five years. Can you give us an idea of what is involved in that category and does 'currently budgeted' mean that things are already now budgeted for 2001?"

Provost Randel: "In some degree. One of the things we started doing three years ago was to identify a set of priorities around the University in which we needed to make some new investments, and thus to carve out of the budget through a series of reductions, funds with which to make new investments. So, that basket of Provost initiatives includes various things: upgrades to classroom facilities, a major effort to bring technology into classrooms so that every classroom would have a basic minimum standard, and some of them would be fitted out with high end technology. To that effort we have spent a million and a half, by the end of the year, we spent close to two million dollars on, that's part of that initiative we're talking about.

"Another part of it is maintenance, a Trustee committee devoted a considerable study to the degree to which we were keeping up maintenance. Did we have a maintenance backlog? Did we want to fall into Yale's sorry condition? The decision was that we needed to put somewhat more into maintenance. So about one million dollars out of that basket of initiatives is going to that. A few other things: a piece of that is to fund for the endowed general purpose budget, Project 2000. Among the initiatives that we’re adding to that basket that will be built into that is of course the enhanced pools for faculty and staff compensation. There are about five or six that have been discussed in various fora."

Associate Professor Risa Lieberwitz, ILR: "In light of what you were just talking about in terms of Provost initiatives, is there also a plan to promote affirmative action efforts?"

Provost Randel: "We do indeed have a substantial pool of money with which we try to encourage affirmative action appointments, always of course, in the context of a belief that if we are to have a more diverse faculty and workforce that it has to be a
part of everybody's daily life. You don't just achieve diversity with the University's money, you have to achieve it with your own as well. So, what I have available is a pool of money with which I can facilitate appointments in anticipation of retirements, we are not growing the faculty by this method. Institutional funds, that is unrestricted funds that are spent from my office for this purpose, total in the present year a bit over $800,000 and funds that have been given to us from external parties for this purpose total about a half a million dollars."

Professor Lieberwitz: "But you said that is only in anticipation of retirement?"

Provost Randel: "Yes, these funds are made available to colleges to make appointments, and we'll support them. I mean a deal is done at the beginning of such an appointment to say, O.K. we'll support them on the Provost's funds for however long it takes given the individual circumstance. But, ultimately that appointment has to come from the college's budget. And the logic of that I think is pure and simple. If we're going to achieve diversity it has to be the responsibility of us all in our daily lives with our own resources and not just suppose that the only way we get diverse is by adding people and getting somebody else to pay for it."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics, questioned why resources are so tight.

Provost Randel: "We have managed our affairs very prudently. We have for a long time been playing against competition that was somewhat better heeled and we have been doing more with less in the margins, very thin. So if you look at that $260 million, it's lumped up in tenured appointments to a very considerable degree and in some other things that it is not easy to get out of. The amount of discretionary room to maneuver is very thin and we need more of it, in point of fact."

Senior Vice President Rogers added that over the last six years, we are now about 500 people smaller than we were in positions that are non-faculty. The projections are what would happen if nothing is changed.

Provost Randel: "I think the same thing goes for the tuition numbers. It's not that we are committed to holding it at 4.5% for the future, however we may feel compelled to try and reduce it still further. This is just the pictures of if you let everything go along the way it is going along now, what happens to you? We will certainly be in balance in all of the years that are named there, and it's likely to mean by fewer people and reduced activity in a variety of subjects."

The Speaker thanked the Provost and moved on to the motion regarding the Sexual Harassment Procedures.
6. SEXUAL HARASSMENT PROCEDURES

Dean Stein: "I think I forgot to acknowledge the contributions of John Abowd, who prepared the report that contained the data that was sent around to you, and Dorothy Mermin, both selected by the Senate to serve on the Provost's Budget Advisory Group. In some sense they are our representatives on that critical body. O.K. on to the Sexual Harassment Procedures.

"Let me try to put it very briefly into context to remind you how we got to where we are. Last November, following two raucous faculty meetings in the College of Arts and Sciences and the Law School, we received a letter from Phil Lewis, the Dean of Arts and Sciences, saying that his faculty seemed supremely disturbed with the current Sexual Harassment Policy and asked the Senate to look into that. What the University Faculty Committee did was bring to the Senate, at its November meeting, a motion to ask the Academic Freedom and Professional Status of the Faculty Committee to look into this Sexual Harassment Policy, to prepare a series of amendments to it following consultation and interaction with the faculty and to report back to this body at this time to consider what they came up with.

"That committee did a Herculean task. It was extremely difficult since these are very contentious issues. They prepared a draft, put it on the web, and we sent a mailing to the faculty about a month ago advising them that the draft policy was on the web, and asked them to respond. We got many responses, the committee met several times including one long marathon meeting which seemed like it would never end to respond to all of the comments, which didn't mean to accept them, but to consider all of the comments that came from you, and at the end of that meeting, that committee prepared the policy that you have before you. Let me remind you that this body does not have the authority to pass a Sexual Harassment Policy. That authority rests with the Administration, with the Provost and the President. What we are doing is telling the Provost and the President what the sense of this body is, what we believe the Sexual Harassment Policy should be and we have every confidence that they will take our comments very seriously. Thank you."

Speaker Pollak: "There are a series of amendments that were circulated appropriately and I'd like to go through those before we address the main motion on the floor, and I'd like to ask Robert Green to make a quick comment on the first one, which has to do with page 15."

Associate Professor Robert Green, Law and Chairman, Committee on Academic Freedom and Professional Status of the Faculty: "I'm Bob Green and the chair of the Committee on Academic Freedom and Professional Status of the Faculty. Because the time for debate is extremely limited, I've decided not to give you a prepackaged summary in order to maximize the time for debate. If there are any questions about what the Committee did, or why the Committee took the approach it did, I'd be happy to try to answer them."
"Also, with respect to two of the amendments, one concerning lawyers, one concerning the definition of sexual harassment, when those amendments are proposed I would like to respond to them and explain why the Committee took the approach that it took instead of the approach suggested by the amendments. There is also one amendment that I'm making and I characterize it as a clarifying amendment because it simply reflects the Committee's intent and this intent is in fact reflected in the internal procedures for the Academic Freedom Committee, applying oversight that was not included in a note in the basic document. What it does is it addresses some evidentiary questions that I think in the past have been very controversial, and simply tries to come up with a resolution before we actually have a case. It deals with essentially things relating to the 'locked box' saying that except for two categories, records which are very reliable, other records concerning accusations which never resulted in convictions and concerning allegations of similar behavior, will not be admissible, but testimony which is subject to cross-examination will be admissible, but in order to prevent very stale allegations from coming up, we're limiting the testimony to allegations about things that happened within the statute of limitations. So the idea basically is that somebody, who for any number of reasons does not want to bring a formal complaint, but nevertheless has relevant information about other actions that the charged party was allegedly engaged in, can come before the Committee and make those allegations subject to cross examination and subject to some limitations on time period."

Speaker Pollak: "This is an amendment from the Committee?"

Professor Green: "This is an amendment from the Committee, yes."

Speaker Pollak: "O.K. so we don't need to have a second on that. Is there some discussion on the amendment?"

Assistant Professor Tony L. Simons, Hotel Administration: "If somebody is gone from the University and something happened a few years ago, then they can't write a letter that is relevant to the hearing because they wouldn't be subject to cross-examination."

Professor Green: "That is correct. Well, they can bring a complaint, and once you bring a complaint, if you are within the statute of limitations, then you can have the complaint adjudicated. The complaining party does not necessarily have to be present at the hearing. What we are talking about is people who do not want to bring a complaint, but nevertheless believe that they have something to contribute. The rule there is that they must attend and make their testimony orally and they cannot bring stale evidence, it has to be within the statute of limitations."

Assistant Professor Carlo D. Montemagno, Agricultural and Biological Engineering: "Will there be any rediscovery, so that the person that comes down to the hearing also does not see people lined up that he has not seen or heard of before, so that he
cannot prepare? There's no requirement that somebody else might be writing testimony against that person and the accused can't defend himself."

Professor Green: "That's a difficult question. I think that the procedure now, does not provide for any identification, I would hope that many of these cases the people come forward during the investigation and then there would be information about what happened during the investigation. I think that you actually raised a good point. We don't actually provide a system that eliminates the possibility of surprise. Perhaps that's something that should be considered."

There being no further discussion, a vote was taken and the amendment carried as follows:

Amendment: On page 15, delete the "Note" in the section entitled, "Time Period for Filing a Complaint," and replace it with the following:

Note: Prior convictions of sexual harassment and prior mediation agreements in sexual harassment cases shall be admissible in proceedings hereunder. Other than such records, however, records of prior accusations of sexual harassment not leading to convictions and records concerning similar harassing behavior not subject to the complaint(s) in the case shall not be admissible. Testimony about such prior accusations or similar harassing behavior shall be admissible, but only with respect to behavior that satisfies the time requirements set forth above for filing a complaint.

The Speaker called on Dean Stein to present the second amendment, which follows:

Page 8, second paragraph of the Section entitled "Prohibited Conduct: Sexual Harassment Defined"

Current Wording:

**Educational Environment:** Unwelcome sexual advances, requests for sexual favors... Speech and other expression occurring in an instructional or research context is protected by academic freedom principles. Speech or other expression...or (c) persists despite the reasonable objection of the person targeted by the speech.

Proposed Wording (changes in uppercase):

**Educational Environment:** Unwelcome sexual advances, requests for sexual favors... Speech and other expression
occurring in an instructional or research context is GENERALLY protected by academic freedom principles. Speech or other expression...or (c) persists despite the reasonable objection of the person(S) targeted by the speech.

The amendment was seconded.

Dean Stein: "I want to describe why I offered this amendment and then speak about it and probably something, a procedure that is very odd. First I will describe the amendment, why I brought it to the floor and then tell you why I'm going to vote against it.

"The Senate, at a meeting about a year ago, considered certain wording, debated on it and then voted on it and put that into the document that they sent to the Provost for his adoption. I argued very vociferously with the Provost at that time that this was decided by the Senate, and since it was decided by the Senate, it was the best approximation as to the will of the faculty at this University and that they should adopt that. I was not entirely successful in that, but I argued it as strongly as I could. It seems to me that we ought to feel the same way about past decisions of the Senate.

"The Senate did in fact decide this. Now I see nothing wrong with the Senate changing its mind, but I do think that if the Senate changes its mind it ought to do so openly, in the Senate, in a setting where they recognize that they do that instead of having the Committee make these changes and not really giving the Senate the opportunity to decide directly. So that's why I bring this amendment to the floor. Now, having brought it to the floor, I'd like to make my argument, which is against it.

"I think that the decision that the Senate made approximately a year ago was a mistaken one. I went through the minutes, the two issues are the use of the word generally, 'generally protected by academic freedom.' I find myself uncomfortable with that. The argument for it is that not all speech in an academic setting is protected, therefore to be consistent, we ought to write a qualifier which says 'generally.' But it seems to me that this can be related to the First Amendment. The First Amendment is very forceful in its statement, 'Congress shall make no law', it doesn't say 'generally Congress shall make no law.' That does not prohibit Congress and the states from making lots of laws. I mean we have laws against libel, laws against conspiracy, we have laws against many things which the courts have deemed do not violate that particular very strong wording. Be that as it may, I feel more comfortable in my bed at night knowing the wording is 'Congress shall make no law' than I would feel if the first amendment said 'Congress shall generally make no law.' Because the test is very hard to find. In fact, we're not going to eliminate a lot of speech in an academic setting, but the excesses that we know about happened in one or two instances in one or two places.
"For instance, in the case of Professor Silva at the University of New Hampshire, if they had a statement that said that speech in an academic setting is generally, blah, blah, blah, the administration could say, 'well this is the only time we've done it, so this is what's meant by putting in 'generally'. That's why I think that 'generally' does not belong there.

"The other change was to put an 's' after the word person. I read through the debate there, it seems to me that the debate was between two rather far-fetched interpretations. One was that if you put the word 'persons' there, it could be interpreted that that means class of persons. That a person making a comment referring to a particular group, I don't know, pick a group, all women, or all Chinese, or something like that, that could fall into a remark directed at a person if the word 'person' had a plural on it. I don't think that it's very likely, but in fact, it's reasonable. The reason that people argued for having an 's' is, I think, an even more far-fetched interpretation. Namely, that if you had the word in the singular, that if I had made a demeaning remark to this gentleman over here and then made a demeaning remark to this person over here, I could argue that the remark to him was prohibited. I could argue that since I made it to two people, it was allowed, because the word was singular. It's almost like saying that if you murder two people simultaneously, you're not guilty of anything because the law is written in the singular. I think that this is somewhat far-fetched. I think that I am somewhat more comfortable with having this amendment defeated."

Professor Emeritus Holcomb: "I do not disagree with Peter's concern about the 'generally,' but this phrase 'other expression' in here always bothers me."

Dean Stein: "I can answer that. There has been a lot of discussion about that. Several faculty asked, 'do we cover materials in class,' 'do we cover music in class,' or 'is it only speech?' The answer made by our colleagues, is that the First Amendment says speech, which has been widely been expanded to wrapping yourself in the flag, or something else like that. The courts were making a very broad interpretation, but others said that we're not the courts and I think that we should make something that will instantly be understandable to members of the community."

On a vote call, the amendment was defeated.

Professor Mary Beth Norton, Mary Donlon Alger Professor of American History: "I wanted to start today by congratulating the Committee on doing what I thought was an excellent job on the proposed revising of the procedures overall. I know what a tough job it is to deal with these issues. The amendment that I propose and that Terry Fine joins me in proposing, less represents a major criticism of their work than I think a philosophical difference. That's the amendment, as you all know, removing lawyers from speaking at the final phases of the hearings before the faculty committee. I have to say that some of my best friends are lawyers, indeed my favorite cousin is a lawyer, so I have no personal animosity toward lawyers.
However, let me talk about why Terry and I thought that this amendment (Appendix A attached) was a good idea.

"First, let me remind everyone of what I don't think you need to be reminded of, which is that a University hearing is not a court of law and in many ways it does not function as a court of law. For example, rules of evidence are completely different. We do not have technical rules of evidence for what can be allowed and what can't be allowed. What would be applied in these hearings would be these very procedures or some version of them, promulgated eventually by the Provost. That is University policy and procedure, not New York State law or U.S. law. I would argue that, in fact, lawyers have no special expertise in dealing with University law as opposed to dealing with statutory law. The University, I would also remind everybody here, is not legally obligated to allow the presence of lawyers at these hearings in any capacity. Indeed, I've read handbooks of employment law that suggest that you shouldn't have lawyers present at these things.

"So, the issue for me, as I was thinking about this was, why so many lawyers? Now, I'm not a Committee member, but I imagine that the reasoning went something like this: the immediate trigger was the quite understandable desire of the charged party to be accompanied by a legal and another adviser at the hearing. I want to interject here that I have throughout the revisions that have occurred on these procedures supported the presence of another speaking adviser to both the complainant and the charged party at these hearings. I think that it is very important to have someone there who is an ally of both sides who can have a different perspective, can stand back from a very emotionally charged situation and raise objections and questions, or just point things out that maybe the people who are so intimately involved with the details don't see, either the complainant or the charged party. So I don't believe that either person should be in that room without assistance. I just don't think that assistance should come from lawyers who have a right to speak.

"Now, the Committee, on the other hand, decided that it had to have a lawyer with the right to speak on behalf of a charged party. And that to my mind is what triggered everything else. Once the charged party in these procedures has an active lawyer, then that triggered what I would regard as an exponential multiplication of lawyers. First, the complainant must also have a right to a lawyer if the charged party has a right to a lawyer. Secondly, the University case must be presented by an active lawyer, and third, because we have all those lawyers, the Committee must have a lawyer to help it direct things along. Otherwise, the Committee might be flummoxed by all these lawyers. In addition, in this procedure, as you may have noticed, in paragraph 19, witnesses can also come in with lawyers, not just complainants or charged parties, but witnesses who are called before the Committee. Therefore, given the logic of this situation, one lawyer for the charged party has turned into four if not more lawyers."
"Now, as I said, I really personally have many lawyers that I like, but I thought this was above and beyond. Therefore it struck me that a Committee under this draft procedure would take on the appearance of a court of law and with all those lawyers, we might as well be in court, so why bother with a University hearing, let's just send everything through the courts right away. So I asked myself as I read this draft procedure, what is the purpose of the original lawyer? Because it seems that the initial lawyer for the charged party is what sets everything off and creates the multiplication of lawyers, having the lawyer for the charged party.

"My answer, and I thought if I were the charged party under these procedures, why would I want to have a lawyer present? And I said to myself, not to help me in the hearing so much, because after all as I said earlier, a lawyer is not going to be or is not an expert on these procedures, but rather, what I would be interested in having a lawyer there for is to make sure that I didn't make any mistake in the hearing that would cause me trouble later on if I wanted, in fact, to pursue something in a court of law. So it struck me that the purpose of a lawyer in this hearing from the standpoint of the charged party, is to keep the charged party or the complainant for that matter, from making a mistake that could cause them legal difficulties later. Now, what struck me then as I reached that conclusion, is that having a lawyer there, to ensure that the client (whichever side the client was on) does not make any mistakes that will cause any difficulties later on in a subsequent legal proceeding, does not require that a lawyer has the right to speak in the hearing. It only requires the lawyer to have the right to whisper in the hearing, that is whisper into the ear of a client.

"Now, so this amendment would, I argue, seek the objective that the Committee sought which is protecting the rights of the charged party, also protecting the rights of a complainant who felt the need to be accompanied by an attorney, but without leading to the necessary presence of so many lawyers, which I see as a negative. I've also argued that adoption of this amendment will have positive consequences of its own. There are three positive consequences that I see coming from the adoption of this amendment that Terry Fine and I have proposed.

"First, as I have said in this body before and I will repeat, if speaking lawyers are removed from the final phase of the hearings, this will not raise the issue of fundamental fairness that I think is raised by the current draft. That is, the current draft gives the complainant the right to a lawyer but explicitly does not provide one for the complainant. It says that 'the University has no requirement to provide a lawyer for the complainant.' This seems to me, that it raises a clear means test for complainants. That is only wealthy members of the Cornell University community who feel that they can afford to hire lawyers might feel free to complain against sexual harassment by Cornell University faculty. I think that is a real serious drawback. I don't think that the pool of voluntary advisers and attorneys that is established by these procedures is enough, in my opinion, to resolve this difficulty. Maybe a pool of voluntary advisers would be adequate, but I don't think that once a charged party is allowed an active attorney for whom the charged party will
presumably pay, that whatever volunteer pool may be available will be adequate to
give a complainant the kind of legal support that would be necessary under these
circumstances, given the presence of an active lawyer. So, it would resolve the
fundamental unfairness I think of the procedure with respect to a power imbalance
between the charged party and the complainant. The whole idea of these procedures
is to make a level playing field.

"Secondly, I believe that as currently drafted, the procedure itself can discourage
legitimate complainants against the faculty from coming forward because potential
complainants will read these procedures and say 'Oh my God, if I complain, I can't
afford a lawyer and I'm going to be in a hearing with faculty members judging, with
lawyers everywhere and there's no way I want to bring this complaint in the first
place.' I don't think that we set up this procedure specifically to discourage
complaints. I think that the way this procedure is set up would do that.

"Finally, I think that removing speaking lawyers from this will put control of this
faculty procedure back in the hands of the faculty, which is where I think it belongs.
This should be a University procedure, this should not be a sort of a bastard court of
law. It would be one thing if all of the lawyers involved in this procedure were
required to be members of the Cornell faculty, I would not however, put that
requirement on the lawyers on the Cornell faculty. We can't do that. My consistent
theme in front of this body has been that I think it is important for the faculty to
accept responsibility in a whole variety of ways, I think that the way this procedure
is written, abrogates to lawyers what I think the faculty should be doing. Thank
you."

Speaker Pollak: "You have the write-up of the amendment, and I would call for a
second to that before we go to discussion."

Professor Norton: "There are two of us, we don't need a second."

Speaker Pollak: "O.K. are there any responses?"

Professor Green: "I'd like to reply, I'm the chair of the Committee and I'd like to
explain why we took the approach we took. First, I'd like to start by saying that there
is at least one argument that I'm quite sympathetic to, that's the argument about
discouraging complaints, the last thing we would want to do is to discourage
complaints. On the other hand, I think that this is extremely exaggerated. A good
lawyer would not treat a complaining party in a way that was hostile, unfriendly or
disrespectful, not only would it be unprofessional, it would be counterproductive.

"I admit that there are bad lawyers out there and maybe you'd have a bad lawyer
that treated a party badly or hostilely, but there are all sorts of safe-guards built into
the process. The University's attorney has a right and a duty to object. The
Committee's legal adviser, if it has one, has a right and a duty to object. It is written
into the procedures that the Committee itself has an obligation to make sure that
everyone is treated fairly and properly and politely. The complaining party can object. The complaining party's lawyer, which we allow the complaining party to have, can object. There are many people who ought to object who can and should put a stop to this. Basically good lawyers won't do it, I assure you. People have this perception that lawyers come in and they destroy the witness, and that is not really what happens all of the time, and I think that bad lawyers can be confined.

"Now Professor Norton also says that this is not a court of law and lawyers have no expertise here, they have expertise in state law, in federal law, but not in University procedure, I think this really misses the real expertise that good lawyers bring. That is an ability to administer a fact finding tribunal, which is what this is. An awful lot of what lawyers do in practice is they appear before administrative tribunals. Many lawyers never go to court in their entire life. They bring understanding as to what evidence is and is not relevant. Second, they know how to use questioning to bring out the relevant evidence and how to follow-up with other questions if that is necessary. It is being able to explain to someone why the evidence is necessary. This is something that lawyers have expertise through training, through experience, through education to do. Lay people often do this extremely poorly.

"So the problem here is you have somebody who is defending themselves against a heinous charge, sexual harassment. I don't care what the official sanction is, this is a charge that is going to irreparably damage this person's name and career. It seems to me this person is entitled to make the best defense that he or she possibly can and the best defense is to have a lawyer. Lawyers are trained in bringing out the facts, lay people very often do not do a very good job of doing this. I guess what I would say is yes, I have a little bit of concern that we are going to discourage legitimate complainants, but I really think that is manageable and perhaps overstated, and on the other side we have the interests of the defendant in making the best possible case which I think absolutely requires lawyers. I think that those are essentially the points I would like to make at this time."

Professor Benjamin Widom, Goldwin Smith Professor of Chemistry: "I would like to ask a question of the proposer. Would your amendment exclude the possibility that the speaking adviser in some other capacity and elsewhere be also a practicing lawyer?"

Professor Norton: "Yes, it is already written into the procedure that the adviser cannot be a lawyer, somewhere, or a law student."

Professor Steven H. Shiffrin, Law: "I'd like to say that I'm pleased that I'm allowed to at least speak here. I want to suggest first that I don't doubt Mary Beth when she says that the reason she would want a lawyer would not be for any reason other than a lawyer's ability to deal with legal procedure. But I would suggest that in that respect Mary Beth is one of the few people on the planet that would choose a lawyer in an advocacy situation for only that skill. Lawyers are trained to be advocates of clients. They are good at cross-examination, they are good at arguing things to fact
finding bodies and the reason why a defendant in a case would want an attorney is for that reason. Yes, they can get the advice but they want an attorney for that reason.

"Now I actually come to this from a pro-plaintiff concern. So, my concern is less with the fact that defendants are going to have problems here, my concern is that defendants in sexual harassment cases win way more often than they ought to, and you need skilled cross-examination and you need people who can argue effectively to fact finders on behalf of the complaining party.

"And the exponential lawyery that Mary Beth talks about is matched by the exponential discrimination that occurs once you take a lawyer away from the defending party, you take the lawyer away the complainant’s lawyer, for heaven sakes, she even takes the lawyer away from the Committee. It seems to me that this proposal ultimately appeals to a naked bias that is socially constructed. It is when you get lawyers into a hearing they cause a lot of trouble, and it's true. Lawyers can be obstreperous, they can cause a lot of trouble, but our civil system, our criminal system is based on the notion that you can best find truth by having those skilled advocates on both sides present. It seems to me that it's absolutely right to say that these are very serious sanctions that are being imposed and these are very serious charges which deserve to be considered on their merits, seriously. I think that there is no real good reason to exclude lawyers from this process. It will harm plaintiffs. It will harm the truth-finding abilities of the University."

Associate Professor David Wippman, Law: "As you can see by the first three speakers, the members of the Law School faculty have a very strong interest in opposing this amendment. I think it is not because we have some undue professional self-regard, rather, the entire Law School faculty is united in their opposition to this amendment. Not withstanding the diverse political views of the Law School faculty, we all agree that the absence of lawyers that is called for in this amendment does not correspond to or is not consistent with what we consider to be the basic considerations of due process. We all believe that a principle function of lawyers is as people who can elicit evidence, evaluate evidence, and present evidence in a way that is relevant to the charges and is consistent with the appropriate burden of proof. People who have no training are really not qualified to do that. What this amendment says in effect is that anyone in the world can represent one of the parties in this proceeding except someone who is trained to do that. I think that this is a rather strange way to go about this.

"I understand that the concern is that this is not a court of law. It won't be a court of law even if lawyers are present. There is no procedure for pre-trial discovery as we've just discovered. This is not going to be conducted with formal rules of evidence and procedures. The Committee is a faculty committee, it is not a set of judges. This procedure will be a faculty procedure, even with lawyers present. Now I share the concern that this may discourage legitimate complaints. On the other hand, there are even greater concerns, in my mind, with respect to the rights not
only to the rights of the accused, but also, those of the accuser. The accuser will want someone who is able to elicit the appropriate evidence to support his or her charges of grasping. An untrained or unqualified adviser may not be able to do that. So it cuts against conceivably either the accused or the accuser. The rights of neither one are adequately protected.

"Finally, if we adopt this amendment, what was initially drafted as a carefully balanced set of procedures by the committee, will be turned the into something that looks more like a Congressional hearing than an evidentiary hearing. A group of people who have no experience in conducting an evidentiary hearing will be wandering in different directions with their own preconceived, presumably well-intentioned but untrained views as to how they can do this. I think what will really happen is that we will get at people's preconceived political agendas. So, on behalf of the Law School faculty as a whole, we are all opposed to this amendment."

Speaker Pollak: "I'd like to have somebody speak for the amendment now so that we can get some balanced input."

Professor Henry Shue, Wyn and William Y. Hutchinson Professor of Ethics and Public Life: "This is an extremely difficult issue and I've just heard a reasonable argument on both sides of it, but I think that on balance the amendment is right, and I'd like to speak in support of it. Professor Norton, I think, gave a comprehensive account and many good reasons for it and I'd like to respond to some of the criticism that has just been made by my various friends here.

"Steve Shiffrin, spoke very eloquently on behalf of the value to the plaintiff of having an attorney and I think that everything that he said is true. The problem is that the procedures drafted by the Committee don't guarantee the plaintiff an attorney. The procedures guarantee the right of the plaintiff to an attorney if she or he can afford one and get one. Other things being equal it is very likely that the accused will have an attorney and a very good one, while the complainant will be left to his or her own devices.

"Robert Green stressed that lawyers are very good at arriving at facts. That is true, however, another thing that lawyers are very good at is tangling things up in technicalities. A lawyer's job is to be a zealous advocate as Steve Shiffrin said. That means, if possible, taking over the procedures. I think that at the lowest level of this thing, which of course can end up in the courts anyway, that it is more likely that one will get at the truth if the process is not dominated by zealous people who generally tangle things up in technicalities. David Wippman is quite right to emphasize due process. But, it occurs to me that there are many kinds of fairness. Legal fairness is one kind, there are other kinds of fairness. One doesn't have to have lawyers, and one doesn't have to have legal considerations and procedures in order to have a fair process. So, on the one hand, I think if one just looked at the process and the first stage, I think that it would be best to have legal counsel present,
but no cross-examination by people trained to be zealous cross-examiners and professionals at it.

"So even if one didn't worry about the disincentives I think that it is a better process anyway, however, there are still these issues that someone who brings up a complaint of sexual harassment is taking on an enormous burden. This has a lot of different forms. I'll describe an extreme case, but, consider a freshman from a small town, who in high school used a textbook written by a leading world authority, now here she is at a major university, the world authority is her teacher, she goes into his office, he attempts to harass her. She's at the bottom of a very steep slope, and if I were she, I would not take this on. A very public spirited and dedicated person might nevertheless take it on if he or she knows that taking it on means being cross-examined by someone trained to cross examine people, maybe politely as Professor Green says, but nevertheless zealously, I think it is going to take a rare person to start this person and we probably are going to have many fewer complaints, but the point is not to have as many complaints as possible, but to have a reasonable one or two."

Associate Professor Jeremy Rabkin, Government: "Let me first say that I am not a lawyer and I haven't written a world famous textbook, so I don't have a fervent stake in this one way or another. What's very, very misleading about what Professor Shue just said is that he's thinking about this as a confrontation between the complainant and the defendant. The way this is written, the complainant is not a party. We have a public prosecutor, we have the O.E.O. which investigates and prepares the case. If the O.E.O. doesn't think that the case can go forward, we tell the complainant 'good-bye, you don't have a case.' The prosecutor will be pursuing this case, will be presenting the evidence and can go forward and stand up to the lawyers whether the complainant melts or not. I would also like to remind you of two other things. One, the AAUP says you're supposed to have a lawyer, when we debated this in the Arts College, and I don't think we should be disregarding the AAUP now.

"Most important I want to say, and I saved this for last, and that is that students are allowed to have a lawyer when they have a case before the Judicial Administrator or one of the committees under the Campus Code. Professor Norton told us in a previous debate that she helped to draft the Campus Code. That previous time when we were dealing with students Professor Norton thought it was good to have lawyers, I don't know why she changed her mind. You should also know that even the faculty is allowed to have lawyers if they are brought under the Campus Code which they can be for other offenses. So we are saying that this is the one exceptional thing on this whole campus where lawyers are destructive and distracting and I don't believe it. All the abstract arguments about lawyers didn't hold water in the other situations, why are we singling out sexual harassment. It seems very strange to me."

Professor Abowd: "There is social science evidence on this and it's a prisoners' dilemma. It turns out there aren't very many proceedings where it's a choice
whether you have a lawyer or not, but it turns out in proceedings that who wins and who loses. It's about equal in the cell where nobody has a lawyer and where everybody has a lawyer, and disproportionately by the person with the lawyer in the other two cells. So it's a classic prisoners' dilemma. The issue is whether the optimal number of lawyers in the room are even. So, I think that the way the procedures are written, as soon as there is one lawyer in the room, everyone has to have one, and anyone involved in this game will know that. Whether they speak or not doesn't seem to be very much of an issue, but we don't have any social science evidence on that, so I won't make an opinion based on such introspection. It does seem to me that the amendment doesn't really get rid of the lawyers which is something that some people here wanted to do, including me.

"It seems to me that it silences them, but there isn't any social science evidence on that either, so I won't do the argument from introspection. If you're not going to have zero then everyone is going to have to be represented, because they can solve this game just as easily as anyone in freshman economics can solve it. So, I think the question before us is whether or not having non-speaking lawyers is the equivalent of removing them. If it is, then zero is good with me, if it isn't, then I think we should just not bother because once there is one in the room, everyone should have one."

Speaker Pollak: "O.K. it is 6:00 o'clock and our mode of operation is to cease the meeting at this time, and that will mean that we will have to continue on this amendment when we do meet again."

Dean Stein: "Well the University Faculty Committee will have to meet, to decide when we have to meet again to end this matter."

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Robert Lucey, Associate Dean and Secretary of the University Faculty
PROPOSED AMENDMENT TO PRELIMINARY DRAFT II (1/29/97) OF THE SEXUAL HARASSMENT PROCEDURES from Mary Beth Norton and Terrence Fine

Appendix E, pp. 32-36

Purpose: The amendment limits the role of lawyers in the adjudicatory process. Lawyers may be present throughout the hearing, but their role is limited to advising their clients. Parties or their advisors may question witnesses or address the committee as appropriate.

Paragraph 5:

Current Wording: The members of the Committee shall elect a chair from among themselves. Subject to paragraph 6, the chair shall control the conduct of all...

Proposed Wording: The members of the Committee shall elect a chair from among themselves. The chair shall control the conduct of all...

Paragraph 6:

Current Wording: The Committee may appoint a faculty member who is a member of a state bar to serve as an independent legal advisor to advise the Committee on all matters relating to the performance of its responsibilities hereunder. The legal advisor shall not be a Committee member and shall not have a vote in the Committee's decisions. At the invitation of the Committee, the legal advisor may be present at any time during the proceedings and during the Committee's deliberations. The chair may authorize the legal advisor to control the conduct of the proceedings and to make procedural rulings. The Committee, by a majority vote of the members present and voting, may withdraw this authority at any time and may overrule any procedural ruling made by the legal advisor.

Proposed Wording: The complaining party and the charged party may be accompanied by an advisor and/or an attorney of his or her choice. Advisors may not be law students or members of the legal profession. Advisors may question witnesses and address the Committee (consistent with the rulings of the Committee). Attorneys may advise their clients, but may not participate in the proceedings in any other way.

Paragraph 13:

Current Wording: The University shall provide an attorney whose sole responsibility in these proceedings shall be to support the charges and recommended sanctions of the investigation report. This attorney shall be entitled to present witnesses and to cross-examine witnesses (including the complaining party or parties and the charged party) who appear before the Committee.

Proposed Wording: The Committee shall conduct hearings to determine whether the charges in the investigation report are supported. The Committee may question the parties and any witnesses they believe to be relevant. The parties and/or their advisors may present witnesses and cross-examine witnesses who appear before the Committee.
**Paragraph 15:**

**Current Wording:** The charged party shall be entitled to be present throughout the hearings and, either personally or through his or her advisor or attorney, shall be entitled...

**Proposed Wording:** The charged party shall be entitled to be present throughout the hearing, and either personally or through his or her advisor, shall be entitled...

**Paragraph 17:**

**Current Wording:** Each complaining party shall be entitled to be accompanied by an advisor or attorney of his or her own choice.

**Proposed Wording:** Each complaining party shall be entitled to be accompanied by an advisor and/or attorney of his or her own choice.

**Paragraph 18:**

**Current Wording:** Each complaining party, either personally or, if accompanied and represented by an advisor or attorney, through that advisor or attorney, shall be entitled...

**Proposed Wording:** Each complaining party, either personally or, if accompanied by an advisor, through that advisor, shall be entitled...

**Paragraph 19:**

**Current Wording:** Witnesses may raise objections to any question posed to them, either personally or, if represented by an advisor or attorney, through that person. ...

**Proposed Wording:** Witnesses may raise objections to any question posed to them, either personally or, if represented by an advisor, through that person. ...

2/6/97
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, February 19, 1997

The Speaker, John Pollak, Professor of Animal Science, called the meeting to order. He then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "I only have one comment. Despite my promise that I wouldn't have anything to say, something arose. We have a rule here that the media cannot photograph us, or tape us, or otherwise make transcripts. I had a request from the Cornell Sun today, asking if it would be possible if we could just have a few pictures taken as an illustration for the story that they will be doing on this meeting. It seems to me that it would be in our best interest to have student interest in our activities and so I told the Sun that it would be distracting if they were to take pictures during the meeting, but it seemed to me that it would be O.K. if they took a few shots of us before the meeting started. So with your permission, I am going to interpret our rules in that broad way. That concludes my remarks, Mr. Speaker."

Speaker Pollak: "We have just reached a quorum, and we will now move on to the report from the Nominations and Elections Committee, Mr. Lucey."

2. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Robert Lucey, E. V. Baker Professor of Agriculture and Associate Dean and Secretary of the University Faculty, reported on the following suggestions from the Nominations and Elections Committee:

UNIVERSITY APPEALS PANEL - PRESIDENTIAL APPOINTMENTS - thru January 2002

- Harold Bierman, JGSM
- W. Donald Cooke, A&S
- Barclay G. Jones, AAP
- Sally McConnell-Ginet, A&S
- Maureen O'Hara, JGSM

PROFESSORS-AT-LARGE SELECTION COMMITTEE - thru 12/31/99

- John Ford, H.E.
- Paul Houston, A&S
- John Lumley, Engr.
- Peter Nathanielsz, Vet.
- Margaret Washington, A&S
- Mary Woods, AAP
ACADEMIC FREEDOM AND PROFESSIONAL STATUS COMMITTEE
Henry Shue, A&S - spring replacement for B. Strauss, on leave

NOMINATIONS AND ELECTIONS COMMITTEE
Tove Hammer, ILR - spring replacement for D. Lipsky, on leave

MINORITY EDUCATION COMMITTEE
Jennifer Greene, H.E. - chair for spring term

PROJECT 2000 CAMPUS ADVISORY GROUP
Les Trotter, Engr.

There being no comments, the Committee's report was approved.

Speaker Pollak: "We will now move on to the discussion we were having at the last meeting on the amendment brought forth by Mary Beth Norton and Terry Fine on allowing speaking lawyers in the Sexual Harassment proceedings. The floor is now open for discussion."  

3. CONTINUED DISCUSSION OF THE SEXUAL HARASSMENT PROCEDURES

Professor P.C.T. deBoer, Mechanical and Aerospace Engineering: "At last week's meeting, a remark was made about the policy of the American Association of University Professors with respect to this. As the regional chairman of the local chapter of AAUP, I decided to look into it. I found out that the closest section that pertains to this one is on dismissal procedures and that there is an elected faculty committee, and I will read what it says: 'During the proceedings the faculty member will be permitted to have an academic adviser and counsel of the faculty member's choice.' That is item number five. Item number eleven says: 'The faculty member and the administration shall have the right to confront and cross-examine all witnesses.' So it doesn't say anything about lawyers having the right, although the faculty member may in fact have counsel present. I also called Robert Kreiser, the Associate Secretary who aides in coordinating all of these policies for the national AAUP and he confirmed this interpretation. But he said that the staff of the AAUP is also interpreting these regulations and that their interpretation is that the preference would be to have lawyers have the right to speak and cross-examine."

Speaker Pollak: "I would like, as we go through this, to have a balance in the discussion. I don't know beforehand what side you are going to speak on, and if I notice that it does start to get out of balance, I would ask for people on the other side. In saying that, I would like to remind you that the amendment is to reduce the activity of the lawyers. So if I ask you to speak in favor, you are favoring limitation."
Professor Peter Schwartz, Textiles and Apparel: "I'm speaking in favor of the motion, because I believe it represents a reasonable middle ground for those who feel that the proceedings should be in fact at least run by lawyers and people like myself who feel that they should be kept out unless they are a party to the proceedings. That being said, I would like to say why I support this. I was reading an article by Jonathan Walker in last week's Newsweek about high-profile trials and their consequences to society. I would just like to read a few sentences, 'The worst consequence is that the structure and aesthetics of trials are reaching into the rest of society. The underlying premise of the legal system is that justice emerges from a clash of advocates. Inside a courtroom this does not always work; outside a courtroom, adversarialism can be a disaster for both civility and truth.'

Associate Professor Jeremy Rabkin, Government: "Regarding the AAUP, this is not something that I mentioned last time just out of the blue, Mr. Kreiser wrote a letter to the Shue Committee, in which he didn't say, this is just my personal opinion. I think that there is some uncertainty about on what basis he did say that, but he did write us a formal letter, saying that there ought to be lawyers. I think that the more serious argument is this, at the end of the original draft, the Provost's draft, Mr. Mingle's draft, what is in there is that the committee that conducts the hearing can establish its own procedures. So, they were allowed to have lawyers, even Mr. Mingle, who I think shares your view that lawyers are dangerous, and he ought to know, even Mr. Mingle said that we can have lawyers if that's what the committee wants. Now, the Senate is turning around and saying that Mr. Mingle and the Provost were too permissive, there was too much due process, we don't want as much due process. Mr. Mingle makes a good suggestion in there, he suggests that if you are thinking about due process, you ought to think about it in this way: give more due process when the consequences of the conviction will be more severe. Now, for a faculty member, the consequences of any conviction can be absolutely devastating.

"We are in the following, what I think utterly bizarre position. If a student gets convicted of sexual harassment, we don't even remember their names. Does anyone remember the names of the four, what were they called... the four players who got in trouble last year? Students have very little at stake, and yet, we guarantee to students that they can have a lawyer to defend them. It's a little bit late now to be saying that, 'the O.J. Simpson trial and lawyers are trouble'. The University has had this policy for a long time. Professor Norton was involved in setting up this policy. Students should have a lawyer. It just seems to me utterly bizarre to say that students can have a lawyer and faculty can't because there really isn't all that much at stake, or that we really don't want that much due process for the faculty. Lawyers are important because all these specific guarantees that we have written into this procedure will get lost if we don't have a lawyer to say 'wait a minute'. It doesn't mean that it is going to be the O.J. Simpson trial. It does mean that somebody who does know something about procedure will be there to say what the Senate's implications and safeguards mean. I don't mean any disrespect to my colleagues, but
it has been my experience that most professors who don't have any regular dealings with legal procedures are very, very foggy about these things and without meaning to do an injustice it can be very easy to lose sight of specific procedural safeguards that the Senate as a whole is now preparing to endorse. If we mean the procedural safeguards in other areas, we ought to see them, and see some meaning in them in ours."

Professor Terrence L. Fine, Electrical Engineering: "I am one of the movers of the amendment, in some sense to quiet lawyers, we wouldn't want to eliminate them, we don't want to go that far. The argument that I'd like to make with you has three grounds which in my view end up with the conclusion that the amendment is in fact correct. The first ground is basically addressing what it is that lawyers do and Professor Schwartz has already discussed some of that. The second ground is what environment does it take for what lawyers do to actually be productive, and the third ground is what is the environment that we were trying to achieve when setting up this committee. My feeling is that that environment does not support the one that lawyers need to be productive.

"So what is it that lawyers do? At the last meeting, a number of them spoke and at least twice mentioned the word 'truth', to search for truth, to uncover truth. I take it as obvious that that is not what they do. It is in fact as you said, Professor Schwartz, they are advocates, their goal is to win for their party. And winning can often lead to obscuring the truth, and I think that is legitimate in their view, because their role is that of an advocate, it is not as a discoverer of truth. They wouldn't be able to defend the people that they defend if they were after the truth. So, given that they have this role, what is it that can make this role work for us. When you have one role, you have more. It is very much like the camel's nose, when the camel's nose is in the tent, the rest of the camel is sure to follow. You can't have one lawyer, that is one hand clapping for itself. If you have one lawyer in there, you need another one to confront what the first one says, to counterbalance what the first one says. You need at least two of them. Do you need only two of them? No, you need another one to act as a referee, one to be in charge, to maintain the realm of discourse, the environment in which it takes place, so you need three of them. Do you need just three of them? No, you need a body of procedure, you need traditions, precedents, procedure. These are all taught in the law schools. There are volumes on these things, how to conduct, what the rules of engagement are. When you have all of those things active, and you need all of those things, then, yes, the legal system can make progress. I agree that it may not be the first choice, but I agree with Professor Shue, it becomes our last best choice. It can make progress with all the components active. Let's turn to what we're talking about here though. We are talking not about a mock court. There is no need for a mock court, there is no need for something that looks very much like a courtroom because there is a courtroom. Courts will accept cases on this matter. If you want a court that has real rules and procedures that has real lawyers and real judges, go to court, it sits there downtown, and you can bring
your case to it and they will hear cases on sexual harassment. You can bring your case there if that is what you want.

"What is it instead that is being created here? What is being created here is a faculty based peer committee to make a judgment on charges of sexual harassment. What is the capability of this faculty committee to make such judgments? Why might they, in fact, be appropriate as a means of investigation? I think that there are two reasons, one has to do with principles and the other has to do with character or characteristics. You can expect the faculty group to maintain at least two principles. One is that it is important to have an educational environment that is free from sexual harassment. You can also expect the faculty group to maintain a second principle, that of academic freedom, that in so maintaining that principle will encourage faculty members to teach the fruit of their scholarship and research, feeling that they will have protection, should those issues arise by a committee that knows what is involved in protecting you when you teach, that which you have researched, and that which you have studied. The other characteristic is that, lawyers are not the only ones, if, in fact, they are at all concerned with, the pursuit of truth. Faculty members do that for a living. That is what we do when we engage in scholarship and research. We are very well trained in many different disciplines to uncover and to study complex issues, to see how far they go, if we can't resolve them, to admit to the fact that we can't resolve them. It's being honest about that, about what we know, about what we don't know. So a committee of faculty members with training in uncovering the truth if you will and reasoning tightly and being well skilled in the use of their minds is a very good committee for examining a complex issue such as a charge of sexual harassment. It is not the only mechanism. The courts are another mechanism. So what I conclude is that the environment you need for lawyers to be effective and not be a source of chaos and confusion is not the environment which we can actually offer here. There is no intent in this to write volumes of procedure and how to conduct the rules of evidence. None of that would be needed here nor would it be appropriate to create that now. Given the environment that we have now, given the committee, I think lawyers... active lawyers would be counter-productive. I think the committee is far more likely to come up with a sound decision in the absence of zealously contending lawyers who are poorly regulated. And finally, please don't create a committee that will not be just another passive jury."

Professor Gordon Teskey, English: "I am going to speak against the amendment. Being an English professor, I have to always begin with a quotation or an allusion to English literature and in this case, I am thinking of the second part of Henry VI, where a mob has decided to set up its own state based on chaos and disorder. He says first 'let's kill all the lawyers.' It seems to me that the coarseness of this discussion is not quite at that level. It's just 'let's muzzle all the lawyers'. I don't think that we should deceive ourselves into thinking that when a procedure has gone this far that is somehow disastrous to add a non-adversarial situation. It is an adversarial situation. Most of the people who will be in the room, on the committee are very
interested in the case, in getting a conviction, by this time are probably convinced of the guilt of the professor who may very well be guilty. If we are to avoid the situation where guilt is assumed on principles, that while not identical to mob rule, but have many of its characteristics, we'll actually meet many people there who care about due process, who care about seeing the proper procedures followed. So, I urge you to vote down this amendment and to allow lawyers to be present. Lawyers have no more interest in seeing that these are particularly unfair or egregious. By this stage, things have become adversarial, the person accused, especially if innocent, is feeling like a hunted animal and it's absurd to think that it's an equal situation."

Associate Professor Robert Green, Law and Chair of the Committee on Academic Freedom and the Professional Status of the Faculty: "At the end of last week's meeting, two members of the Committee, spoke with me briefly. They were Anna Marie Smith and Kay Obendorf, and they suggested that it might be useful for me to give a little bit of background into what the Committee's thinking was. . . ."

Professor Mary Beth Norton, Mary Donlon Alger Professor of History: "Point of Order Mr. Speaker, didn't you say that you were going to alternate speakers on one side and the other? I seem to hear two anti speakers. . . ."

Professor Green: "I thought I. . . ."

Speaker Pollak: "I'll answer that. I did look to see if there were any other hands of people who wanted to speak at that time. Seeing none I addressed the one person who raised his hand. There was no alternate speaker available. Continue Mr. Green."

Professor Green: "So, they suggested to me that I give a little bit of background about what the Committee's thoughts were behind coming up with these procedures. The way that Professor Norton described them the other day, it was almost a mindless exercise. You start with a lawyer for the defendant. Bang! All of a sudden you get four lawyers. The first point that Anna Marie and Kay suggested is, just to keep this in perspective, we're only talking about the adjudication stage. There are several stages that come before that. There is mediation, investigation, what we on the committee, call the 'plea bargain' stage, where there is a probable cause of determination and a recommended sanction and the faculty can accept that and make a plea of guilty and accept the recommended sanction. I think everybody on the Committee thinks that the majority of the cases will be settled or resolved, quite possibly with a guilty before it gets to even adjudication. There are no lawyers at these earlier stages. We're talking about a stage when that is all broken down and essentially we're talking about a last resort."

"Second, the procedures only require one lawyer and that is the University appointed lawyer whose sole responsibility is to support the charges of the O.E.O. Why did we come up with this lawyer? Well, the first thinking was the University
has a real interest in the case at this point. The O.E.O. which is part of the University has already found that there is probable cause to bring this case to trial and it seemed to us that at this point the University has a real duty to prosecute this case. We felt that sexual harassment is really an offense against the community rather than an offense against single or multiple individuals, and that the community as in the criminal system where the community is there as the State v. O.J. Simpson, we felt that there ought to be a University prosecution. Now, why a lawyer? We simply felt that a lawyer would be the most effective person in this capacity. Also a University provided lawyer would have resources available to mount a good prosecution. We looked at a few alternatives. One of which was to have the Committee engage in the essential examination of the witnesses, which is essentially what I think the Norton amendment would produce. The main problem that I had was that you can't have a Committee that is an impartial fact finder also being the advocate for the prosecution, the advocate for the complainant. You simply can't change roles like that. You can't have an advocate hat on one minute and then say I'm going to change my role and be completely impartial and fairly decide this case. So, we really felt that the Committee cannot be in the position of either appearing or being the prosecutor. Another possibility is the student or whoever the complainant is. It seems to me, at least, that a very possible outcome is what you really have is two students. You have a student complainant and the student's friend who is a friendly adviser. That is not an effective prosecution; they have no expertise, they have no experience. In addition they are severely handicapped because they are not detached. I cannot imagine anyone with more emotional stake in the case than somebody bringing a sexual harassment case. The last thing you want is someone who lacks detachment to prosecute the case. Lawyers have a saying that a lawyer who represents himself has a fool for a client. The reason is that when you represent yourself, you cannot step back and look at the case analytically, you cannot ask yourself how you can best present the case to a neutral party. You don't want this person to be the prosecutor. The final problem is a quite practical one. The statute of limitations for students is until they are out of the control of the faculty member. It is fully expected that in many cases they will wait until they have graduated to bring the case. Students who graduate from Cornell do not stay in Ithaca, they might as well be in China. We fully expect in many cases that the complaining party will not be present in the adjudication. We don't have subpoena power. We're not going to bring somebody from half-way around the world. Now, one possibility is to dismiss the case if the complaining party won't show up. We thought that was completely inappropriate. There is a probable cause determination, you prosecute that case, you have to use written testimony, or something, but that is not a reason not to prosecute. You cannot rely on the complaining parties.

"The next aspect is the lawyer for the accused. Why have a lawyer for the accused? There actually was a lot of debate about this and the buzz words we used were 'due process light' and 'due process heavy'. Our idea of due process light is minimal procedures, no lawyers, and 'due process heavy' was sort of the whole works, and we thought of having maybe a seriatim approach where we start out light and then
go heavy if necessary. There were some members who were really opposed to lawyers, maybe I'm speaking out of school, but Professor Richard Baer was strongly opposed, and he said, we are a community and lawyers will destroy the sense of community. These arguments have force. But in the end the Committee's draft did not accept them, we have lawyers. My reasons for this, at least are, one, look at what is at stake, we are talking about the ruination of a career, the ruination of somebody's name, and I think we owe it to let them make the best case they can. Second, you want reliable verdicts, and in spite of what we've heard about lawyers aren't interested in the truth, people who are experts at bringing out the facts, in fact will promote the truth. If you get all the facts out, you have a Committee of faculty members who are very smart, they are very capable of looking at the evidence, they can see through tactics. The main thing is to get the truth out, lawyers can do it. They can prepare, they can cross-examine, and so forth. The final thing and I think Anna Marie Smith was the one who is the most adamant about this, in fact she's been E-mailing me this week about this, you want a process so that when there is a verdict of guilty, the community will accept it. In fact, even the accused faculty member will accept it. They will not be able to say, 'this is meaningless, this is a kangaroo court.' They have to be able to say 'I was given every possible opportunity to defend myself and I was still found guilty and now I've got to face the consequences.'"

Professor Rabkin: "Can I ask a question of you?"

Professor Green: "A question of me?"

Professor Rabkin: "Yes, a question of you. Could you just please comment on the validity of Professor Fine's claim that the defendant has the choice to go to civil court. As a lawyer, is that true?"

Professor Green: "No, no, no, the defendant is in a situation where the O.E.O. has found probable cause to find the defendant guilty and has proposed a sanction. The Professor now has two choices and only two choices. One is to plead guilty and the other is to go to adjudication before the Committee on Academic Freedom and Professional Status of the Faculty. There are only those two choices. The complaining party can go to court. Now, after the whole process is over, then the defendant can go to court and say I was not given academic due process and that was in violation of my contract."

Speaker Pollak: "Is there anyone else who would like to speak in favor of the motion?"

Professor Sally McConnell-Ginet, Linguistics: "It is quite unclear to me that there are any processes at the end of which everybody involved is going to be completely satisfied. So this hope, that by having enough lawyers there we will produce belief in results, is completely misguided. I would like to stress the point that has been
made several times, that the advocacy system is not designed to get truth, but it is designed to make the best case for each side."

Professor Steven Shiffrin, Law: "I argued last time that one of the main reasons that I am opposed to this is that I think that it is very important to have the best case put forward on behalf of the prosecution of the case. As I thought about it over this last week, it occurred to me that this has substantial implications for whether complaining witnesses will come forward. Imagine what you are telling complaining witnesses if you adopt the current amendment. What will we give you if this goes to a hearing? We will give you a non-zealous, non-advocate, that is, if you meet the sort of community notion that you have. We will not give you a lawyer, now I am not talking about a lawyer for the party, I'm talking about the prosecutor.

"Henry Shue argues that there is a conflict between the prosecutor and the complaining witness, because the University has a distinct interest according to President Rawlings. Bob Green talked about that. The University does have a distinct interest, indeed, it has a stronger interest in the prosecution than the complaining witness, because the complaining witness may be worried about the cross-examination and the like and may want to go away, and the prosecution has a strong interest in getting as many witnesses into that case as possible. In addition, if the defendant is guilty the University has an overriding interest in strong sanctions against the person. So there is a distinct interest, but it is not the kind of interest in which the complaining party needs a lawyer. That is why complaining parties, for example, in criminal cases do not bring lawyers into the courtroom with them; the prosecutors are already representing their interests. With respect to the defendant, it seems to me exceedingly odd that we would say in our society that if you have a few dollars at stake, you have a right to an attorney, you have a right to a trial by jury. But, if you are a tenured professor and are in danger of losing your job, something that is worth a whole lot in terms of money, and worth a whole lot in terms of intangibles, we would then say you have no right to an attorney. It is simply wrong to say that this will all be settled some day in court. If the professor loses in this hearing, the professor has virtually nothing to say in court unless that professor's first amendment rights have been violated, or some other constitutional right has been violated.

"We are deciding whether to have a hearing in which the prosecution will get its best representation of the University's interest, rather than an amateur, non-advocate. I really believe that what will happen is that we will have advocates, we just won't have trained advocates. If you're there, if one of you is representing a defendant, your going to advocate on behalf of the defendant, you're not going to say, 'I give up, my person looks guilty to me.' The person is going to be an advocate. So, I don't think that it makes any sense at all for people to say that you're opposed to advocates, rather the question is will you have trained advocates or will you have people who have no training at all. You're worried about the abilities of attorneys to
pull the wool over the eyes of people. I think that what you have in your mind is a jury made up of a group of people who aren't like you. If you think about yourself, you know that you won't be fooled by an attorney, you know that you'll be able to figure out what the truth is, that's who is representing the community's interests."

Professor Paul Steen, Chemical Engineering: "I left last week's meeting, feeling that, unlike many of the votes put forth in this body that this was not a clear cut issue. So, I went to some of my colleagues in my department and I solicited their opinions and I had several strong opinions and I'd just like to quote from one. This comes from a recent colleague who joined us from Johns Hopkins as a senior faculty member. He says, 'Paul, I strongly support a procedure that is managed by the faculty to the maximum extent, in other words, one that limits the role of lawyers. I had a colleague involved in a sexual harassment hearing. That is, his daughter, who was employed by Hopkins, was harassed by her supervisor. I observed that a lot of the difficulty in reaching a decision was created by an inappropriate adversarial climate created by lawyers, both University and outside lawyers. I would like to see a procedure where there is an opportunity to reach a just resolution before discovery and other, often inflammatory procedures begin.' It seems to me that there is a distinction here between resolution of a problem. I would like to emphasize his choice of words, 'resolution of a problem or coming to a verdict in a case'. I think on the one hand, if we are trying to reach a verdict on a case, many of the things that have been spoken against this amendment are appropriate, but on the other hand, if we are trying to resolve a problem, I would say that we should be voting in favor of this amendment."

Professor Sheri Johnson, Law: "I am reluctant in some ways to speak, because, I think, the framers of this amendment are people who I generally admire and whose goals I generally agree with. But, as a lawyer and as a feminist both, I cannot agree that this can be the right means to eradicate sexual harassment in the University. I want to say three things very briefly, hopefully showing that lawyers need not unduly protract the proceedings. First of all, I think that it is a really amazing idea that a University like Cornell would forbid speech by the very people who have the most knowledge. Really, for an institution of learning to say, 'you know about how to present evidence and you may not talk.' We do not need to be afraid of people who have knowledge. Lawyers have knowledge, not only about laws, but also about presenting evidence, we ought to be welcoming what they have to contribute. Now I'm not saying that the rest of you do not have knowledge about fact finding in other contexts. But if you're really claiming that you have knowledge about finding disputed facts when credibility is largely what is at issue, I would beg to disagree, that is what lawyers really are good at.

"The second thing is, you may laugh, but lawyers really are supposed to be the hand-maidens of justice, that's not to say that each side is not an advocate, but to say that the process as a whole is supposed to produce justice, that advocacy on each side in
the end is more likely to result in truth. A worthy prosecution, and this is a prosecution, not a mediation, it is not talking with your rabbi about something that you can't really come to an agreement. It is a finding of wrong-doing. Mediation would have taken place before. This is a process that is supposed to find who did something wrong. That process needs an advocate to present it, not a victim who may be shaken, but someone who can organize and put together a case. On the other hand, a wrongful prosecution certainly needs a lawyer to defend against it. The University is best-served in both truthful and worthy prosecutions and in unworthy prosecutions, in my view, by having a lawyer to present what is true on both sides.

"Finally, I don't think that women as a class, or victims as a class, or feminism as a cause is in the end served by presenting women as incapable of withstanding cross-examination. The women I know are of course, unnerved, find it unpleasant, as does anyone else, but they are not incapable of standing up to it, and in the end we are better off to have them heard, and have them tested, and show themselves to be telling the truth, because then we will not be talking about, as we endlessly talked about in the Maas case, the process. We will be able to talk about a convicted person who has done wrong and who we rightfully wish to punish."

Professor Norton: "I said most of what I wanted to say last week, but I just want to say a couple of more things in support of this amendment that Terry Fine and I presented. I've been listening to the arguments from the lawyers here, and it's interesting how many phrases I picked up that do indeed make this system, or this hearing analogous to criminal proceedings and I reject that basic premise from the very beginning. What the hearing should be is faculty controlled. I want to thank the man from the Chemistry Department for making that statement. This should be a fact-finding endeavor, by faculty members, for faculty members, to preserve the integrity of the educational environment. This is not the same thing as a court of law. I go back to one of the things my colleague Terry Fine said, it should not be regarded as a mock trial, which is what all of the lawyers who have gotten up here and talked about it have said. They talk about looking at the evidence, they use phrases that do indeed create the sense that Professor Fine talked about, that this board is supposed to somehow be a passive jury. It is not, it is supposed to be a fact-finding faculty body to investigate, on its own what was going on. Even if there was a finding against a faculty member, let me remind you that this is not the final phase, the final phase is the Board of Trustees' Dismissal Procedures, which have totally different issues and where, of course, lawyers are allowed to be entirely active.

"With respect to Professor Johnson's comment that somehow this amendment suggests that women are incapable of standing up against cross-examination, that was not my point at all. My point in advocating this amendment last week has a lot to do with the perception of complainants or potential complainants when they look at these procedures. And as Henry Shue said last week, a potential complainant will be very much put off by this very elaborate hearing replete with lawyers, feeling
that the complainant has to have a lawyer, has to pay for that lawyer, has to withstand that cross-examination, whether they are capable of doing it or not, is not the issue. The question is how they will perceive that situation. It's a daunting process enough to bring such a complaint against a faculty member. It seems to me that a complainant would be much more likely, not to remain silent, but rather, to bring the complaint which is in the interest of all of us to protect the integrity of this environment. We should make this as easy as possible for the complainant, as well as, as fair as possible for the accused party, and I think that the amendment that Professor Fine and I have proposed will do just that."

Speaker Pollak: "Is there a speaker opposed?"

Professor Kenneth Strike, Education: "I think, I have some considerable doubts as to whether the amendment will accomplish its purposes. I cannot quote Shakespeare I confess, but I can at least relate a story. Some years ago I was deposed in conjunction with my role as an expert witness in a court case. The lawyer I was working for, as we were walking into the room said it something like this, he said, 'Ken, professors talk too much in these circumstances, the lawyer asking the questions is not your student, don't try to educate him. If I think you're talking too much, I'm going to kick you in the shin.' After a few dents in the shins, I learned yes and no pretty well. Which is pretty good because it took about eight hours. My point in this story is that the lawyer with whom I was involved found a pretty effective way to interject himself into the hearings, even though he was not allowed to speak. I think that is precisely what will happen if we muzzle the lawyers, we will not make the process simpler, we will not get the lawyers out, what we will do is to convert speaking lawyers into kicking lawyers and scribbling lawyers and whispering into ear lawyers and 'let's adjourn so we can go out in the hall and talk this over,' lawyers. I think that it will make the process a lot more complicated because the lawyers will respond by finding other ways of instructing their clients to do what they would otherwise do in much simpler fashion. My hunch is that this will make it more rather than less complicated."

A member of the Faculty Senate called the question.

The Speaker: "The question has been called. We will vote on whether or not to cease debate, we need a two-thirds vote to cease debate. All those in favor of calling the question, signify by raising your hand. All those opposed. We will call the question, and move to a vote on the issue. Remember we are looking to limit the role of lawyers in the hearings. All those in favor of the amendment signify by raising your hand. All those opposed, signify by raising your hand. I have the feeling that the amendment carried."

Dean Stein: "I'm going to read the names of the people who signed in. If your name is not called, at the end, please make it known."
The amendment was defeated by a vote of 22 in favor and 47 opposed.

Speaker Pollak: "O.K. the amendment has been defeated and we will now move on to a discussion of the main motion."

Professor Rabkin: "I would like to say first that the Committee worked very hard and on the whole they did a very, very, good job. I would say that this is about seventy-five percent of what I hoped for. The difference between myself and Dean Stein is that I think that the difference between 75% and 95% is important and worth counting. I would like to first ask the Committee whether they would accept a friendly amendment. I'm not really making a motion, but it seems to me that some of this is just silly. The flow chart at the end, the table which defines responsibilities, and the definitions at the beginning in a number of ways contradict some of the changes we've made. We've cut the dean out of the process until the end, but if you look at the flow chart, it still looks as if it still goes through the dean. Would the Committee just be willing to assure us that before they send this to the Provost, they will edit the charts at the back and the definitions at the beginning so that they will be consistent with the text. Is that something we can do?"

Professor Green: "I can't really speak about what I can or can't do, but I can say that the charts shouldn't even be in that. Last week I had a revised chart, but the chart should not be a part of this document. As far as the definitions go, I thought we took those out, I thought we explicitly took all the definitions out and inserted a caption stating that they would be added after this document was accepted. So on those two points, I don't think that there is anything to be done."

Professor Rabkin: "Another small point, but, at least the text of this amendment that I got from the dean's office, says that this will go into effect on July 1996."

Dean Stein: "Yes, I would just like to ask for some forbearance. This Committee worked very hard against many deadlines, and the position that they took was that they wanted to get you a version of what they thought would be the proper body of the policy. Fine points that clothe it, the Committee started to do that, but then the Committee found that it was very difficult and we were up against a deadline. So, it is understood that it will be done afterwards, not by the Committee, but by some editor someplace."

Professor Rabkin: "Just to his point, about the deadline. Look I'm not looking to pick nits here, I wanted to get rid of some minor stuff at the beginning, but it seems that with the deadline there is a real substantive issue. What if there is a case that is arising right now? Are we saying to the Provost that it is O.K. for you to use the existing procedures until you've had thorough, etc... etc..."

Dean Stein: "Well today is today and tomorrow is tomorrow. It is my fervent hope, that at the end of this day I will never hear the words 'Sexual Harassment Policy'
ever again, that this body will endorse it and give it over to the Provost and that the
Provost will look at it and think that this is a very fine Sexual Harassment Policy
and that we will be done with this. I'd like to believe that that is not a real problem
and I do not want to face it until it arises, there is no case coming up now."

Professor John Sherry, Hotel Administration: "You have to appreciate something,
this is purely advisory folks. We have no power to overrule the Board of Trustees or
even the Provost for that matter. All we do here, as far as the timing of this goes, or
whether he will agree and put these amendments into effect are purely discretionary
with him and our role is to convince him with powers of persuasion and common
sense that this is very worthwhile. But we have no authority to change his mind or
force the Board of Trustees to endorse this. I'm sorry to disabuse you of this but that
is a fact. That is not to say that what we do here today is of no importance, it is of
great importance. I don't mean to imply that at all or to insult your intelligence, but
we do have more on the process. This present sexual harassment policy adopted by
the Board of Trustees is in effect. If it is to be changed, it will be changed with their
consent only and we hope that they will change it, but we really don't have any
authority to dictate to them that these changes will become... more or less, the law
of the land. I think you appreciate that don't you."

Professor Richard Baer, Natural Resources: "I thought that it might be helpful to say
why I was persuaded to change my mind on the whole lawyer thing. It is still my
hope that most of these issues can be resolved as a community before it ever gets to
the stage that we are talking about. I think that was spoken about many times in the
Committee. I was also on the committee that formulated this. But, the statements
that various of you made, Jeremy Rabkin and Bob Green and Steve Shiffrin
really persuaded me to change my mind on this. Also for another reason that I have
tremendous confidence in those of us that are going to be sitting there. I don't think
that we are going to be as easily swayed as some juries are. I have enormous
confidence in us as a community that we will listen very carefully to these issues. It
is still my hope that a great deal of these issues, perhaps the majority of them could
be determined before they even get to this stage. I think in terms of the viability of
the community that would be in our best interests."

Professor Walter Mebane, Government: "I have a question for, I guess the
Committee regarding the separation between the mediation stage and I guess it's the
adjudication stage. The language does do what I think is appropriate which is an
absolute separation of those processes, and the difficulty is that the O.E.O. is sort of
the active agent in both of those. So, there is language that says that the
investigative, I'm reading from page 19, 'The investigative and mediation processes
will be distinct from each other. The same person may not perform the functions of
mediator and investigator in a single case. Statements or records made in the
mediation process may not be introduced into the adjudication process.' My
question is whether that is the strongest possible separation the Committee was able
to think of, or whether it would be possible to strengthen it further to have not only
the documents or statements not be carried across, but also have some kind of mandate for absolute separation of information. Otherwise it seems to me the mediation process will be severely hindered."

Professor Green: "First of all, the separation is between mediation and investigation. There is an absolute separation between mediation and investigation on the one hand and adjudication is completely separate. But, the question is the separation of the mediation from adjudication. We refer to this as a Chinese Wall, I'm not sure how much control we really have over the O.E.O., they are going to do what they are going to do. The idea was to have separate people and that basically information should not be passed back and forth. I think what you are suggesting is cut the O.E.O. out of one of the roles, I really don't see cutting them out of the investigation role, maybe I could see cutting them out of mediation, but to tell you the truth, we really didn't consider that. But just as a point of order in terms of amending this at this point, I don't think that it could be done. Many of you are going to come up with suggestions that I wish would have been made as comments earlier, but I just don't think that we can amend this at this point, even though maybe I'd like to."

Dean Stein: "To answer that question, I thought a lot about that section and how to word it, and there is a concern on the other side that if one writes a statement that says that nothing that is said in the mediation process can make its way into the investigation, then one runs the danger that that's interpreted in a way that immunity is interpreted. That a person who, during the mediation phase, gives information and says, 'so and so saw me do it,' and that person is called as a witness, that can be claimed to be a violation of the Chinese Wall in between the two. So that was a concern. Do I make myself clear? I don't know if I said it right, maybe you can say it better."

Professor Green: "It is very difficult to draft this, because what you don't want somebody to be able to do is you don't want them to go into mediation and give away all the facts that incriminate them and then they don't accept the mediation agreement and then it goes to trial and somebody gets up and gives evidence because that came out through the mediation process and now I have immunity for everything I said in the mediation process. So the idea was really that we had to be careful not to have a rule that what people say can never be used again. So we restricted it to records, with the idea that testimony can always be used against you. There really is a tension between having a mediation process that encourages people to be forthcoming and yet not canistering the prosecution later. We kind of walk a fine line and I'm beginning to see that we could have done it differently, but we didn't."

Associate Professor Robert Corradino, Physiology: "I would like to ask Professor Green a legal question. If someone is accused of sexual harassment, is he compelled to go through this process in house?"
Professor Green: "Yes."

Professor Corradino: "He is compelled to go through this process without any counter complaint or any other constitutional rights he may have outside of the University."

Professor Green: "That is basically correct, but keep in mind that the unfavorable outcome of this process would be a finding of guilty by the Committee and then a sanction imposed by the dean. At that point, he could go to court and bring forth any kind of constitutional or contractual argument that he may have."

Professor Rabkin: "This is a very disturbing provision in the procedures as they stand now that supervisors and department heads have to inform the O.E.O. if they hear about sexual harassment and I think that is a very bad idea. This gossip can go through a chairman's office and he suddenly triggers a sexual harassment investigation. This is particularly troubling considering that the O.E.O. is given the authority to go ahead even if the complainant doesn't.

"Two other quick things, there is no serious appeal here, the appeal provisions are bizarre. What happens is you appeal to the U.F.C., the U.F.C. says that decision was arbitrary and capricious, 'this was biased' and 'this didn't follow procedure,' and then you say to the very same Committee that found the person guilty of being biased and arbitrary and capricious, 'do it again,' and they do it again without any further review. So it is really sort of saying that wasn't nice, and would you reconsider being nice, and they say 'no,' and that is considered to be an appeal. That is not really a good thing and that is something that we ought to consider changing in the future.

"Finally, the last thing that is really bothering me, there isn't anything about confidentiality. We advertise to everyone in the process that the University does not and cannot guarantee confidentiality, which is making nonsense of several revisions."

Speaker Pollak: "The question has been called, can we have a second? We have a second. All those in favor of calling the question signify by raising your hand. All those opposed. O.K., we will vote on the motion.

"All those in favor of the motion, please signify by raising your hand. Remember that the motion is to accept and recommend to the Provost and the Board of Trustees the Sexual Harassment Policy that has been the topic of discussion for the last two meetings. Once again, all those in favor, please signify by raising your hand. All those opposed. The motion has carried."
Dean Stein: "I would just like to make two quick comments. First, I'd like to apologize to Professor Torng, I thought it was a piece of legal jargon that I learned and I didn't realize that it would be offensive to anyone. I thought that it was a reference to the Great Wall of China and it wasn't intended to be an offensive comment, but in any case, I won't use it again.

"Secondly, I'd like to ask you to thank the Committee. This was very long, very hard, very tiring work, they met meeting after meeting, and they did, I think, a magnificent job of addressing a large number of issues in a short period of time. I think we are all indebted for the work they have done."

The meeting was adjourned at 5:35 pm.

Respectfully submitted,

Robert F. Lucey, Associate Dean and Secretary of the University Faculty
POLICY STATEDMENT

In furtherance of federal and state legal mandates and the Board of Trustees' related policy on Equal Educational and Employment Opportunity, Cornell University strives to provide an educational and working environment that is free from sexual harassment.

REASON FOR PROCEDURES

These Procedures are designed to ensure that all members of the university community are aware of their rights, of what conduct is prohibited, and of the proper procedures available within the University for addressing and resolving sexual harassment complaints.

ENTITIES AFFECTED BY THESE PROCEDURES

Endowed and Statutory Divisions of the University, excluding the Medical College

WHO SHOULD READ THESE PROCEDURES

- All members of the Cornell University Community

NOTE: ADDITIONS APPEAR IN BOLD, DELETIONS ARE UNDERLINED.

"Definitions", "Contents" and "Index" to be revised. Appendices D and E to be added, as well as Flow Charts.
Policy 6.4
Sexual Harassment

CONTENTS

Policy Statement 1
Reason for Procedures 1
Entities Affected by These Procedures 1
Who Should Read These Procedures 1
Related Documents 4
Contacts 5
Definitions 6
Introductory Provisions 8
Purpose and Scope of These Procedures 8
Prohibited Conduct: Sexual Harassment Defined 8
Examples of Sexual Harassment 8
Disciplinary Sanctions 10
Educational Programs 10
Responsibility of Supervisors 10
Complaint Reporting 11
Central Role of the Office of Equal Opportunity 11
Support Function of Harassment Advisors 11
Sexual Harassment by Students 12
Reacting to Sexual Harassment: Direct Action 12
Initiating a Complaint 12
Confidentiality 13
Time Period for Filing a Complaint 13
Election to File Internally Versus Externally 13
Protection from Retaliation for Complaining Party and Witnesses 14
Charged Party: Protection from Bad Faith Complaints 14
Mediation Process 15
Mediation Option 15
Initial Review 15
Mediation Process 15
Mediation Agreement 16
Mediation Record 16
Investigation Process 17
Investigation and Mediation Distinguished 17
Purpose and Scope of Investigation 17
Faculty Co-Investigator 18
Investigative Hearings 18
Record-Keeping 19
Consultation with Associate Provost and University Counsel 19
CONTENTS, CONTINUED

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigation Report</td>
<td>19</td>
</tr>
<tr>
<td>Disposition by a Dean or Vice President</td>
<td>20</td>
</tr>
<tr>
<td>&quot;No Cause&quot; Finding</td>
<td>20</td>
</tr>
<tr>
<td>&quot;Cause&quot; Finding—Uncontested</td>
<td>21</td>
</tr>
<tr>
<td>&quot;Cause&quot; Finding—Contested</td>
<td>21</td>
</tr>
<tr>
<td>Staff Recourse Procedures</td>
<td>22</td>
</tr>
<tr>
<td>Faculty Recourse Procedures</td>
<td>22</td>
</tr>
<tr>
<td>Effective Date</td>
<td>22</td>
</tr>
<tr>
<td>Periodic Review of These Procedures</td>
<td>23</td>
</tr>
<tr>
<td>Responsibilities</td>
<td>24</td>
</tr>
<tr>
<td>Appendix A</td>
<td>26</td>
</tr>
<tr>
<td>Reacting to Sexual Harassment: What You Can Do</td>
<td>26</td>
</tr>
<tr>
<td>Appendix B</td>
<td>27</td>
</tr>
<tr>
<td>The Investigation Process: Features and Steps</td>
<td>27</td>
</tr>
<tr>
<td>Appendix C</td>
<td>28</td>
</tr>
<tr>
<td>Flow Chart: Complaint Processing</td>
<td>28</td>
</tr>
<tr>
<td>Index</td>
<td>29</td>
</tr>
</tbody>
</table>
Policy 6.4
Sexual Harassment

RELATED DOCUMENTS

<table>
<thead>
<tr>
<th>University Documents</th>
<th>Other Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campus Code of Conduct</td>
<td>Equal Employment Opportunity</td>
</tr>
<tr>
<td>Collective Bargaining Agreements for Represented Employees</td>
<td>Commission's Guidelines on Sexual Harassment</td>
</tr>
<tr>
<td>Faculty Dismissal Procedure</td>
<td>New York State Human Rights Law</td>
</tr>
<tr>
<td>Faculty Handbook</td>
<td>Title VI of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991</td>
</tr>
<tr>
<td>President's Statement on Affirmative Action and Equal Employment Opportunity</td>
<td>Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991</td>
</tr>
<tr>
<td>President's Statement on Sexual Harassment</td>
<td>Title IX of the Education Amendments of 1972</td>
</tr>
<tr>
<td>Recognition Policy for Fraternities and Sororities</td>
<td></td>
</tr>
<tr>
<td>Student Handbook</td>
<td></td>
</tr>
<tr>
<td>University Human Resource Policy #603 and #604</td>
<td></td>
</tr>
<tr>
<td>University Policy 4.6, Standards of Ethical Conduct</td>
<td></td>
</tr>
<tr>
<td>University Policy 5.1, Responsible Use of Electronic Communications</td>
<td></td>
</tr>
<tr>
<td>University Policy 6.3, Sexual Assault</td>
<td></td>
</tr>
</tbody>
</table>
### CONTACTS

Direct any questions about the Sexual Harassment Procedures to the Office of Equal Opportunity. If you have questions about related policies, services or resources, call the following offices:

<table>
<thead>
<tr>
<th>Campus Code of Conduct</th>
<th>Complaints Concerning Suspected Harassment by Students</th>
<th>Complaints Concerning Suspected Harassment by Staff Employees or Faculty Members</th>
<th>Educational Programs and Resources</th>
<th>Harassment Advisors</th>
<th>Psychological/Emotional Assistance and Support Services, Employees</th>
<th>Psychological/Emotional Assistance and Support Services, Students</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Judicial Administrator</td>
<td>Office of Equal Opportunity</td>
<td>Cornell Interactive Theatre Ensemble</td>
<td>Your Department’s Administrative Office</td>
<td>Employee Assistance Program</td>
<td>Psychological Services</td>
</tr>
<tr>
<td></td>
<td>(607) 255-4680</td>
<td>(607) 255-3976</td>
<td>Judicial Administrator</td>
<td>(607) 255-1531</td>
<td>Ombudsman</td>
<td>Dean of Students</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(607) 255-4680</td>
<td></td>
<td>Cornell United Religious Work (CURW)</td>
<td>Empathy, Assistance, and Referral Service</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Ombudsman</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Cornell United Religious Work (CURW)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(607) 255-5208</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(607) 255-6839</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(607) 255-3277</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(607) 255-4321</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(607) 255-4214</td>
</tr>
</tbody>
</table>

To call any campus number from 253, 254, or 255, dial only the last 5 digits.

*TDD = Telecommunications device for the deaf*
**DEFINITIONS**

These definitions apply to these terms as they are used in these procedures:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charged Party</td>
<td>A person against whom a complaint or charge of sexual harassment has been made.</td>
</tr>
<tr>
<td>Coerced Sexual Acts</td>
<td>Using one's authority to compel another to submit to sexual acts in exchange for maintaining or enhancing employment or academic benefits or status.</td>
</tr>
<tr>
<td>Complainant or Complaining Party</td>
<td>A person who believes she/he has been victimized by sexual harassment.</td>
</tr>
<tr>
<td>Discrimination</td>
<td>Negative and/or different treatment of an individual based solely on his/her EEO-protected class status. Cognizable discrimination under EEO law occurs under one or more of the following theories of discrimination: (1) disparate treatment, including sexual harassment, (2) adverse impact, (3) present effects of past discrimination, (4) failure to provide reasonable accommodation to one's religion or to a qualified person with a disability that does not create an undue hardship on the employer or educational institution, (5) retaliation.</td>
</tr>
<tr>
<td>Faculty Member</td>
<td>A person who holds an appointment in a college or school, has an academic title, and is employed for a specified or indefinite term.</td>
</tr>
<tr>
<td>Harassment Advisor</td>
<td>A designated individual who gives advice, suggestions, guidance, or acts as a resource for students, staff employees, or faculty members on issues of harassment including sexual harassment and harassment based on race, gender, religion, ethnic origin, disability, sexual orientation, age or veteran status.</td>
</tr>
<tr>
<td>Hostile Environment Sexual Harassment</td>
<td>Unwelcome sexual behavior toward another employee or a student that is 1) persistent, pervasive, or severe; and 2) has the purpose or effect of interfering with the work or educational environment in a way that a reasonable person would find hostile or offensive.</td>
</tr>
<tr>
<td>Investigation</td>
<td>A systematic inquiry into allegations of sexual harassment brought by complainants through the process described in these procedures.</td>
</tr>
<tr>
<td>Mediation</td>
<td>Intervention between conflicting parties to promote reconciliation, settlement, or compromise.</td>
</tr>
<tr>
<td>Quid Pro Quo Sexual Harassment</td>
<td>Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when: - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status; or - submission to, or rejection of, such conduct by an individual is used as the basis for an employment or academic decision affecting that person;</td>
</tr>
</tbody>
</table>
### DEFINITIONS, _CONTINUED_

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Retaliation</strong></td>
<td>The seeking of revenge, reprisal or injury to another who has exercised the right to file a complaint or make a report of sexual harassment, or has participated in an investigation into allegations of sexual harassment.</td>
</tr>
<tr>
<td><strong>Sanctions</strong></td>
<td>The sentence imposed on an individual found guilty of sexual harassment, which may include punishment, corrective actions to be taken against the individual, and specific make-whole provisions for the benefit of the complaining party.</td>
</tr>
<tr>
<td><strong>Staff Employee</strong></td>
<td>A person (other than a faculty member) who is employed to provide administrative, support or executive services.</td>
</tr>
</tbody>
</table>
INTRODUCTORY PROVISIONS

Purpose and Scope of These Procedures

Cornell University strives to provide an educational and working environment for all faculty, staff, and students that is free from sexual harassment. Sexual harassment in any form is unacceptable behavior and will not be tolerated. These procedures are designed to promote the following purposes:

- notifying all members of the University community of what conduct is proscribed;

- ensuring that all victims and potential victims of sexual harassment are aware of their rights; and

- informing members of the University community about the procedures available within the University for addressing and resolving sexual harassment complaints.

These procedures are university-wide. They supersede and replace any other campus or school-based conduct code, policy, or administrative practice with respect to reports or complaints charging a faculty member or staff employee of the university with sexual harassment.

Prohibited Conduct: Sexual Harassment Defined

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct or written communication of a sexual nature is sexual harassment when any of the following occurs:

- submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic standing; or

- submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual; or

- such conduct has the purpose or effect of unreasonably interfering with an individual’s work, academic performance, or participation in extracurricular activities; or creating an intimidating, hostile, or offensive working or learning environment.

◆ Note: This definition tracks the sexual harassment "Guidelines" that the Equal Employment Opportunity Commission adopted in 1980 implementing Title VII of the Civil Rights Act of 1964.

Working Environment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct
INTRODUCTORY PROVISIONS, CONTINUED

has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Educational Environment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic standing, (2) submission to or rejection of such conduct by an individual is used as the basis for academic decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or participation in extracurricular activities, or creating an intimidating, hostile, or offensive educational environment. Speech and other expression occurring in an instructional or research context is protected by academic freedom principles. Speech or other expression occurring in an instructional or research context will not be considered to constitute sexual harassment under clause (3) above unless, in addition to satisfying the standard of clause (3), it is (1) targeted at a specific person, and (2) either (a) is abusive, or (b) is severely humiliating, or (c) persists despite the reasonable objection of the person targeted by the speech.

◆ Note: Clause (3) of the definitions above involved an objective standard. The question is whether the conduct would interfere with a reasonable person's work or academic performance or participation in extracurricular activities, or would create an intimidating, hostile, or offensive working or educational environment in the mind of a reasonable person.

Examples of Sexual Harassment

Sexual harassment can take different forms and the determination of what constitutes sexual harassment will vary according to the particular circumstances.

◆ Note: Sexual harassment may involve behavior by a person of either sex against a person of the same or opposite sex.

Examples of sexual harassment may include but are not limited to:

- seeking sexual favors or relationships in return for the promise of a favorable grade or other academic opportunity;

- conditioning an employment-related action (such as hiring, promotion, salary increase, or performance appraisal) on a sexual favor or relationship; or

- intentional and undesired physical contact, sexually explicit language or writing, lewd pictures or notes, and other forms of sexually offensive
INTRODUCTORY PROVISIONS, CONTINUED

can be by individuals in positions or authority or co-workers that unreasonably interfere with the ability of a person to perform his or her employment or academic responsibilities.

The first two examples illustrate what is characterized as the “quid pro quo” form of sexual harassment. The third example illustrates the “hostile environment” form of sexual harassment (see the “Definitions” Section of this document).

Hostile environment is unwelcome sexual behavior toward another employee or a student “that is sufficiently severe or pervasive to alter the conditions of the victim’s employment” or academic pursuits and create a work or educational environment that a reasonable person would find abusive. Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57, 67 (1986).

Isolated instances, e.g., a sexual overt ure, comment, or joke, ordinarily will not constitute sexual harassment unless the circumstances are egregious. Nor does such sexual behavior constitute harassment if it is welcomed (i.e., voluntary and consensual)

◆ Note: It is important to note, however, that a consensual sexual relationship between a faculty member and a student who is subject to the faculty member’s supervision may violate standards of professional ethics or other University policies.

◆ Note: It is important to note that romantic or sexual relationships between students and those with authority over them is generally prohibited by University policy. That policy is appended in Appendix D.

◆ Caution: Speech occurring in an instructional or research context is generally protected by academic freedom principles. Consequently, such speech, even if some listeners find it objectionable, will not be considered to constitute "hostile environment” discrimination, unless it is targeted at a specific person and is abusive, severely humiliating, or persists despite the objection of the person(s) targeted by the speech.

Disciplinary Sanctions

Disciplinary action for sexually harassing behavior may include any and all of the following:

- a verbal warning;
- a written reprimand;
- requirement to attend training;
- work restrictions;
- salary reduction or limitation;
- suspension;
- dismissal.
INTRODUCTORY PROVISIONS, CONTINUED

Educational Programs

It is the responsibility of the Office of Equal Opportunity to provide educational and training programs to: 1) assist members of the university community in understanding what sexual harassment is and is not; and 2) make clear that sexual harassment is illegal under federal and state law and will not be tolerated (see the "Educational Programs and Resources" listing in the "Contacts" Section of this document).

◆ Caution: In addition to imposing certain responsibilities on the institution itself, these laws expose individuals culpable of sexual harassment to personal liability.

Specifically, the Office of Equal Opportunity will distribute copies of this policy to all schools, departments, and programs at the university; present periodic workshops and seminars; and publish on a semi-annual basis reports summarizing the number, type, source, and outcome of sexual harassment complaints.

◆ Note: The purpose of the reports is to publicize the availability and effectiveness of these sexual harassment enforcement procedures. For reasons of confidentiality, the reports will not disclose the identities of complainants and/or charged individuals.

The Office of Equal Opportunity will also make available written information that outlines and illustrates the university's policies and procedures concerning sexual harassment.

Responsibility of Supervisors

It is the responsibility of supervisors, deans, and department heads to:

- inform employees under their direction or supervision of these sexual harassment procedures;
- notify the Office of Equal Opportunity when they receive reports or complaints of sexual harassment; and
- implement any corrective actions that are imposed as a result of findings of sexual harassment.
Policy 6.4
Sexual Harassment

COMPLAINT REPORTING

Any faculty member, staff employee, or student who believes she/he has been victimized by sexual harassment is encouraged to promptly confer with a harassment advisor or directly contact the Office of Equal Opportunity.

The Office of Equal Opportunity, which is under the direction of the Associate Provost, is charged with the enforcement of the University's non-discrimination obligations. This office has the exclusive responsibility of accepting and processing discrimination complaints, including complaints charging a staff employee or faculty member with sexual harassment. Efforts to resolve complaints, through informal intervention, mediation or investigation will be undertaken impartially and in as prompt and as confidential a manner as possible.

◆ Caution: Complaints will ordinarily only be investigated when the complaining party so elects. In extraordinary circumstances, however, the Office of Equal Opportunity may determine to investigate on its own particularly serious (e.g., coerced sexual acts) and prima facie evidently well-founded allegations brought to its attention (e.g., reported by supervisors), even where the complaining party is reluctant to pursue such charges. In such extraordinary circumstances, the Office of Equal Opportunity may also recommend to the appropriate University official such interim steps (i.e., pending completion of the investigation) deemed necessary to protect the safety and well-being of members of the University community.

A pool of harassment advisors or counselors, drawn from each college and major administrative unit, has been designated to provide advice and guidance to individuals who believe that they have been the targets of sexual harassment. These specially trained harassment advisors, as well as the University Ombudsman, are especially conversant about these procedures, and thus can be particularly helpful in explaining the definition of sexual harassment, offering guidance on the appropriate recourse (including direct action, mediation, and/or complaint investigation), and providing information about psychological counseling and support services available to students, faculty and staff.

Harassment advisors (and the University Ombudsman) are not authorized to conduct investigations; nor will they maintain formal or detailed records of confidential consultations. If, after consultation, the individual wishes to pursue the matter with the Office of Equal Opportunity, the harassment advisor (and the University Ombudsman) is required to refer the individual to the Office of Equal Opportunity. And, should the individual so request and the harassment advisor agree, the harassment advisor may
**COMPLAINT REPORTING, CONTINUED**

accompany and assist the individual during complaint investigation proceedings.

If the complainant does not wish to pursue the matter with the Office of Equal Opportunity and desires that the consultation be confidential or "off the record," the harassment advisor (and the University Ombudsman) will only report to the Office of Equal Opportunity (simply for statistical reporting purposes) the nature of the incident, devoid of any personally identifiable information.

<table>
<thead>
<tr>
<th>Sexual Harassment by Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complaints of sexually harassing or threatening behavior by students are covered by certain provisions of the Campus Code of Conduct which is administered by the Office of the Judicial Administrator. However, students' complaints related to the conduct of their particular graduate or undergraduate teaching or research assistants will be processed in accordance with the procedures set forth in this document.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reacting to Sexual Harassment: Direct Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual harassment is demeaning, degrading, and illegal. It affects an individual's self-esteem, and can have a negative impact on an individual's work or academic performance. Employees or students who believe they are being sexually harassed are encouraged to react to the harassment by taking direct action: The appendix entitled &quot;Reacting to Sexual Harassment: What You Can Do&quot; explains practical steps to thwart harassing behavior at an early juncture. While direct action is encouraged and can, in some cases, stop the harassment, employees and students are not obligated to react before pursuing one of the other alternatives listed below, including filing a complaint.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Initiating a Complaint</th>
</tr>
</thead>
<tbody>
<tr>
<td>The complaint procedure is initiated when a complaint or report of suspected sexual harassment is made to the Office of Equal Opportunity. The complaint must describe in writing the act or acts complained of, identify the person or persons purportedly responsible, and indicate the date or approximate date on which the discriminatory act or acts occurred. The complainant as used in this document, may be a single person or several individuals. If there are several complainants, and they cannot agree on a common position when these procedures require the complainant to make a decision, the complaint will be divided into two or more complaints.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Confidentiality</th>
</tr>
</thead>
<tbody>
<tr>
<td>All individuals who are involved in the complaint reporting, mediation and/or investigation process are obliged to maintain confidentiality of the proceedings.</td>
</tr>
</tbody>
</table>

**Caution:** The Office of Equal Opportunity will underscore the importance of confidentiality in meetings with the parties and witnesses. Furthermore, breaches of confidentiality during the fact-finding process could lead to disciplinary action as a result of charges being filed by an aggrieved party.
COMPLAINT REPORTING, continued

under applicable disciplinary or grievance procedures. Notwithstanding these cautions, the university cannot and does not guarantee that confidentiality will be maintained by parties and witnesses.

Caution: The Office of Equal Opportunity and the Committee on Academic Freedom and Professional Status of the Faculty will underscore the importance of confidentiality in meetings with parties and witnesses. All who take part in any of the procedures under this policy will be expected not to reveal any information that they learn in the course of these proceedings. The University shall take reasonable measures to ensure the confidentiality of the testimony and records produced in the procedures under this policy. Notwithstanding these measures, however, the University cannot and does not guarantee that confidentiality will be maintained by parties and witnesses. Breaches of confidentiality will be considered a serious transgression, and the injury caused to the reputation of the victim of any breaches may be taken into account in determining the level of sanctions to be imposed against the charged party in the event of a guilty verdict.

Confidentiality does not mean that the details of the complaint will be withheld from the charged party, or that the university is constrained from divulging the outcome in appropriate circumstances, e.g., the university may publicly divulge details of the outcome if the charged party one of the parties discloses selective or self-serving portions of the proceedings, or when a lawsuit emerges where the complaining or charged party contests the findings or results of the university's investigation.
Policy 6.4
Sexual Harassment

COMPLAINT REPORTING, CONTINUED

Time Period for Filing a Complaint

Prompt reporting of a complaint is strongly encouraged, as it allows for rapid response to and resolution of objectionable behavior. Except as provided in the following paragraph, Ordinarily, complaints should must be filed with the Office of Equal Opportunity within one year after the last act alleged harassing behavior occurred.

In instances involving a student complaint against a faculty member charging harassing behavior that occurred in the context of a subordinate-supervisory academic relationship (e.g., teaching, advising, thesis or dissertation supervision, or coaching), the time period may be extended until one (1) year after the student is no longer under the faculty member's academic supervision or three (3) years from the date the most recent alleged harassing behavior occurred, whichever is earlier.

◆ Caution: Absent exceptional circumstances, the complaining party's failure to file a complaint within the relevant limitation period will lead to the dismissal of the complaint.

◆ Caution: The complaining party's failure to file a complaint within the relevant limitation period will lead to the dismissal of the complaint.

◆ Note: Prior convictions of sexual harassment and prior mediation agreements in sexual harassment cases shall be admissible in proceedings hereunder. Other than such records, however, records of prior accusations of sexual harassment not leading to convictions and records concerning similar harassing behavior not subject to the complaint(s) in the case shall not be admissible. Testimony about such prior accusations or similar harassing behavior shall be admissible, but only with respect to behavior that satisfies the time requirements set forth above for filing a complaint.

Election To File Internally Versus Externally

The Office of Equal Opportunity is the university office responsible for accepting and handling complaints of discrimination, including sexual harassment. The complaining party may elect to have the complaint mediated or investigated internally in accordance with these procedures; or may elect instead to file a formal charge of discrimination externally with a federal or state agency authorized by law to investigate such claims.

The complaining party is free at any time (before or after the filing of a complaint with the university's Office of Equal Opportunity) to file a charge or institute formal proceedings before a federal or state agency. If a formal proceeding before a federal or state agency is instituted or a lawsuit is filed, the Office of Equal Opportunity will proceed in the manner it believes appropriate under the circumstances, understanding that the university's role may be altered from independent investigator to a respondent or defendant.
Policy 6.4
Sexual Harassment

**COMPLAINT REPORTING, CONTINUED**

**Protection from Retaliation for Complaining Party and Witnesses**

Federal and state law and university policy prohibit any form of retaliation against a person who files a discrimination complaint, including a charge of sexual harassment. It is the responsibility of the Office of Equal Opportunity to state clearly to the charged party that any form of retaliation against a person for having filed a complaint is expressly prohibited and will result in serious disciplinary sanctions.

This protection from retaliation similarly applies to persons who participate as witnesses in discrimination investigative or adjudicatory proceedings.

**Charged Party: Protection from Bad Faith Complaints**

In the interest of protecting charged parties from bad faith complaints, if the Office of Equal Opportunity's initial investigation reveals that the complaint is malicious, or knowingly false, or fundamentally frivolous, such charges will be dismissed and the investigation will be promptly terminated.

◆ **Note:** As with any complaint brought in bad faith, the aggrieved individual may resort to any applicable disciplinary or grievance procedure.
MEDICATION PROCESS

Mediation Option

A complaining party who files a timely written complaint may elect to proceed by either mediation or investigation. The election to proceed by mediation requires the concurrence of the complaining party and the charged party, either of whom may decide at any stage during or upon the conclusion of the mediation process to proceed by investigation. While a complaining party may elect to resort directly to the investigation process without initially attempting mediation, the Office of Equal Opportunity encourages complaining parties to participate initially in the mediation process.

Note: The mediation option may be particularly suitable for addressing and resolving certain instances of suspected sexual harassment—for example, where the charged party's conduct was unintentional or unknowingly offensive, or where such conduct potentially implicates free speech or academic freedom concerns.

Initial Review

Upon filing the written complaint, the complaining party will be asked whether he or she consents to initial processing by mediation. If so, then a trained facilitator designated by the Associate Provost will conduct an interview of the complaining party to determine the factual allegations on which the charge of sexual harassment is based and the terms satisfactory to the complaining party upon which the complaint may be conciliated. As soon as possible following the initial interview, the Office of Equal Opportunity will notify the charged party that he or she has been named in a complaint.

Mediation Process

Because each case can involve many variables, it is neither desirable nor practical to prescribe a mediation process applicable to all cases. The primary objective of the mediation process is to permit the parties to resolve the dispute on their own, quickly and confidentially.

Except in unusual circumstances (and e Except as provided in the following segment, no person other than the complaining party and the charged party will be contacted by the Office of Equal Opportunity during the mediation process. Both parties will be instructed by the Office of Equal Opportunity to respect the confidentiality of the process.
Policy 6.4
Sexual Harassment

MEDIATION PROCESS, CONTINUED

Mediation Agreement

If the complaint is successfully mediated, the Office of Equal Opportunity will prepare a “successful mediation” agreement describing the agreed-upon terms. It is the responsibility of the Office of Equal Opportunity to ensure, through consultation with appropriate university officials, that the terms comply with university policies and procedures.

The complaining party and the charged party will be expected to read and sign the successful mediation agreement. That agreement will state that, by signing, the complaining party and the charged party agree that the dispute is fully and finally resolved, subject to the parties’ compliance with any stipulated commitments.

In the event a party fails to comply with the commitments or conditions contained in the mediation agreement, the other party may seek the intervention of the Office of Equal Opportunity which may contact the party’s supervisor to assist with enforcement, or institute an investigation of the underlying complaint.

Mediation Record

The Office of Equal Opportunity will not retain any written record of the mediation process except the complaint and the successful mediation agreement, which will be made available to the complaining party and the charged party upon request. Mediation agreements may be used as evidence in any subsequent investigations and hearings relating to charges of sexual harassment. The Office of Equal Opportunity will inform the charged party of this fact before the charged party signs the mediation agreement. The Office of Equal Opportunity will discard all other documents and notes as soon as the mediation process has been concluded.
INVESTIGATION PROCESS

If either party is dissatisfied with the outcome of the mediation process, or if either party elects to proceed directly to the investigation process, then the Office of Equal Opportunity undertakes that process, which differs from the mediation process in several respects:

- an investigation may involve persons other than the complaining party and charged party, including witnesses and the charged party's supervisor;

- a written record will be produced summarizing the written statements of the complaining party, charged party, and any witnesses, which will be made available upon request to the complaining party and the charged party;

- the record may be used as documentation for the investigation report and for any corrective actions recommended to the appropriate dean or vice president.

The investigative and mediation processes will be distinct from each other. The same person may not perform the functions of mediator and investigator in a single case. Statements or records made in the mediation process may not be introduced into the adjudication process.
The purpose of the investigation is to gather evidence relating to the alleged sexual harassment, to determine whether there is probable cause to proceed to an adjudicatory stage (a "cause" finding), and, if so, to formulate a specific charge or charges of sexual harassment.

♦ Note: The investigators should make a probable cause determination if they believe that the evidence they have gathered will probably be sufficient to obtain a conviction. A probable cause determination does not constitute a finding of fact or a determination of guilt. Findings of fact and determinations of guilt or innocence will be made only at the adjudicatory stage. A probable cause determination is merely an assessment that the evidence is sufficient to proceed to the adjudicatory stage.

Except in extraordinary circumstances, Adversarial hearings (including confrontation, cross-examination by the parties, and active advocacy by attorneys) are neither appropriate nor applicable during the investigation process.

♦ Note: The complaining and charged parties are free, of course, to seek the advice of personal attorneys and advisors (including harassment advisors) throughout the investigative process. Such representatives may attend their own clients' or advisees' investigative interview, but may not respond to questions in lieu of their clients or advisees, and may not pose questions to them.

In conducting the investigation, the Office of Equal Opportunity will keep both parties informed as to the status of the investigation. The precise features and steps of the investigation process, which is conducted by the Office of Equal Opportunity, are set forth in Appendix B, "The Investigation Process: Features and Steps." In making investigative findings, the Office of Equal Opportunity will apply the conventional "preponderance of evidence" standard, i.e., whether it is more probable than not that the purportedly prohibited conduct occurred.
INVESTIGATION FACULTY PROCESS, CONTINUED

Faculty Co-Investigator
In instances when a faculty member is the party charged with sexually harassing behavior that is alleged to have occurred in the context of a subordinate-supervisory academic relationship (e.g., teaching, advising, research thesis or dissertation supervision), the Dean of Faculty will, following consultation with the Associate Provost, designate a faculty member to serve as a co-investigator. The faculty co-investigator will be selected, pursuant to procedures established by the Faculty Senate, from an elected pool of appropriately trained faculty members. The faculty co-investigator will collaborate with the Office of Equal Opportunity investigator in conducting the investigation and preparing the investigation report.

Investigative Hearings
Investigative Procedures
The investigation undertaken jointly by the faculty member and administrator co-investigators concerning student allegations against a faculty member in the context of a subordinate-supervisory academic relationship will ordinarily adhere to the informal fact-finding process prescribed in Appendix B.

The report of the investigation must be agreed to by both co-investigators. Failure to reach an agreement will constitute a determination that there is no probable cause to proceed to the adjudicatory stage.

In extraordinary circumstances, however, the two-person team of co-investigators may conduct an investigative fact-finding hearing if they decide, in their discretion, that such a proceeding would significantly assist in reaching a determination as to the merits of the sexual harassment allegations.

"Extraordinary circumstances" which may warrant a fact-finding hearing are:

- the initial interviews of the parties reveal fundamentally conflicting factual accounts, e.g., the charged party denies that the purportedly harassing behavior occurred; and

- the complaint charges a serious sexual harassment offense which, if factually established, would likely lead to the imposition of a sanction that adversely affects the charged party's compensation or term or employment.

If both circumstances apply in the judgment of the co-investigators, a private hearing will be convened in which the parties to the dispute are invited to appear and to confront adverse witnesses (with the active assistance of personal advisors or attorneys). In addition to hearing from the parties, the two-person team of co-investigators may call witnesses.
INVESTIGATION FACULTY PROCESS, CONTINUED

and gather whatever additional information they deem necessary to present their findings and recommendations in the investigation report. The co-investigators will preside over and determine the scope of the investigative hearing.

◆ Note: In making the judgment whether circumstances warrant convening an investigative hearing, the co-investigators are expected to consult with the Associate Provost.

Record-Keeping

The Office of Equal Opportunity will maintain all records of written complaints according to the following schedule:

Records of investigated complaints in which sexual harassment is factually determined not to have occurred (i.e., "no cause" findings) no probable cause is found will be confidentially maintained for a period not to exceed three years, or until the conclusion of any external agency investigation or legal action, whichever is later.

Records of complaints which, following investigation, resulted in a factual determination that sexual harassment had occurred (i.e., "cause" findings) probable cause determination will be maintained permanently.

In either event, access to such records is strictly limited to those individuals with a definite need to know, i.e., university officials directly involved in the investigation, adjudication or implementation of the complaint resolution process, investigating or adjudicating a complaint or implementing a complaint resolution.

Records of decisions by complaining parties not to pursue complaints that they have filed with the Office of Equal Opportunity will be confidentially maintained for a period not to exceed three years, or until the conclusion of any external agency investigation or legal action, whichever is later. These records will be so maintained for institutional reasons, and may not be considered for any purpose in the mediation, investigation, or adjudication of future sexual harassment cases.
INVESTIGATION FACULTY PROCESS, CONTINUED

At the conclusion of the investigation, the investigator (or co-investigators, if applicable) the co-investigators will prepare a written report. The investigation report will explain the scope of the investigation and render a determination as to the merits of the sexual harassment allegations and specify the charges of sexual harassment, if any, for which the co-investigators have made a probable cause determination.

If the result of the investigation is a determination that there is no probable cause to proceed to the adjudicatory stage, the university’s internal complaint resolution process is concluded and the complaining party will be informed of his or her rights with regard to other external avenues of complaint processing.

Furthermore, the University will take reasonable steps to restore the reputation of the charged party (such as expungement of records, and unless the charged party otherwise requests, notification to persons who participated in the investigation of the charge, and/or public announcement of the outcome).

The Office of Equal Opportunity will forward the investigation report in confidence to the appropriate dean (if a faculty member is the charged party) or vice president (if a staff employee is the charged party). The dean/vice president may also have access to the entire record on which the investigation report is based.

◆ Note: In instances where a dean or vice president is the charged party, the report will be provided to the president.

If the investigation results in a factual probable cause determination that the sexual harassment allegations have merit (i.e., a "cause" finding), then the report will include recommendations concerning appropriate sanctions, such as:

- corrective actions to be taken against the charged party faculty member; and

- specific make-whole provisions for the benefit of the complaining party where appropriate.
The Office of Equal Opportunity will send the investigation report to the charged faculty member.

If the faculty member accepts the investigation report, the Associate Dean and Secretary of the Faculty will send the investigation report to the college dean. The college dean must accept the findings of the investigation report with regard to cause and must implement the sanctions recommended in the investigation report.

If the charged faculty member does not accept the investigation report within 30 days, the Associate Dean and Secretary of the Faculty will refer the matter to the chair of the Committee on Academic Freedom and Professional Status of the Faculty, who will initiate adjudicatory procedures. In this event, the sanctions recommended in the investigation report will have no further significance; they will be superseded by the recommendations of the Committee on Academic Freedom and Professional Status of the Faculty following the adjudication of the case.

The procedures for conducting adjudicatory hearings will be determined by the Committee, subject to the consent of the Senate. Any future changes to those procedures will be determined by the Committee, subject to the consent of the Senate.

Following the hearings, the Committee shall determine whether there is clear and convincing evidence to find that the faculty member is guilty of each of the charges specified in the investigation report. The Committee shall make a written report setting forth the Committee’s findings of fact, conclusions, and recommendations concerning sanctions.

The OEO, the accused, or the complainant may appeal the Committee’s findings of fact and conclusions to the University Faculty Committee. An intention to appeal to the University Faculty Committee must be filed with the Dean of the Faculty within three days of receipt of the final report of the Committee. The complete appeal must be filed with the Dean of the Faculty within two weeks of receipt of the final report of the Committee.

The grounds of the appeal will be limited to the following:

1. In the conduct of the adjudication by the Committee, there were violations of the Committee’s established procedures and practices. These violations were so serious that the University Faculty Committee believes that they affected the outcome of the adjudication.
INVESTIGATION FACULTY PROCESS, CONTINUED

2. The findings and conclusions of the Committee were so inconsistent with the evidence presented that it must be judged arbitrary or capricious. The term arbitrary and capricious fundamentally describes actions which have no sound basis in law, fact or reason, or are grounded solely in bad faith or personal desires. A determination is arbitrary and capricious only if it is one no reasonable mind could reach.

Any member of the University Faculty Committee whose personal or professional relationships, or whose participation in prior proceedings in the case, might interfere with giving fair and unbiased consideration in the appeal shall recuse himself or herself from the proceedings.

If the University Faculty Committee sustains an appeal, it will instruct the Committee to correct the deficiencies and reconsider the case. The Committee’s findings and conclusions following reconsideration will not be subject to further appeal.

Rebuttal of Recommended Sanctions

Following the conclusion of an appeal of findings of fact and conclusions, the OEO, the accused, or the complainant, may rebut the Committee’s recommendations concerning sanctions to the school or college dean. An intention to rebut must be filed with the dean within three days of receipt of the final report of the Committee. The complete rebuttal must be filed with the dean within two weeks of receipt of the final report of the Committee. If the recommendations are appealed, the dean will refrain from considering the appropriate sanctions until the complete rebuttal has been filed.

Action by the School or College Dean

In the absence of an appeal of the findings and conclusions of the Committee, or at the conclusion of such an appeal, the Committee on AFPS will forward its report to the school or college dean. The dean must accept the Committee’s findings of fact and conclusions as to guilt or innocence. If the Committee’s conclusion is that the charged party is guilty, the dean may modify the Committee’s recommendations concerning sanctions. Before reaching a final decision concerning any modifications, however, s/he will explain the rationale for the decision in a written communication to the Committee and will consider the Committee’s response to those modifications. If the dean seeks to impose the sanction of dismissal, the matter shall be referred to the Trustees’ Dismissal Procedures.
INVESTIGATION STAFF PROCESS

Purpose and Scope of Investigation

The purpose of the investigation is to make a reasonable initial determination as to the merits of the sexual harassment allegations. It is an informal fact-finding process, which is undertaken by interviewing the parties and any witnesses, and by examining any pertinent records or documents.

Except in extraordinary circumstances, Adversarial hearings (including confrontation, cross-examination by the parties, and active advocacy by attorneys) are neither appropriate nor applicable during the investigation process.

◆ Note: The complaining and charged parties are free, of course, to seek the advice of personal attorneys and advisors (including harassment advisors) throughout the investigative process. Such representatives may attend their own clients’ or advisees’ investigative interview, but may not respond to questions in lieu of their clients or advisees, and may not pose questions to them.

In conducting the investigation, the Office of Equal Opportunity will keep both parties informed as to the status of the investigation. The precise features and steps of the investigation process, which is conducted by the Office of Equal Opportunity, are set forth in Appendix B, “The Investigation Process: Features and Steps.” In making investigative findings, the Office of Equal Opportunity will apply the conventional “preponderance of evidence” standard, i.e., whether it is more probable than not that the purportedly prohibited conduct occurred.

Investigation Report

At the conclusion of the investigation, the investigator (or co-investigators, if applicable) will prepare a written report. The investigation report will explain the scope of the investigation and render a determination as to the merits of the sexual harassment allegations.

The Office of Equal Opportunity will forward the investigation report in confidence to the appropriate dean (if a faculty member is the charged party) or vice president (if a staff employee is the charged party). The dean/vice president may also have access to the entire record on which the investigation report is based.

◆ Note: In instances where a dean or vice president is the charged party, the report will be provided to the president.
INVESTIGATION STAFF PROCESS, CONTINUED

If the investigation results in a factual determination that the sexual harassment allegations have merit (i.e., a "cause" finding), then the report will include recommendations concerning:

- corrective actions to be taken against the charged party; and
- specific make-whole provisions for the benefit of the complaining party where appropriate.

Consultation with Associate Provost and University Counsel

Whenever an investigation is conducted, the Associate Provost and the University Counsel may be consulted, as necessary; and both officers will be provided with a copy of the written report before the report is forwarded, as provided in the "Investigation Report" segment below above.

Disposition by a Dean or Vice President

The dean or vice president (or the president, if appropriate) to whom the investigation report is forwarded may ultimately either accept or modify the findings and recommendations, or return the report for further investigation.

Prior to making any decision, however, the dean or vice president must first forward to the complaining party and the charged party copies of the investigation report and provide both parties a reasonable opportunity to submit written comments (i.e., within 30 days).

◆ Note: The dean or vice president may also confidentially consult with the Associate Provost and University Counsel concerning the sufficiency of the investigation, the factual findings, and the related recommendations (if any); and with the charged party's supervisor or department head if disciplinary actions are recommended.

The disposition of the investigation report will depend upon the nature of the findings and the employment status of the charged party, as explained below.
"No Cause" Finding

If the dean/vice president's decision affirms a factual determination that sexual harassment has not occurred (i.e., "no cause" finding), the university's internal complaint resolution process is concluded and the complaining party will be informed of his or her rights with regard to other external avenues of complaint processing.

Furthermore, the decision will include, if appropriate, reasonable steps to restore the reputation of the charged party (such as expungement of records, and, unless the charged party otherwise requests, notification to persons who participated in the investigation of the charge, and/or public announcement of the outcome).

"Cause" Finding—Uncontested

If the charged party does not contest a "cause" finding and the recommended corrective action(s), the dean/vice president may determine to accept the report and notify the parties that the complaint resolution process is concluded (subject to implementation of and compliance with the corrective actions).

◆ Caution: If the dean/vice president determines to accept an uncontested "cause" finding but indicates an intention to modify the recommended sanction(s), the dean/vice president will communicate this preliminary judgment to the Associate Provost who must concur with the proposed modification in sanction(s) before a final decision is rendered.

"Cause" Finding—Contested

If the vice president determines to accept a "cause" finding involving a staff employee and imposes a disciplinary sanction, the charged party may contest this personnel action in accordance with the applicable grievance procedures described in the "Staff Recourse Procedures" segment set forth below.

If the investigation report forwarded to the dean results in a "cause" finding involving a faculty member who is employed under a contractual or indefinite term and the charged party specifically contests the recommended sanction and/or the underlying factual findings of sexual harassment, the dean will proceed as follows:

- If the severe sanction of dismissal is contemplated, the Board of Trustees-established faculty dismissal procedures will govern the adjudication. The final institutional judgment will depend upon (and await) the outcome of these dismissal procedures, which provide substantial procedural protections including active participation of counsel and proof of just cause by clear and convincing evidence.
INVESTIGATION STAFF PROCESS, CONTINUED

- If lesser sanctions are recommended in the investigation report, the dean will defer a decision until the conclusion of the adjudicatory process described in the "Faculty Recourse" segment set forth below.

Staff Recourse Procedures

In instances involving staff employees or administrators, the Employee Complaint and Grievance Procedure will govern the adjudication of any contested disciplinary action. Unionized employees may resort to the grievance procedures provided pursuant to the applicable collective bargaining agreement. Non-professorial academic employees such as librarians and graduate teaching assistants may similarly seek recourse under applicable grievance procedures.

Faculty Recourse Procedures

A faculty member may contest the investigation report's recommendation of minor sanctions by filing, within 30 days of the dean's transmittal of the investigation report, a grievance with the Committee on Academic Freedom and Professional Status of the Faculty, which will conduct a confidential inquiry in accordance with procedures customarily governing faculty grievances. The Committee will forward its confidential report and recommendation to the dean, who will make the final decision. If the final decision is at variance with the Committee's recommendation, the dean will explain the rationale for the decision in a written communication to the Committee.

♦ Note: The Committee is vested with the discretion to determine the degree of procedural formality that should govern its confidential inquiry in particular cases. The following factors, however, should be taken into account in making this determination: the seriousness of the complaining party's allegations, the sufficiency of the investigation report (including whether an investigative hearing was held by the faculty and administrator co-investigators), and the extent of facts in dispute.

The Committee should be guided by a basic precept that courts have applied in determining the amount of "process" that is "due" in governmental hearings: the level and formality of the adjudicatory proceeding should match the severity of the possible sanction. Thus, in instances where the sanction recommended is relatively minor (such as a verbal warning, a written reprimand, requirement to attend training, or work restrictions) it would be appropriate to conduct an informal hearing in which the Committee itself determines what witnesses to call, conducts the questioning, and generally accords the faculty member the opportunity to persuade the Committee why the recommended sanction and/or the underlying investigation findings are unjustified.
INVESTIGATION STAFF PROCESS, CONTINUED

In instances where the recommended sanction is more serious (such as salary reduction or suspension) the Committee may decide, in its discretion, to enlarge the scope of the hearing, e.g., according the parties confrontation and cross-examination opportunities with the assistance of (non-legal or legal) advisors.

Effective Date

These procedures govern any and all complaints of sexual harassment reported or filed on or after July 8, 1996.

Periodic Review of These Procedures

Within four years of the effective date of this policy, the Provost will appoint a committee comprised of representatives of the Faculty Senate, the Employee Assembly, the Student Assembly, the Office of the Associate Provost, and the Office of University Counsel. This committee will be charged with the responsibility to review the effectiveness of these procedures and to submit its comments and recommendations to the Provost.
Policy 6.4
Sexual Harassment

RESPONSIBILITIES

The major responsibilities individuals, officers and representatives have in connection with these Sexual Harassment Procedures are as follows:

| All Staff Employees, Faculty Members and Students | Read and understand these procedures. |
| Office of Equal Opportunity | Implement and monitor the university’s affirmative action/equal opportunity obligations under federal, state, and local law. |
| | Provide education and training programs to assist members of the university community in 1) understanding what sexual harassment is and is not; and 2) make clear that sexual harassment is illegal under federal and state law and will not be tolerated. |
| | Provide copies of these procedures to all schools, departments, and programs of the university. |
| | Publish and distribute semi-annually a report that summarizes the number, type, source, and outcome of sexual harassment complaints. |
| | Conduct the mediation process between complainant and charged party. |
| | Investigate complaints of sexual harassment. |
| Associate Provost | Consult with the Dean of Faculty concerning the designation of a faculty co-investigator in instances where a faculty member is charged with sexually harassing a student. |
| | Provide counsel, as necessary, to the investigators and decision-makers during the investigation process. |
| | Review a dean or vice president’s judgment to modify the sanctions recommended in an uncontested “cause” finding before a final decision is rendered. |
| Deans, Department Heads, and Supervisors | Inform employees under their direction or supervision of these procedures. |
| | Notify the Office of Equal Opportunity when they receive reports or complaints of sexual harassment. |
| | Implement any corrective actions that are imposed as a result of findings of sexual harassment. |
| Faculty Co-Investigator | Collaborate with the Office of Equal Opportunity investigator in conducting the investigation and preparing the investigation report of sexual harassment complaints filed by a student against a faculty member. |
| University Counsel | Provide counsel, as necessary, to the investigators and decision-makers during the investigation process. |
| **Vice Presidents and Deans** | Accept, modify, or return for further investigation the findings and recommendations of the investigation report provided by the Office of Equal Opportunity.

Provide to the complainant and charged party copies of the investigation report.

Consult on a confidential basis with the Associate Provost and the University Counsel concerning the sufficiency of the investigation, the factual findings, and the related recommendations; and with the charged party's supervisor or department head if disciplinary actions are recommended.

Make a preliminary or final judgment and notify in writing the complaining party, the charged party and the Office of Equal Opportunity. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Committee on Academic Freedom and Professional Status of the Faculty</strong></td>
<td>Adjudicate cases in which an accused faculty member contests the investigation report.</td>
</tr>
<tr>
<td><strong>Harassment Advisor</strong></td>
<td>Give advice, suggestions, guidance, or act as a resource for individuals on issues of harassment.</td>
</tr>
</tbody>
</table>
APPENDIX A

Reacting to Sexual Harassment: What You Can Do

- Say "NO" to the harasser. Ignoring the situation will not make it go away. An unequivocal response will help prevent any misunderstanding about whether the behavior is welcome.

Be direct:

"I'd like to keep our relationship strictly professional."

If you know of others who have had similar experiences, approach the offender together.

- Write a letter to the harasser: describe the offensive behavior and why you object to it. State that you want the harassment to stop. Keep a copy.

- Keep a record of what happened. Include the date, time, place, names of the people involved and of witnesses, and who said what to whom.
APPENDIX B

The Investigation Process: Features and Steps

Investigations conducted by the Office of Equal Opportunity will be guided by the following process:

The investigation process will be distinct from the mediation process. The same person may not perform the functions of mediator and investigator in a single case. Investigations conducted by the Office of Equal Opportunity, or by the OEO and a faculty co-investigator, will be guided by the following process:

1. Identify the alleged harasser (the charged party).

2. Thoroughly ascertain all facts in connection with the alleged incident, beginning by initially and separately interviewing the complaining party and the charged party.

3. Ask how the complaining party responded to the alleged harassment and determine what efforts, if any, at informal resolution of the matter were made.

4. During the first interview with the charged party, remind the alleged harasser of the university’s policy against retaliation for making a complaint of sexual harassment.

5. Determine the frequency and type of the alleged harassment and, if possible, the dates and locations where the alleged harassment occurred.

6. Develop a thorough understanding of the professional relationship, degree of control, and amount of interaction between the two parties.

7. Determine whether the complaining party knows of or suspects that there are other individuals who have been harassed by the charged party.

8. Ask for the charged party’s explanation of the alleged behavior, and interview witnesses proposed by the charged party.

9. Determine whether the complaining party informed other parties or supervisors of the situation and what response, if any, the complaining party received from these individuals.

10. Interview any witnesses who observed or were told about the alleged harassment.

11. Remind all parties and witnesses of the need for confidentiality.
APPENDIX B, CONTINUED

10. Review relevant files and records (including personnel files maintained by departments and/or administrative units; records of the Office of Equal Opportunity regarding the disposition of any previously investigated complaints against the charged party; and any other documents deemed relevant by the Office).

12. Review personnel files maintained by departments and/or administrative units, previously concluded Mediation Agreements, previous records of conviction for the charge of sexual harassment, and, after giving the individual(s) to whom the files or records pertain notice and an opportunity to raise objections, other relevant files and records not in the OEO's possession. Any objections will be ruled upon by the Associate Provost.
APPENDIX C

Flow Chart
Complaint Processing

Direct Action

Complaint

- Office of Equal Opportunity
  - Investigation
  - Mediation

- Judicial Administrator (harassment by students)

- Vice Provost and University Counsel

- Dean/Vice President

Parties: Notified of Report Findings and Opportunity for Comment

- No Cause
  - Dean/Vice President Final Decision

- Cause and Uncontested
  - Dean/Vice President Final Decision

- Cause and Contested

  - Faculty Charged Party
    - Dismissal Recommended
      - Board of Trustees Dismissal Procedure
      - Final Institutional Decision
    - Lesser Sanction Recommended
      - Comm. on Academic Freedom & Status of Faculty
      - Dean's Final Decision

  - Staff Employee Charged Party
    - Vice President's Decision
      - Employee Complaint & Grievance Procedure
      - Non-Professional Employee Grievance Procedures
      - Collective Bargaining Procedure
      - Vice President's Decision Affirmed or Altered
INDEX

<table>
<thead>
<tr>
<th>Academic freedom 9</th>
<th>Direct action 11, 12, 26</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acts, related 4</td>
<td>Disability 6</td>
</tr>
<tr>
<td>Adjudication 14, 19, 21</td>
<td>Discipline 10, 13, 14, 20, 21, 24</td>
</tr>
<tr>
<td>Administrator 21</td>
<td>Discrimination 11</td>
</tr>
<tr>
<td>Advice 11</td>
<td>Dismissal 10, 21</td>
</tr>
<tr>
<td>Advisor 22</td>
<td>Documentation 17</td>
</tr>
<tr>
<td>Affirmative action 24</td>
<td>Documents, related 4</td>
</tr>
<tr>
<td>Age 6</td>
<td>EARS 5</td>
</tr>
<tr>
<td>Associate Provost 11, 15, 18, 19, 20, 21, 23, 24, 25</td>
<td>Education 5, 10</td>
</tr>
<tr>
<td>Attorney 17, 18</td>
<td>Education Amendments of 1972 4</td>
</tr>
<tr>
<td>Bad faith 14</td>
<td>EEO-protected class status 6</td>
</tr>
<tr>
<td>Board of Trustees 4, 21</td>
<td>Election to file internally versus externally 13</td>
</tr>
<tr>
<td>Campus Code of Conduct 4, 5, 12</td>
<td>Empathy, Assistance, and Referral Service 5</td>
</tr>
<tr>
<td>&quot;Cause&quot; finding 21, 24</td>
<td>Employee 4, 5, 6, 7, 8, 9, 10, 11, 12, 19, 21, 23, 24</td>
</tr>
<tr>
<td>Civil Rights Act of 1964 4, 8</td>
<td>Employee Assembly 23</td>
</tr>
<tr>
<td>Civil Rights Act of 1991 4</td>
<td>Employee Assistance Program 5</td>
</tr>
<tr>
<td>Coerced sexual act 11</td>
<td>Ethnic origin 6</td>
</tr>
<tr>
<td>Collective bargaining agreement 4, 21</td>
<td>Examples of sexual harassment 8, 9</td>
</tr>
<tr>
<td>Committee on Academic Freedom and Professional Status of the Faculty 22</td>
<td>Facilitator 15</td>
</tr>
<tr>
<td>Complaint 8, 10, 11, 12, 13, 14, 15, 16</td>
<td>Faculty 7, 8, 9, 11, 13, 18, 19, 21, 22, 24</td>
</tr>
<tr>
<td>Complaint processing flow chart 28</td>
<td>Faculty co-investigator 18, 24</td>
</tr>
<tr>
<td>Compromise 6</td>
<td>Faculty dismissal procedure 4</td>
</tr>
<tr>
<td>Confidentiality 10, 11, 12, 13, 15, 16, 19</td>
<td>Faculty Handbook 4</td>
</tr>
<tr>
<td>Confrontation 17, 22</td>
<td>Faculty recourse 21</td>
</tr>
<tr>
<td>Consensual sex 9</td>
<td>Faculty Senate 18, 23</td>
</tr>
<tr>
<td>Contacts 5</td>
<td>Federal agency 13</td>
</tr>
<tr>
<td>Context of speech 9</td>
<td>Filing a complaint 13</td>
</tr>
<tr>
<td>Cornell Interactive Theatre Ensemble 5</td>
<td>Fundamentally frivolous 14</td>
</tr>
<tr>
<td>Cornell United Religious Work 5</td>
<td>Gender 6, 8</td>
</tr>
<tr>
<td>Corrective action 20</td>
<td>Graduate teaching assistant 21</td>
</tr>
<tr>
<td>Cross-examination 17, 22</td>
<td>Guidance 11</td>
</tr>
<tr>
<td>CURW 5</td>
<td>Harassment Advisor 5, 11, 12, 17</td>
</tr>
<tr>
<td>Dean 10, 17, 19, 20, 21, 22, 24, 25</td>
<td>Hearing 18, 22</td>
</tr>
<tr>
<td>Dean of Students 5</td>
<td>Hiring 9</td>
</tr>
<tr>
<td>Dean of Faculty 18</td>
<td>Hostile environment 9</td>
</tr>
<tr>
<td>Definitions 6, 11</td>
<td>Informal intervention 11</td>
</tr>
<tr>
<td>Department head 10, 20, 24</td>
<td></td>
</tr>
<tr>
<td>INDEX, CONTINUED</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td></td>
</tr>
<tr>
<td>Informal resolution 11, 27</td>
<td></td>
</tr>
<tr>
<td>Initial review 15</td>
<td></td>
</tr>
<tr>
<td>Initiating a complaint 12</td>
<td></td>
</tr>
<tr>
<td>Intervention 6, 11</td>
<td></td>
</tr>
<tr>
<td>investigation 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 24, 25, 27</td>
<td></td>
</tr>
<tr>
<td>Investigation report 17, 18, 19, 20, 21, 22, 24, 25</td>
<td></td>
</tr>
<tr>
<td>Judicial Administrator 5, 12</td>
<td></td>
</tr>
<tr>
<td>Laws, related 4</td>
<td></td>
</tr>
<tr>
<td>Librarian 21</td>
<td></td>
</tr>
<tr>
<td>Mediation 11, 12, 15, 16, 17, 24</td>
<td></td>
</tr>
<tr>
<td>Mediation record 16</td>
<td></td>
</tr>
<tr>
<td>New York State Human Rights Law 4</td>
<td></td>
</tr>
<tr>
<td>&quot;No cause&quot; finding 20</td>
<td></td>
</tr>
<tr>
<td>Office of Equal Opportunity 5, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 24, 25, 27</td>
<td></td>
</tr>
<tr>
<td>Ombudsman 5, 11, 12</td>
<td></td>
</tr>
<tr>
<td>Performance appraisal 9</td>
<td></td>
</tr>
<tr>
<td>Policies, related 4, 16</td>
<td></td>
</tr>
<tr>
<td>&quot;Preponderance of evidence&quot; 17</td>
<td></td>
</tr>
<tr>
<td>President 19, 20</td>
<td></td>
</tr>
<tr>
<td>President's Statement on Affirmative Action and Equal Employment Opportunity 4</td>
<td></td>
</tr>
<tr>
<td>President's Statement on Sexual Harassment 4</td>
<td></td>
</tr>
<tr>
<td>Professional ethics 9</td>
<td></td>
</tr>
<tr>
<td>Promotion 9</td>
<td></td>
</tr>
<tr>
<td>Provost 23</td>
<td></td>
</tr>
<tr>
<td>Psychological Services 5</td>
<td></td>
</tr>
<tr>
<td>Purpose and scope of these procedures 8</td>
<td></td>
</tr>
<tr>
<td>Quid pro quo 9</td>
<td></td>
</tr>
<tr>
<td>Race 6</td>
<td></td>
</tr>
<tr>
<td>Reacting to sexual harassment: direct action 12</td>
<td></td>
</tr>
<tr>
<td>Reasonable accommodation 6</td>
<td></td>
</tr>
<tr>
<td>Record-keeping 16, 17, 19, 20, 26</td>
<td></td>
</tr>
<tr>
<td>Recourse 21, 22</td>
<td></td>
</tr>
<tr>
<td>Regulations, related 4</td>
<td></td>
</tr>
<tr>
<td>Related documents 4</td>
<td></td>
</tr>
<tr>
<td>Religion 6</td>
<td></td>
</tr>
<tr>
<td>Remedy 10</td>
<td></td>
</tr>
<tr>
<td>Reporting 5, 10, 11, 12, 13</td>
<td></td>
</tr>
<tr>
<td>Reprimand 10</td>
<td></td>
</tr>
<tr>
<td>Research assistant 12</td>
<td></td>
</tr>
<tr>
<td>Retaliation 6, 14, 27</td>
<td></td>
</tr>
<tr>
<td>Revenge 7</td>
<td></td>
</tr>
<tr>
<td>Review of these procedures 23</td>
<td></td>
</tr>
<tr>
<td>Salary 9, 10, 22</td>
<td></td>
</tr>
<tr>
<td>Seminar 10</td>
<td></td>
</tr>
<tr>
<td>Settlement 6</td>
<td></td>
</tr>
<tr>
<td>Sexual harassment by students 12</td>
<td></td>
</tr>
<tr>
<td>Sexual orientation 6</td>
<td></td>
</tr>
<tr>
<td>State agency 13</td>
<td></td>
</tr>
<tr>
<td>Student 5, 6, 8, 9, 11, 12, 13, 18, 23, 24</td>
<td></td>
</tr>
<tr>
<td>Student Assembly 23</td>
<td></td>
</tr>
<tr>
<td>Student Handbook 4</td>
<td></td>
</tr>
<tr>
<td>Supervisor 10, 11, 13, 16, 17, 18, 20, 24, 25, 27</td>
<td></td>
</tr>
<tr>
<td>Support services 5, 11</td>
<td></td>
</tr>
<tr>
<td>Supreme Court 9</td>
<td></td>
</tr>
<tr>
<td>Suspension 10, 22</td>
<td></td>
</tr>
<tr>
<td>Teaching assistant 12</td>
<td></td>
</tr>
<tr>
<td>Training 10</td>
<td></td>
</tr>
<tr>
<td>Union 21</td>
<td></td>
</tr>
<tr>
<td>University Counsel 19, 20, 23, 24, 25</td>
<td></td>
</tr>
<tr>
<td>Veteran status 6</td>
<td></td>
</tr>
<tr>
<td>Vice president 17, 19, 20, 21, 24, 25</td>
<td></td>
</tr>
<tr>
<td>Warning 10</td>
<td></td>
</tr>
<tr>
<td>Witness 12, 13, 14, 17, 18, 22, 26, 27</td>
<td></td>
</tr>
<tr>
<td>Workshop 10</td>
<td></td>
</tr>
</tbody>
</table>
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, March 12, 1997

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter Stein, Dean of Faculty: "Like Martin Luther King, I had a dream. Mine was less noble than his but my dream seems to be just as unreachable. My dream was to stand here and announce that the long painful search for a Sexual Harassment Policy had finally ended. My dream was not realized. It has become more complicated. I was at a meeting yesterday with the President, the Provost, and members of the Assemblies; we met and talked about it and the Sexual Harassment Policy has links to all these constituencies. A faculty member could harass an employee, a faculty member could harass a student, any of the combinations could harass each other. The policy we wrote only had to do with faculty members as charged individuals. It had very little to do with faculty members as complainants and with the other constituencies as complainants and charged parties. So, they had comments, and the President, in his wisdom, decided to extend the comment period until April 15. I hope that we will finish this process before the semester is over, but I can only hope. That concludes my remarks."

Speaker Pollak called for questions on the Dean's remarks. Hearing none, he called on Provost Randel.

2. QUESTIONS AND ANSWERS WITH THE PROVOST

Associate Professor Jeffrey Scott, Entomology: "Last time you were here, you talked about the budget process. You mentioned that one of the places where a lot of the money comes in from was undergraduate tuition. But it didn't seem that you had addressed whether or not an increase in enrollment was being considered as a way to increase income."

Don Randel, Provost: "We have taken the view in recent years that we would not grow undergraduate enrollment. The Trustees spoke about this a few years ago, they didn't actually set an exact number, but they did not support growing enrollment. Over the past few years, enrollment has grown bit by bit to the present 13,000. We do not contemplate growing our way out of our problems simply because we think in terms of physical and staff infrastructure. It could be the case that if we saw opportunities to increase juniors and seniors in key areas, we may do that. It is impossible to increase the number of freshmen without increasing costs, but it is possible that we could take in juniors and seniors in certain places without adding
costs, but that would not be easy to manage. If we just took in another 100 transfer students and if all of those students were interested in going into our majors that are already overcrowded, we wouldn't have gained anything. But, if you can get me another 100 Entomology students, you've got yourself a deal (laughter).

Professor Sally McConnell-Ginet, Linguistics: "Can you tell us what your reaction to the Sexual Harassment Policy was?"

Provost Randel: "There were some respects in which it is an improvement. There are some things about it that represent more nearly views that I had at the beginning than it represented the views of other members of the faculty, and they persuaded me to adopt their view instead. Not everything about it is what I would have written myself, but I have no real resistance to the policy. The problem that we have right now is that students and other employees see themselves as affected by this and they wish to assert their own views and I think I have no choice but to let them do so. If we are able to sit down with the leadership of both assemblies and both assemblies came to an agreement, nobody would be more pleased than I."

Professor Elizabeth Earle, Plant Breeding and Biometry: "I wondered if you had any comments on the remarks about the tenure system that were made by a dean of the University?"

Provost Randel: "I don't think that this University will change its policy on tenure anytime soon. I think that most of the members of this faculty don't really need tenure. But, this is not a field in which one can be a leader very easily. So if we were to abolish tenure, I think that a lot of people who do not need tenure would say 'this is not the type of university I want to teach at,' and then they would leave. I happen to believe that academic freedom is safe from either the right or the left these days. The tenure system was established to protect academic freedom and it still does that today. The dangers to academic freedom are not so remote that we can just do away with tenure altogether. So, to those who say that tenure just protects the idle, I say, that may be true at some institutions, but it is not true at Cornell."

Professor N. David Mermin, Physics, raised a question regarding the protection that tenure affords aging members of the faculty and mandatory retirement.

Provost Randel: "We do need people to retire, there is no way to get around that. I hope that the work that Ron Ehrenberg and his committee are doing will provide us with some means by which we can encourage faculty members to retire, not with golden parachutes I hasten to say, but by other means. It is essential to the quality of the institution that we have young people and that as people get older they step aside in view of that. We do need people to retire, but I don't think that abolishing tenure is the way to do that."
"We certainly know that the abolition of mandatory retirement has led to an increase in the age of the faculty. The number of faculty members over age seventy has climbed steadily. It has gone from zero to thirty in less than three years."

Associate Professor Randy Wayne, Plant Biology: "I calculate that at my current salary I won't be able to retire until about 2050." (laughter)

Provost Randel: "One of the curious things is that many of the members who are at what we once thought to be retirement age, are now millionaires. You ought to shelter as much of your income as you can (laughter) and I hope that the State of New York will provide you with more income to shelter."

Professor Kathleen M. Rasmussen: "On that note, do you think that the State will provide us with more income that we can shelter?"

Provost Randel: "I think, yes, the State will provide you with more income that you can shelter this year. But, I think that the long term picture is murky at best. We have every intention of pursuing alternative means of dealing with this on this campus. If we were left to our own devices, we could find the means within this institution to have salary pools, even when SUNY didn't. But if we are seen to be able to do that, then SUNY will say 'uh-huh, yet another proof that you have too much money.' So, in the current proposal, which includes more autonomy for all the campuses state-wide, we will participate and we will hopefully see our particular autonomy enhanced and we will be able to deal with that problem. On the endowed side, when we create faculty salary pools, what we do is reallocate funds. Certainly in Arts and Sciences a few years ago, when people retired we hired younger people, and captured the difference in salary and put it into a salary pool. We could do that perfectly well on the statutory side as well, but the State hasn't allowed us to do that."

Hearing no more questions, the Speaker called on Professor Moon, Chair of the Financial Policies Committee, for a presentation.

3. RESOLUTION FROM THE FINANCIAL POLICIES COMMITTEE RE: FUTURE FACULTY QUALITY AND UNIVERSITY PRIORITIES

Professor Frank Moon, Joseph C. Ford Professor of Theoretical and Applied Mechanics: "We decided to focus this year on promoting faculty excellence in the next decade. We have looked at several warning signs affecting the quality of the faculty at this University. One of those signs we have already talked about is faculty salaries, but others are the decrease in Ph.D. enrollment and stagnating research support, and also a few star faculty resignations. Although Cornell enjoys a reputation for high scholarly rankings, the faculty's salary has begun to slide. It should be recognized that faculty members provide a substantial portion of the revenue for the University. We recognize that most of it is targeted; it is not general revenue, but a quarter of the total revenue is in the form of research grants. It seems
to me that in the future we should have some sort of plan to ensure that we will have the sort of people who will bring in the resources to maintain this standard of excellence at Cornell.

"In the doctoral program there are also some disturbing trends: in the physical sciences there has been a 25% decrease in entering Ph.D. students; social sciences, a 13% decrease; humanities, a 25% decrease; and the biological sciences have been up and down, so we can't track a definite decrease. In all areas there has been an 18% decrease in RAs. The physical sciences alone has had a drop of 28%. The other thing here is the myth that a smaller graduate program would not be so bad. But, compared to other peer institutions we do not have a very large graduate program. The graduate and professional degree enrollment ratio to undergraduate enrollment at Cornell is 29%, at Columbia it is 60%, Stanford is 53%, and Harvard is 61%. Many of our peer institutions have a much higher ratio of graduate to undergraduate enrollment. We devote a substantial amount of our resources to our undergraduate program, despite that we are able to maintain a standard of excellence in our graduate programs. So, I don't see it as a good thing that graduate enrollment is declining. Some people will say that the reason for the decline is the market. It is tough to get a job, so people aren't going for professional degrees. That is not the case with engineering. In engineering, the opportunities for Ph.D.s are very good and that is where you have the biggest drop, 27%.

"Another serious problem is the stagnation of research funds. Cornell is stagnating in dollars in the last few years. There are 'second-rank' universities that have seen their research dollars grow considerably, so this is not something that is happening everywhere. The Ivy League has been stagnating, and that may be part of a trend in Washington. But if we are going to remain one of the top universities, we are going to have to become more aggressive. We recognize that we can't ask the University to spend more money to solve the graduate problem or the faculty salary problem. We were not in a position to look at the whole budget, but we did look at one area of the budget and that is capital projects.

"It seems that capital projects raise their own money; somebody gives $10 million or $20 million, you've got a new building and who is going to complain? We are all asking our chairs and deans for new facilities, and chairs and deans get credit when they get a new building. But, these projects raise the operating costs of the University through custodial costs, utilities costs, maintenance costs. If you look at this year's budget, you see $66 million in the endowed side and $25 million on the statutory side in Ithaca. That is a lot of money being spent right now. The total plan for capital improvements is over one billion dollars. This is in the future now, it is not just in the nineties. This is an astonishing amount of money and it hasn't even been raised yet. The other astonishing figure is that the expected increase in square footage to the Ithaca facility in the nineties is 1.8 million square feet. If you look at the gross square footage of the University, and you look at the eighties you see the 'Rhodes Revolution'. I thought we were never going to repeat that, but now here, we are going to add more physical plant square footage than we did in the eighties.
Yet we are experiencing decreases in staff, and in some colleges we've had a decrease in the number of faculty and we've had a decrease in the number of graduate students. So, it is not a case of saying that we shouldn't spend money on facilities, it's just that we ought to maintain some sort of balance between maintaining the excellence of the faculty, the graduate program, and the facilities. We recognize that there are some things that have to be done, and certain opportunities that we must take advantage of, but we need to strike a balance. In light of all this, I would like to present this resolution from the Financial Policies Committee regarding future faculty quality and University priorities."

**BE IT RESOLVED,** that the Faculty Senate recommends the Trustees and Administration adopt the following policies to maintain and advance the reputation of the University:

i) The University should commit itself to a course of action to bring Cornell endowed and statutory faculty salaries to a position consistent with its scholarly and professional standing within three to five years.

ii) In order to maintain excellence in the face of declining external support, the University should support a plan to generate new funding for the graduate program. New funding initiatives, such as an endowment for fellowships, should involve a partnership between the Dean of the Graduate School and the Graduate Fields and should address equitable distribution of new support.

iii) The University Administration and the Board of Trustees should seek a more appropriate balance between investment in facilities, faculty development, and the graduate research programs.

iv) The Provost and other administrators should propose measures to create incentives to motivate and encourage new initiatives by the faculty to help support the graduate research mission of the University.

**BE IT FURTHER RESOLVED,** that the Senate instructs the Dean of the Faculty to report to the Senate annually on Cornell’s progress toward meeting these goals.

The Speaker called for questions.

Professor Klaus Beyenbach, Physiology: "I am from the statutory college. I would like to compliment Professor Moon and the Committee on an excellent job
collecting the data and presenting it in such a convincing manner. The last time I
went though a distasteful exercise of comparing my own salary with my colleagues'
salaries in Physiology, I learned that our salaries here at Cornell are 10-20% below
the national average of physiologists nationwide. Those salaries have nothing to do
with the quality of education and research here at Cornell, in which we are clearly
above the national average."

Professor Richard E. Schuler, Economics and Civil and Environmental Engineering:
"I was particularly struck by the third item dealing with facilities. My first mission to
serve on a committee like this was in 1975. It was the predecessor of this committee
and Dean Stein was then the chair of that committee. I remember the one
overriding recommendation we made to then President Corson was under no
circumstances were there to be any new buildings built on campus. That was at a
time when there was truly a monumental override of needed maintenance. So it
became clear very quickly to the administration and the faculty, that the
maintenance costs were exacting large amounts in daily requirements. A subsequent
recommendation that came out of that was that we strongly supported the notion of
a space budget to departments and schools that each school would be allocated a
certain amount of space for which they could trade salary increases. So our insidious
motives there were obviously that we would have salary increases, but also that
faculty would notice that we have space coming out of our ears. (laughter) I know
that several attempts have been made to implement that recommendation, but
twenty years later we still do not have an effective space budget here that is
presented to department heads and chairs. I was just wondering whether Vice-
President Ehrenberg or Provost Randel might report on the mechanism to bring the
budget back into line."

Provost Randel: "It is something that Vice-President Ehrenberg is working on. It is
not straightforwardly easy. One of the things that one has to reckon with is that the
quality of the space on campus varies considerably from building to building. So, if
you were going to give a space budget uniformly across campus, you would have to
find some way of taking into account that some colleges own buildings whose
average age is one hundred years or seventy-five maybe, and others will have
buildings that are much younger. Of course this only works on the margin because
the market for space is not altogether free; we cannot export it off-campus. We can
look at our balance sheet and see that we are worth zillions of dollars because of our
physical plant, but it is a very illiquid asset. If everybody in town wanted to shed
space in order to create money, you wouldn't be able to do it because there would
have to be buyers."

Professor David Wilson, Biochemistry, Molecular and Cell Biology: "In New York
City, some hospitals are selling their buildings to real estate groups and then leasing
the buildings from those groups. Has there been any thought given to an
arrangement like that?"
Provost Randel: "In Ithaca, New York, I don't see any real possibilities for something like that."

Professor Wilson: "What about the Medical School in New York City?"

Provost Randel: "The Medical School is another problem. But, sure, let's give up academic space and turn it into dormitory space."

Professor Emeritus Donald Holcomb, Physics: "I'm struck by the fact that we are doing yet another study to try and get a grip on the space problem. I have a feeling that that force is whimpish in the face of the inexorable drive for more space which comes from people's appetites, often faculty appetites. There is a tendency to beat the central administration over the head, but I think that the best solution for that is for somebody to say 'no.' It is going to come at a bad time, and you are going to injure somebody, but someone is just going to have to say, 'no.'"

Provost Randel: "I agree. We have met the enemy and it is us. Many administrative costs are located in departments and nobody wants to give up administration in their departments and everybody is opposed to new buildings until it is their building. Another thing to be considered is that we are influenced by outside constituencies; some of our nearest and dearest supporters can sometimes do things that we be might not do if we were left to our own devices and we need to learn to say 'no' to ourselves and even say 'no' to our benefactors. Maybe we need to say, 'no, we don't need another building, what we do need is a generous gift.' This is going to take some doing. I guess I believe that saying 'no' is a readier solution than a study in which we charge people."

Dean Stein: "I'd like to make a comment on this, as I've said here on this floor many times, I'm intrigued by this faculty salary problem. Why is it that we don't have enough money to pay faculty salaries that are comparable to our peers? I've done some analyses that are crude and rough, but it is difficult to do any decent analysis because it is difficult to find any kind of comparable data. One analysis that I did do indicated to me that you can make an argument that we have more space relative to the size of our faculty than other people who do the same jobs and are paid higher salaries. This was not a small effect either. We have 20-30% more space than those other places and I find that quite intriguing. If you think about it, I've yet to see a bad building. What is a bad building? The Theory Center? The Performing Arts Center? Roberts Hall? They all look like fine buildings, there are good arguments for them, people like them, and so they go up. So, it is not so easy to exert brakes on what everybody wants to do. The other thing that I hear all the time about buildings is that they pay for themselves, but in the end, it is my suspicion that neither of those arguments are true. There may be some bad buildings in that bunch, and in the end I think there may be some correlation between the amount of space we have and our inability to pay faculty salaries that are comparable to our peer institutions."
Professor Moon: "I would just like to respond to some of these comments. The Committee did not mean to say that we should have a zero-building policy, it was not anti-facilities. It did mean that at the upper level of the facilities there should be a very strong voice in support of faculty excellence and the graduate program. There is already a very strong voice in support of new facilities and the voice is mostly coming from us. I talked to one dean and asked him if he received complaints about faculty salaries and he said, 'no, but they all want new facilities and bigger and better labs'. So, everybody wants to build something, but the faculty is timid about asking for increases in its compensation packages, and there is virtually no voice for the graduate program, yet the graduate program is one of the hallmarks of this great University. The message that we need to get across is not that we should stop building, but rather that we do not let excellence in faculty and the graduate program slip away because we are building too many new facilities."

Dean Daryl Lund, College of Agriculture and Life Sciences: "I would only throw one caution here for the statutory side; remember, the building funds for the statutory schools are in a separate fund and they are not automatically transferable to other applications such as undergraduate education, such as salaries, etcetera. So whatever the projections are for the statutory colleges, those are based on what the state schools have enjoyed by participating in the SUNY construction fund over the years. There is absolutely no indication that if we did not apply for them that SUNY Buffalo, SUNY Stony Brook, Albany, Binghamton, that all of the other Ag & Techs, and all of the other institutions would say 'we don't want any other buildings and let's get the state to put that money into faculty salaries and undergraduate education'. We on the statutory side will continue to make our cases known and to share in the SUNY construction fund, and unless the state changes its policy with respect to that fund, it will not affect salaries."

Professor Holcomb: "Let me remind you of what Professor Moon was saying, it is not the direct cost of the buildings, but it is the hidden excess cost associated with the administration, maintenance, and cleaning and so forth. It is only that seeping across of costs for utilities, maintenance, and administration that there is a link. Even on the statutory side and even though the state pays for it, five years from now, one finds that the budget goes up."

Dean Lund: "Indeed, the cost of maintenance on these buildings goes up with the increase of space, but the state also gives us a space budget, and it is not a budget that I, as a dean, can control. This is something that comes into the office here simply as a transfer. As some of the faculty know, we have been able to, through good management, save a considerable amount on utilities, and we have managed to convince SUNY to transfer some of that savings into a salary plan that we can apply to our full professors to bring their salaries in line with other professors within the SUNY system."

Professor Schuler: "As a professional economist, I would love to see using space budgets and the price mechanism to ration our demands and our appetites, but as an
overall observation, it seems that under the current system, our demands for space are more readily met than our demands for salary increases. Over a sweep of twenty or thirty years, those demands have gotten out of line and we need some mechanism to bring them back in line with each other."

Professor John Silcox, David E. Burr Professor of Engineering: "I'd like to ask the Committee a question. I'd like to ask if they considered certain factors that my colleagues and I consider to be as important in terms of our satisfaction as pay increases. Many of us are competing with the National Science Foundation for equipment grants and lately we have had difficulty getting the University to come up with matching grants for equipment purchases. Our equipment can get quite expensive, sometimes over $800,000, and without University support, we need to seek out another $400,000 grant. Similarly, when we are trying to attract bright young faculty to our departments, we need to find serious and very large start-up funds. The difficulties that are emerging in trying to find those kinds of sums are a serious factor. I think that salaries are not the only thing. When I look at the departures of the 'star' faculty members that I am aware of, I doubt very much whether pay was an issue; it is the ease with which you are able to obtain the things you need to do your job. It is important that there are funds available for seminars and visitors. It is the whole environment that is the big problem, and I'd like to ask the degree to which the Committee explored beyond the issue of salary, which to me is one tiny piece of the whole picture."

Professor Moon: "That's a very good point and that is the reason that this year we did not just look at the issue of salary. We looked at this as an issue of general excellence at this University. If you look at the last item, number 4, we encourage the University to look for incentives to help the faculty with bringing in new resources and that can be matching funds, bridging funds, etc. We didn't try to micro-manage it. The preface says that the University should have some sort of strategic plan, which should not only include a retirement package, but also at the beginning, how do we raise funds for matching funds. For example, faculty in mid-career, the pace of technological change is so fast, that one day you could be the world's greatest whatever and five years later that field is gone. Now you have a very creative and intelligent person for whom it is very difficult to establish credibility in a new field without some extra resources."

Professor Silcox: "The way things are currently, that person has to practically get an offer from another institution for someone to get sufficient funds to do that."

Professor Moon: "Exactly. Item number four on the proposal is to enhance the faculty's ability to bring in resources to the University.

Dean Stein: "First I have a comment and then I have an introduction to make. The comment is to Professor Silcox and that is that another item in that resolution regards graduate student fellowships, which probably gives more leverage dollar for
dollar in making this place an attractive place for a faculty member to stay than almost any other way."

Professor Silcox: "But if he doesn't have the instrument..."

Dean Stein: "If he doesn't have the instrument... there is a threshold, but once one achieves that threshold, the ability to recruit a high quality graduate student, most people report, is very important in their environmental satisfaction."

Professor Silcox: "I would hazard a guess that the only thing that keeps faculty here at Cornell is the high quality of students that we currently attract. I would absolutely endorse that piece of the resolution. What disturbed me was seeing number one listed as number one, because I see it as only a small part of the whole package."

Dean Stein: Now I would like to make my introduction. I'd like to introduce Harold Tanner, the incoming Chairman of the Board of Trustees. Harold would you please stand up? (applause) Harold was interested in meeting us and hearing what we sound like."

Mr. Harold Tanner, Chairmen-elect of the Board of Trustees: "It's nice to be invited. I see a lot of familiar faces here. Some which bring goose bumps to my face (laughter). I take office July 1, I've been involved with the University a long time, and I'm very proud of that association. A faculty is a University's treasure and I hope to work with you in a feeling of mutual respect and great devotion to the institution. Thank you."

Provost Randel: "I'd like to take us back to a few other things that have been said. I think that John Silcox points out something fundamental and it is essential that the faculty, when making suggestions to the administration on University operations, takes into consideration more than just its own compensation. On the subject of graduate enrollments, some fields are intentionally depressing the number of students they have. This is another side of that issue that we have to contend with; physics has undertaken a formal policy of reducing its enrollment, so everything you see about declining enrollment is not necessarily to be seen as bad news. There is now the question that we need more resources to support graduate education as older traditional sources wane. I am currently working with Dean Cohen to introduce a plan that will give him a great deal more flexibility in the way in which he can manage resources in graduate fields.

"On the subject of matching funds, it is a struggle to be sure, but it is not as if we have been timid in this regard exactly. The Materials Science Center has benefited from a quarter of a million dollars per annum in its recent grant; the Theory Center has been the beneficiary of substantial sums. We may be faced with a still greater burden. I have recently made a substantial commitment to C.H.E.S.S. in association with its recompetition of its agreement. I have myself purchased about a half of an MMR machine in the past year or so and I don't know which end of it to plug in."
This is a struggle because we have a great many eggs in a few pretty good size baskets which the federal government is steadily trying to shrink. It is not just a matter of continuing to steadily supply a stream of matching funds. At the moment we do have a program that tries to enable us to carefully target new appointments in areas where it makes sense. This is one of those things when someone talks about strategic plans, one does not want to overestimate the extent to which this can be planned centrally. What I rely on there is the advice of the deans of the colleges jointly and severally, to indicate where they feel we should be making investments. We are working on making investments that will improve the excellence of some departments, and in some cases, maintain the excellence of others."

Seeing that the time limit for discussion had expired, the Speaker asked if there was an objection to calling the question. Hearing none, the question was called and the resolution was adopted.

4. REPORT FROM THE RESIDENTIAL COMMUNITIES STEERING COMMITTEE

Dean Stein: "I'd just like to put this into context. There is a fairly broad discussion going on around campus that we, the Faculty Senate, have not had before us for discussion, and it is not clear to the University Faculty Committee what would be the right way to engage the Senate or have the Senate enter into that discussion. What I'm talking about is the broad area that the President has identified as one of his priorities: how we link residential life and intellectual life, how we bring intellectual content into the twenty-four hour day of students, instead of the absolute separation of academic and residential life. The President, and Vice-President Murphy, have appointed a Residential Life Committee to consider these issues and they involve proposals that will affect us deeply, namely a closer contact of the faculty at-large with residential life. We decided that perhaps the right way to go about this was to invite some of the faculty members on the Committee to come and briefly discuss what it is that they are talking about, and have a free and open discussion to follow. There is no resolution to follow; it will be like a committee of the whole discussion, where anyone can say anything that comes to mind."

The Speaker called on Glenn Altschuler, RCCC member, to begin his presentation.

Professor Glenn Altschuler, American Studies and Dean, Continuing Education and Summer Sessions: The Committee was appointed by various institutions at Cornell and has been meeting for three hours at a time on a bi-weekly basis. The charge of the Committee is very broad: we look at residential life at Cornell, we look at the relationship between the academic side and the residential side, and we look at the issue raised by the President a year ago and that is whether or not we should change the method in which freshman are assigned to housing. As you may know, freshmen right now can choose whether they are going to live in program houses or not. The President has suggested that we make that a random process. That is a difficult process to pursue in light of the controversy surrounding random housing. We will try to come up with a range of recommendations based around greater
faculty involvement for Faculty-in-Residence and Faculty Fellows, for a range of activities that may result in a better first year experience for students, one that relates their academic work with life in the residence halls. Hopefully, there will be some greater effort to have more classes in the residence halls and a greater faculty presence in the residence halls. I think people will be looking to the Committee not for those recommendations, but for what it will have to say about random housing.

"One of the problems at Cornell is both the amount and quality of housing available for undergraduates. Perhaps Professor Moon will forgive me if I mention that about 44% of Cornell's undergraduates are housed in dormitories, and our nearest Ivy competitor houses about 80% of their undergraduates in dormitories. Certainly if you want to have a faculty resolution that you will forbear asking for salary increases until there is adequate dormitory space on campus, I will certainly take that to the Committee and we will be able to put that into a greater dormitory project. Absent of such a recommendation, we will muddle through, but one recommendation that is likely to be made is that some attention be paid to the presence of more public space in our dormitories, which is virtually non-existent at this time, to perhaps the construction of new housing, maybe after faculty salaries have reached a par with peer institutions. It is the hope of many that some recommendations will be made by the spring, especially since there is a considerable amount of concern about the random housing issue. I don't think that we can give a timetable around a report, but certainly you should know that in terms of hours served, this is a Committee that is very active, talking about and researching issues that have been neglected for a very long time. I think that it will be important for us to address some profoundly important issues about the residence life and academic life. In my judgment, Cornell's Achilles' heel are its undergraduate residences. We have not addressed fraternity and sororities effectively, we have not addressed quality of life issues in these residence halls, and we haven't addressed greater faculty presence overall adequately. However important the issue of random housing is, these issues are vital too and it is quite possible that they will be shunned as people focus on the issue of random housing."

The Speaker called on David Delchamps, RCCC member, to give his presentation.

Associate Professor David Delchamps, Electrical Engineering: "Glenn characterized this issue of random housing as something that we may be focusing a lot of attention on at the expense of other things. I think he may be right about that, but I don't think I would call it 'the issue of random housing.' I don't think that I would use those words. I would use the words, 'whether or not freshmen will be allowed to chose their program houses.' Program houses include not only the ethnically and culturally-based program houses like UJAMAA, Ake:won, and Latino Living Center; they also include things like Risley, JAM (Just About Music), Eco House. In any event, program houses represent more than just the ethnically based ones. As you all remember last year we had hunger strikes and traffic blockades by people who were upset about this freshmen choice issue, and I think quite frankly that the reason we have this Committee is because of that. Because the President watered
down his general policy statement to the Board of Trustees about residential policies and took out the provision that freshmen should be phased out of program houses over the next few years and he wanted to get some input on the subject. This statement went to the Board of Trustees. I will only read to you a very mellifluous, maybe, motherhoodish type of thing: 'Cornell University will provide supportive residential communities that will contribute to an intellectually engaged and socially responsible campus environment'. Certainly Peter's introduction to this discussion highlighted a lot of very important things that bear on that statement. How are academic life, intellectual life, and residential life going to become better integrated? Those are important issues which bear directly on the title. But, this issue of freshmen choice is one with which I think we should all be concerned. As Peter said at the beginning of the meeting, the faculty are in a very real sense the University and I think the faculty have a lot to say about this. There is a point that was articulated last spring in a letter by Isaac Kramnick to the Cornell Daily Sun. Isaac pointed out that the reason he thought that there was such negative upheaval over the issue of freshmen choice was because the administration did not do a very good job of explaining why this was a good idea. I think that when you circumscribe more closely the kinds of options that any group has, especially in an academic community like this one, there has to be a good reason for it. We do this sort of thing all the time in departments. We change our requirements, we make them take more things, we forbid them from doing other things. We do those things for reasons, and I think the administration last year did not do a very good job of explaining those reasons. The Committee, in these long meetings, has been somewhat steered and facilitated with break-out sessions and flip charts and randomly selected groups which address sub-questions of certain subtexts. In some sense, fishing for reasons why one would want to implement some sort of policy, or why some would not want to implement some sort of policy, and also deciding how to deal with the negative ramifications of choosing which ever side you choose. I hope you followed that (laughter). The point is that we are really trying to cover all the bases. I am trying to be fair. I am trying to be fair about the flip charts and the breakout sessions (laughter), but sometimes I feel that we are not so much on a fishing expedition, but rather on a bobsled run and being funneled in certain directions that I don't think we would have necessarily chosen if we had sat down freely to discuss how to approach this. I want to mention in closing in a little more positive way that we have divided ourselves into three task groups, each of those addressing a subset of the issues surrounding the global residential policy and our goals for enhancing it. I think Glenn is involved in the group that is discussing increased faculty involvement and I am involved in a group called 'beginnings' which is all about the first year experience at Cornell."

The Speaker called on Jane Mt. Pleasant, RCCC member, to make her presentation.

Associate Professor Jane Mt. Pleasant, Soil, Crop, and Atmospheric Sciences, and Director, American Indian Program: "My presence on this particular group is to represent the directors of the four ethnic programs on campus. The Africana Studies and Research Center, the American Indian Program, the Asian American Studies,
and the Latino Studies Program. I wouldn't say that I represent everybody in those programs, but I do attempt to represent the directors of those programs. As most of you know, last semester was a pretty intense time, particularly for students involved in the programs who felt very strongly about President Rawlings' ideas regarding program houses. That intensity, although not as visible is still there and that is the major reason why I am willing to put a great deal of time into this group as Glenn mentioned; it takes about three and one half hours every two weeks. A lot has been going on, as was mentioned. The Committee has formed three task forces. I'm on the Residential Options Task Force, which I co-chair with Peggy Lacey who is Director of Campus Life. There are about 12-15 people on that task force, representatives of students, faculty, and staff. The first thing we did was come to some sort of an agreement about what the common goals of a residential program might be for our undergraduate students. In view of those common goals, we began to look more closely at some important areas, in particular whether or not freshmen would have the choice of selecting a program house or not. As David mentioned, we spent a lot of time trying to determine the pros and cons of that. One of President Rawlings' principles was that students should have something of a uniform freshman experience. Our reaction to that is that that is probably not practical. We recognize that the diversity of students, and the diversity of living units on campus, simply make it impossible, I think, to provide a uniform freshman experience.

"Then we move on to what I think is the real problem. Many people feel that our present residential units are encouraging a segregated campus. Now, I don't want to comment on whether that is true or not, but the one important thing about this issue is that if we do decide that that is a problem, we should not ask students of color on this campus to bear the responsibility for solving those problems. I think that we can come up with a number of viable options that can increase the diversity of the living units across campus and we should not look to the program houses, or to prohibiting freshmen from those program houses in order to solve that problem."

Speaker Pollak: "As Peter mentioned, there is no motion on the floor, this is just a general discussion and I'm sure that our speakers will take comments and questions."

Professor Gordon Teskey, English: "Just a question for the Committee. There has been a solution to this problem of freshmen coming to a university and having an intellectual experience that is integrated with the lives that they live at a university. It is about eight hundred years old, and it is called the 'college system'. I have talked to a lot of undergraduates who feel, either correctly or not, that the undergraduate experience at Cornell is more monolithic and machine-like than at other universities and I think that the reason for that is that other universities have a college system. A number of people in this room I'm sure have experienced the college system, and many would attribute much of the quality of that experience to having been in a college within a university. How much did the Committee consider reducing the university living units into colleges, not necessarily theme
colleges, but colleges that encourage more of a social and intellectual interaction between faculty and students?"

Professor Altschuler: "My fate at Cornell is to be appointed to the same committee every ten years. The last time I served on this committee about ten years ago I had the honor of serving with Professor Kramnick, who I think is here. This issue was raised then, it has been raised again. This is what I was talking about when I mentioned the housing stock at Cornell, not to mention the culture and traditions. The housing stock at Cornell is not conducive to a college system. One suggestion is to either redesign existing housing stock, or build at least some more housing stock that might provide a house, by another name, as another choice available to undergraduates. Whether that will be a recommendation, whether that will happen, I cannot say. I think that to convert existing housing stock to be conducive to a college system would be resisted by the students, but would also be impractical."

Professor Wilson: "One thing that I am always curious about when I hear about this desire to increase student faculty interactions is that I have been involved in so many efforts through all my years at Cornell that have always fallen short because of the fact that students do not want to participate in activities dreamed up by the faculty to increase participation. I was wondering if anyone has done any studies about the Faculty Fellows. I know the Faculty-in-Residence seems to work, there is enough interaction to demonstrate that that works. My experience as a Faculty Fellow was a dismal failure and I have heard from Residence Life staff who have said that the last thing students want to know about when they come home is another intellectual thing to do. They were under so much pressure and they refused to schedule anything that I dreamed up. I really think that is an important issue."

Professor Charles Walcott, Neurobiology and Behavior: "I'm actually one of the co-chairs of the committee that considered the problem of Faculty-in-Residence and Faculty Fellows. I think that the general picture all over the University is that the Faculty-in-Residence program is a success and the Faculty Fellows are in a more heterogeneous situation, but all the evidence suggests that many of them have worked exceedingly well in a variety of different forms not always as formal instruction, but as more informal types of things. There have been all sorts of models that have been shared with the Committee and which persuade me that this is something we should increase and try a variety of different types of interactions."

Associate Professor Alan McAdams, JGSM: "I'd like to change the subject slightly by going back to the numbers that Professor Altschuler mentioned. He said that we house 44% of our undergraduate students, while our competitors house 80%, but we have to recognize other numbers and that is two-thirds of our students are undergraduates. So the grand total of that we house is 30%. For those who are housing 80% of their undergraduates, their undergraduates make up 45% of the total, so the grand total that they house is 36% versus our 30%. Those numbers are different from the 44% and 80% when you look at it. You have to look at what
portion of our student body is concentrated in undergraduates. We are not really interested in where graduate students live. We are interested in where undergraduates live, and when we think about this we have to look at the large percentage of undergraduate students that make up the bulk of our University."

Professor Altschuler: "Most institutions worry a lot less about providing housing for all graduate students than they do about providing quality housing for undergraduates, so I think we're talking about apples and oranges here quite frankly."

Professor McAdams: "Only there are many more apples than oranges (laughter).

Associate Professor Ellen Gainer, Theatre, Film, and Dance: "I was going to raise a comment much like Professor Teskey's, but then follow up with a question about how much student involvement there is in this. From my experience as an undergraduate, having gone someplace that radically changed its housing structure and got rid of the equivalent of the Risleys and the program houses, I think that there was a lot of revolt from alums because of the impact that they feared it would have on subsequent generations."

Professor Mt. Pleasant: "I think about one-third of the steering group is students and they have been deliberately chosen to represent a wide segment of where people live and there are also resident staff that are students, so I think that we have very good student input."

Professor Donald Barr, Human Service Studies: "I'm a member of the Committee, as well as a member of the Senate. I think that one of the most impressive things about the Committee is the student involvement. They come incredibly well-informed; they are quite verbal and quite persuasive in relation to the decisions and the discussions. We are also going to be going out into the University to conduct surveys and collect data and also have a focus group with students in various parts of the University. I think that it is a very good question, but I think that we have very good student representation."

Associate Professor Risa Lieberwitz, ILR: "One of the things that struck me, and I'm sure that people on the Committee will think about these things, and that is the link between issues that we discuss separately. In particular, the question of how the number of students we have on campus will relate to affordable housing in the community. There has been a lot of discussion about employee wages and the poverty level of employee wages at Cornell. One of the things we found on the Cornell City Relations Study Commission was that a lot of employees cannot afford to live in Ithaca because the housing is so high in terms of rents, etc. One of our recommendations was to increase housing on-campus so that more students could live here and more faculty could live here because housing costs would be cheaper."
So I hope that people think about the links between student housing, housing in Ithaca, and employee wages."

Adjourned 6:00 p.m.

Respectfully submitted,

Robert Lucey, Associate Dean and Secretary of the University Faculty
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, April 9, 1997

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein for his remarks.

1. REMARKS BY THE DEAN OF FACULTY

Peter Stein, Dean of Faculty: "I have a couple of things that I want to address this afternoon. Pretty soon, we are going to have the annual elections to fill the UFC, the At-Large positions in the Senate, and the Nominations and Elections Committee. The Nominations and Elections Committee will today, submit for your approval, the slate of candidates for those elections. In addition, there are a relatively large number of committees that are filled by the Nominations and Elections Committee by appointment rather than by election. This is done to reduce the number of elections that we send around to you in the hopes that you will take the elections that we do have more seriously. There are roughly 30-35 appointments that have to be made to all of the standing faculty committees. In order to find appointees for these committees, we generally send a notice to all faculty asking them to nominate people and that process has generally been unsuccessful. We usually get very few nominations. It occurred to us this year that we might be more successful if we asked the Senate to provide these nominations. So, tomorrow, I will send an E-mail to the Senate, giving you a list of the positions that need to be filled and ask you to supply one or two nominations for these committees from your departments. We welcome your own self-nomination and we would also welcome the names of new people who would also be interested in doing this sort of work. Every year I telephone people and ask them if they are interested in serving on these committees and I keep a record of whom I call on my computer. I've been doing this now for four years and looking back over that file, I found that I call the same people again and again, so I think that we could benefit from some fresh blood. With regard to the E-mail, I ask you to send in nominations for two people in the next couple of days, maybe one of the usual people that get nominated and someone who is not on the list of people who are usually nominated. That's point number one.

"Point number two: I'd like to talk a little bit about the never ending saga of Sexual Harassment Procedures. We passed a motion suggesting a change in the Sexual Harassment Procedure two meetings ago. I duly transmitted that to the Provost and encouraged him to change the procedures to comply with what we thought was the appropriate policy for the University. The Provost, properly, sent this out to other constituencies such as the Employee and Student Assemblies to seek their input. They replied, giving both major and minor changes that they felt should be made to the policy. I have since had extensive conversations with the leadership of the Employee and Student Assemblies and they have many changes to suggest to our document. I find some of their suggested changes reasonable and I find that some of those suggested changes, in my opinion, would not be acceptable to the Senate. It has always been clear that it is the administration's responsibility to write a Sexual
Harassment Policy. We understand that we are a very important constituency at this University, but we also understand that we are not the only constituency at this University. It is still my hope that in relatively short order that the University will sort out all of the input they have received and give us a Sexual Harassment Policy that is superior to the one we currently have. That concludes my remarks."

Speaker Pollak called on Provost Don M. Randel for Questions and Answers.

2. QUESTIONS AND ANSWERS WITH THE PROVOST

Professor Gary A. Rendsberg, Near Eastern Studies: Several meetings ago you presented the long range and short range budget to this body and if I heard you correctly, you said that the pool for faculty salaries would show an increase of 5% over the next few years. At a recent department meeting, our chair told us that in the College of Arts and Sciences, at least, that pool was only going to be 3%. I don't know if I am hearing conflicting information or if there is a deeper explanation of which I am not aware. I would appreciate your comments on this."

Provost Randel: "What I reported to you and what we made available to the colleges is a 3% pool and we have invited the colleges to respond to an opportunity to receive an additional amount that is equal to 2% of the salary base that will not be distributed uniformly. Now, this is in the endowed general purpose colleges: Arts and Sciences, Engineering, and Architecture, Art, and Planning. I've asked each of the deans of these three colleges to 'apply' for the additional 2%, giving them a range of what they might apply for and asking them to say something concrete about where they feel the need is greatest. I will then respond to their requests and I expect that it will not be distributed uniformly to the colleges and I expect that the deans will not distribute it uniformly to the departments. The idea here is to apply that 2% with a particular emphasis on putting it into the places where it will be able to do the most good.""

Professor P.C.T. deBoer, Mechanical and Aerospace Engineering: "Could you please comment on the Sexual Harassment Procedures?"

Provost Randel: "The Student Assembly is scheduled to meet tomorrow and I have a preliminary draft of what they plan to discuss, but I do not know what the outcome of it will be. Nothing would please me more than to have all of the constituencies agree on a policy that I could then 'rubber stamp'. Unfortunately, that is not going to be the case. Much of what the Senate proposed is an improvement on the existing policy and no doubt significant parts of what the Senate proposed in the way of changes or supplements to procedures within its own committee will surely be adopted. But, there are some serious differences of perspective with the Employee Assembly. For example, when a student is sexually harassed by a faculty member, there is an academic relationship there and certain conditions prevail and that calls for a certain kind of procedure. But why should a faculty member who is..."
charged by an employee be treated any differently than an employee that is charged by an employee? I am confident, as is Peter Stein, that we will resolve these differences and reach some satisfactory conclusions by the time of your next meeting."

Professor Mary Beth Norton, Mary Donlon Alger Professor of American History: "I appreciate the fact that the Student Assembly hasn't met yet, but what are the main things that the Student Assembly is concerned about?"

Provost Randel: "The Student Assembly is, I suppose, primarily concerned about the degree to which the procedures are going to be used, and that they will provide a reasonable forum in which students can pursue grievances that they do have. From the perspective of some students, it looks pretty forbidding that you have to go through three different sets of hearings. From their perspective, they feel that some student counselors should be 'deputized' by the regular ones because there is a feeling that some students may not feel comfortable going to some 'grown-up'."

Associate Professor Harry Kaiser, Agricultural, Resource, and Managerial Economics: "Can you give us an idea of what is going on with statutory faculty salaries?"

Provost Randel: "We continue to expect that there will be a salary program for statutory faculty salaries but the SUNY budget is late as usual. We continue to believe that there will in fact be a program available for next year."

Dean Stein: "I would just like to make a comment on the last thing that was discussed, namely the differences in opinion between these various constituencies. I've made many people laugh at dinner parties about very long arcane discussions about conversations over the construction of sentences and the possible misinterpretations that could result from them. I think that this obscures the real point on which I have found nearly universal agreement: we do not want to be a part of a community in which people of authority can sexually harass people over who they have authority. There is no dispute about that whatsoever and I feel that we should not lose sight of that. I've sat through long discussions with members of the faculty and I have never gotten the sense that this is something that should not be taken seriously. It is very important that in all of these public discussions we have, that we keep in mind that we are united in our belief that we do not have to support a community in which sexual harassment is allowed or tolerated."

Professor David Wilson, Biochemistry, Molecular and Cell Biology: "There was an article today in the Ithaca Journal about the problems of graduate students at Cornell. I was wondering how exaggerated that story was and what was happening in general in that area."

Provost Randel: "On the agenda for the academic deans meeting next Tuesday morning, we will meet with Walter Cohen, Dean of the Graduate School, to address
some of the questions that have been recurring over time. Some of them are financial. One of the recurring issues over time has been the issue of health insurance for graduate students. So we are going to see what we can do about ameliorating the strictly financial difficulties. We have been trying to grow stipends faster than we have been growing other components of the budget. There is some debate over whether it is better to grow their stipends or to subsidize their health care. Another set of issues concerns the terms and conditions of being a graduate teaching assistant. This varies somewhat across the colleges and there is a feeling among some of us that we ought to cause the deans to at least discuss this as a group and place more uniform demands upon graduate teaching assistants, there being greater demands placed on graduate assistants in some quarters than in others. The President is also very concerned about this issue and has animated some of these discussions."

Professor John Silcox, David E. Burr Professor of Engineering: "Can you or will you be able to give us some information on the shut down of the Theory Center?"

Provost Randel: "I can't say anything now about the implications of a shut down, if it were to be a shut down or anything like that. What I can say is what is likely to happen instead. There are rumors going around about what might become of the Theory Center. It seems likely that the funds being made available by the National Science Foundation will require a reduction in their expenditures in a sort that will see a reduction in our indirect cost recoveries, even in the current year and a substantial amount in the following year. The indirect cost recoveries in the Theory Center amount currently to about three million dollars a year and in the main, if the work of the Theory Center goes away and we are not able to make up those recoveries, the costs of the Theory Center do not necessarily go away along with the grants. So we may find ourselves with a hole in the budget in the amount of three million or maybe less, but in any case, it will be a very substantial amount of money. It will be a hole in general purpose revenues; it will not be simply that one can neatly target those categories of expense and get rid of them. It is not simply a matter of the work of the people employed in the Theory Center and the work that supports the faculty effort there and the science that is done there, but there has also been this major affect on our otherwise unrestricted revenues. As I said, we will begin to feel it this year and next, even though the transition phase for the Theory Center will be about eleven million dollars, but they were spending at a rate far in excess of that per year and this eleven million dollars is supposed to be spread over several years.

"If I may conclude with some recommendations for weight loss that I read in the New York Times that I felt resembled life in Ithaca. Three good recommendations for weight loss are constant nagging, personal anxiety, and debilitating depression (laughter). I am beginning to feel in the past few days now that the sun is out and it is sometimes warmer that we will no longer need those remedies and life will resume again."
3. APPROVAL OF THE MINUTES OF FEBRUARY 12 AND FEBRUARY 19, 1997

Speaker Pollak: "If there are no corrections or changes to the minutes from the meetings of February 12 and February 19, they will be accepted and approved. There being none, they are approved."

4. APPROVAL OF THE SLATE OF CANDIDATES FOR UNIVERSITY FACULTY ELECTIONS

Professor Emeritus Daniel N. Tapper, Physiology presented the slate of candidates on behalf of the Nominations and Elections Committee.

ASSOCIATE DEAN AND SECRETARY OF THE UNIVERSITY FACULTY - 1 vacancy

James W. Gillett, Professor, Natural Resources
Kathleen Rasmussen, Professor, Nutritional Sciences

NOMINATIONS AND ELECTIONS COMMITTEE - 4 vacancies

Ronald L. Breiger, Goldwin Smith Professor of Sociology
Frederick C. Gouldin, Professor, Mechanical and Aerospace Engineering
Timothy D. Mount, Agricultural, Resource, and Managerial Economics; Director, CISER
Richard Polenberg, Goldwin Smith Professor of American History
Susan J. Riha, Charles Lathrop Pack Research Professor of Forest Soils
David Robertshaw, Professor, Physiology; Acting Associate Dean of Academic Programs
Yervant Terzian, James A. Weeks Professor of Physical Sciences; Chair, Astronomy
Elaine Wethington, Associate Professor, Human Development and Family Studies

FACULTY SENATE AT-LARGE, NON-TENURED - 1 vacancy

Thomas J. Christensen, Assistant Professor, Government
Eunice Rodriguez, Assistant Professor, Human Service Studies

FACULTY SENATE AT-LARGE, TENURED - 2 vacancies

Cornelia E. Farnum, Professor and Chair, Anatomy
Sandra E. Greene, Associate Professor, History
Sidney Leibovich, Samuel B. Eckert Professor of Mechanical and Aerospace Engineering
Robert F. Lucey, E.V. Baker Professor of Agriculture
Jeremy A. Rabkin, Associate Professor, Government
Danuta R. Shanzer, Professor, Classics; Director, Medieval Studies Program
UNIVERSITY FACULTY COMMITTEE - 3 vacancies

Kerry H. Cook, Associate Professor, Soil, Crop and Atmospheric Sciences
David M. Galton, Professor, Animal Science
Sally McConnell-Ginet, Professor, Linguistics
Subrata Mukherjee, Professor, Theoretical and Applied Mechanics
Peter Schwartz, Professor, Textiles and Apparel
Michael O. Thompson, Associate Professor, Materials Science and Engineering

Speaker Pollak: "If you have any concerns about the names here, vote this down and it will go back to the Committee. So as you look at these names, I ask you to vote on them as a single block and either reject or accept the entire slate."

There being no discussion, the Speaker called for a vote and the slate of candidates was approved.

5. DISCUSSION OF STUDENT ASSEMBLY PRINCIPLE OF COMMUNITY RESOLUTION

The Speaker called on Dean Stein to provide background information on the Principle of Community Resolution.

Dean Stein: "The University Faculty Committee was approached about three or four months ago by members of the Student Assembly with a document that they had been working on called the 'Principle of Community', which they feel is an important expression of a sense of community and that they hope will combat some of the disunity that is felt throughout the campus. They asked the UFC, as the executive committee of the Senate, for the opportunity to tell you about that resolution and to hear what you had to say about it. So with that background, they will present it. There is nothing to vote on here since it is their principle of community, not ours, but they are interested in what we have to say. They do have four different versions of that resolution and after this meeting I will circulate an E-Mail ballot that will allow you to select which one you like best.

"Our rules do not permit anyone but Faculty members to speak, so in order to have them address us, we need to suspend the rules."

Professor Norton: "Mr. Speaker, I move to suspend the rules to allow students to present this proposal to us."


The motion was approved and the rules were suspended. The Speaker then called on Heather Hollidge, Arts and Sciences '99, to present the Student Assembly's Principle of Community Resolution.
Ms. Hollidge: "My name is Heather Hollidge, and I am one of the Arts and Sciences representatives on the Student Assembly. I am a French Studies major with a concentration in International Relations. Last week you should have received four different copies of what the Student Assembly calls its 'Principles of Community', or as it is affectionately called the 'POC'. The first statement is what the students passed in a resolution formed a year ago last month. The second one resulted from a desire to make the first statement shorter and more concise. Finally, the third and fourth statements are this semester's versions of the POC. Obviously, the Student Assembly has put a lot of effort into trying to perfect a Principle of Community. So before taking any comments, I would like to spend a few minutes trying to clarify some of what was written to you in your agenda packets, including what I feel are the goals and purposes of the POC, some of the ideas and influences that may affect the POC in the future, and finally I would like to address your role as the Faculty Senate in this process.

"First of all, it is assumed that this statement is addressed to the entire Cornell community, this includes all students, faculty, employees and administrators. As I see it, there are two main goals behind such a statement. One is to promote the development of respect between individuals and among groups by creating a set of principles behind the idea of community or communities at Cornell and by attempting to define community and how it can be promoted. The second goal of this statement is to recognize the common bonds between us all, the fact that each and every one of us contributes to this University in a positive way and that we are all here to learn and to benefit from our experiences here at Cornell.

"The implementation process might include making the statement part of the recruitment and application processes, the Orientation and first-year experience and in our daily interactions. By incorporating a statement such as these into literature about the University like the Big Red Book, for example, the University is in fact recognizing the importance of the Cornell community. Now, for your role in all this. As representatives of the entire University Faculty, the Student Assembly recognizes the importance of your input regarding the development of a principle of community. Ever since I have been a student at Cornell the word 'community' has been tossed around during various discussions. We think that it is time for us as an intellectual engaged community to challenge ourselves to try and define exactly what this is.

"Just as a side note, I believe Princeton came up with a resolution similar to this one, but dealt more with academic integrity. The first two statements are obviously very similar, the second one is much shorter than the first. They try to achieve the first goal of recognizing the importance of respect between individuals and among groups. The third and fourth statements address the second goal which is recognizing the common bond among us. Obviously we are having a difficult time with this, which is why I am here seeking your advice."
Principle of Community

#1 Fostering a sense of community includes the development of mutual respect among individuals, an appreciation for the traditions of the University, and a recognition of the concerns shared by all who live, learn, and have grown as a result of the Cornell institution. In order to promote community, the following serves as a standard of behavior for each individual associated with this University:

The life experiences and academic endeavors of a Cornellian should include an awareness of others within the community as well as a respect for all individuals. There should be a shared sense of loyalty to and pride in the institution, its undertakings and its traditions. Each member of the community should possess a level of individual responsibility, honesty, and respect regarding all rules, regulations, and codes which govern the Cornell community, such as the Code of Academic Integrity and the Campus Code of Conduct. Finally, all Cornellians should work toward a common goal: to achieve a personal level of moral and intellectual growth as a result of their Cornell experience.

#2 The following serves as a principle of community for each individual associated with Cornell:

The life experiences and academic endeavors of a Cornellian should include both an awareness of and a respect for all individuals in the Cornell community. There should be a shared sense of loyalty to and pride in the Cornell institution, its undertakings, and its traditions. Each member of the community should possess individual responsibility, honesty, and respect regarding the Code of Academic Integrity, the Campus Code of Conduct, and all rules, regulations, and codes which govern the Cornell community. Finally, all Cornellians should work toward a common goal: the achievement of a personal level of intellectual and social growth as a result of their experience with Cornell.

#3 Cornell University is a singular institution. We are a collection of individuals, groups, and communities. We are students, faculty, staff, and administrators, representing a multitude of values, beliefs, interests, and ideals. We all contribute to the greatness and uniqueness of this institution. No two of us are alike, yet there is a single truth that unites us all. We are all Cornell.

#4 Cornell University is a singular institution. Cornellians are a collection of individuals, groups, and communities. We are students, faculty, staff, and administrators, representing a multitude of values, beliefs, interests, and ideals. We all contribute to the greatness and uniqueness of this institution. No two of us are alike, yet there is a single truth that unites us all. We are all Cornell.

Cornell University is my institution. I am loyal to and take pride in it and the ideals upon which it was founded. I possess individual responsibility, honesty, and dignity. I respect my fellow Cornellians in our common journey toward intellectual and social growth. I am a Cornellian.
Professor Danuta Shanzer, Classics: "I feel that someone from the English Department should be saying this instead, but, just as regards to the last statement, I was just wondering if 'singular' is the word you want. I was wondering what exactly you meant by 'singular', the word is usually used in a pejorative context. You know, a rather 'singular' circumstance. Do you mean it is a one-of-a-kind institution or an unusual institution?"

Ms. Hollidge: "That was a word used by a member of the Student Assembly who thought it sounded good [laughter]. We tried to address the idea of a balance between students growing individually and growing together as a community and we felt that 'singular' got to the heart of that."

Professor Shanzer: "I just found it confusing, you may want to look into that further, maybe expand upon it."

Professor Emeritus Donald Holcomb, Physics: "Just a personal reaction, I found the last two quite empty. I read through them and I found very little sense of community. They have a flavor of modern America [laughter] in which every individual looks out and wants to reserve their own personal ability to interpret everything I'm going to do in the context of this or that. The advantage of number two for example, while I don't think that it should necessarily center on the Code of Academic Integrity, that is some kind of bedrock. But, if there is not shared commitment, among many students and faculty to the Code of Academic Integrity, as there is not now, among many students, it seems to me that if we do not focus this on something explicit then this thing simply goes out on paper and nothing else."

Ms. Hollidge: "A lot of Student Assembly members felt that the first two were more eloquent and more appropriate to be University documents, while the other two were more modern [laughter]."

Professor Rendsberg: "I echo the previous remarks and then I would like to raise two questions of my own. Numbers three and four make it clear that this is a statement that is to be made by all members of the community and I don't see that in numbers one and two; in other words, the express statement 'faculty, staff students' and so on. My second point is in comparing the end of number one with the end of number two, has there been a decrease in the desire for moral growth and an increase in the desire for social growth in the last year which explains the change in wording? Although I do note that 'intellectual' has moved up from the number two space to the number one space. [laughter]"

Ms. Hollidge: "Some members were a little apprehensive about using moral in the statement because they felt that we shouldn't be telling people what is moral and what is not, that is why we moved 'intellectual' up, 'moral' out, and 'social' in [laughter]. By 'social' we mean, growth as a result of conversations and daily interactions with others."
Professor Kenneth Strike, Education: "I actually hope that you don't do this. When I thought about which of the four choices I would prefer, the answer that came to mind was 'none of the above'. My reasons for that is that three of the four include among their comments that we need loyalty to and pride in this institution and its traditions. I think that loyalty is a good thing, but it must be a voluntary thing. Thus, I am uncomfortable making it an issue of institutional policy. It seems to me that if a student or faculty member wishes to make his or her way through the institution maintaining an arm's length relationship and treating it as a business transaction where money is given for a benefit received, he or she should be allowed to do so. I wish that they would strive to achieve more than that but I am not going to put myself in a position to tell them that they can't do that.

"With respect to three, I think the best explanation that somebody gave me was that it is an anarchy united by a common parking problem. I think that is true, and I think that number three makes that an institutional policy and I think goes too far in the other direction."

Associate Professor Risa Lieberwitz, ILR: "I am really glad to hear someone say that. I think that there are some really dangerous and negative things involved here that are probably unintentional. I would call one, two, and four loyalty oaths. I think we've seen loyalty oaths in the United States and we've seen the danger and damage that loyalty oaths do by well-meaning as well as not well-meaning people. It presumes that the institution is deserving of loyalty, regardless of the substance of the institution and what the institution is doing at the moment or generally. It demands that each individual profess either implicitly by being here, or explicitly if there is something to profess to out loud, that you are loyal to this institution. It makes participation in this institution, and perhaps sharing in the benefits of this institution conditional upon professing loyalty to this institution. This is a negative thing.

"Why is this a bad thing? I think that this is a bad thing because it goes against basic notions of a university that has an essential place in a democracy to promote democratic ideals. Part of that democratic ideal is to promote the essential nature of dissent. So a loyalty oath discourages dissent and encourages conformity and assent. I think that this is really a very dangerous thing, and I was even more discouraged when you said that everybody should sign on to this, because we've seen the dangers of loyalty oaths. With regard to number three, it does not seem to be doing anything good. It does not have the loyalty issue, but it does seem to play into the notion that there is a single truth that unites us all. 'We are all Cornell'. I don't know what that means, but I don't think that we can agree on it. I really hope you don't do this."

Professor Richard Baer, Natural Resources: "I would echo many of those comments. I am loyal to my family and they to me. I'm not proud of everything that I've done and I hope that my wife and children are not proud of everything I've done either. I'm not always proud of some of the things that they have done. I'm not particularly
bothered by loyalty to the institution, but when it comes to loyalty, or taking pride in its undertakings, I am not proud of some of the things we've done as a University. I think that right now we are in the midst of some soul searching about how much we should pay our employees that clean the buildings and provide some of the essential services for us. I have raised some very deep criticisms of the College of Human Ecology, I hope that I would not be considered disloyal to the institution because I thought that those particular undertakings were not worthy of Cornell. I think that dissent is part of the greatness of the academic tradition and of this University. This is a troubling statement in all of its forms.”

Professor Gordon Teskey, English: "I'd just like to say before continuing this discussion that even if you do not go forward with a written statement about the principle of community, just by your visiting us and showing the desire to share this with other groups that make up Cornell, is an excellent manifestation of a principle of community and I would like to commend and thank you for that.

"Several of the statements involve, as the highest goal in the University, achieving a personal level of academic growth. I am particularly interested in the word 'personal'. We engage in the common enterprise of teaching and being taught and I hope that its value goes beyond the personal that we are doing something like contributing to the expansion and sophistication of knowledge, that we are advancing research and possibly even growing wiser as a group and that we are engaged in passing on whatever knowledge we attain onto future generations. I seem to feel that the word 'personal' restricts that rather than opens it up."

Professor Strike: "If I was going to draw up a statement like this, I would start by asking what in fact are the purposes of an institution like this that are going to be shared. They ought to have something to do with the idea that commitments ought to be based on reason and that certain moral obligations follow from those commitments like reporting accurate data, not cheating on exams, etc. It seems to me that loyalty to the traditions of this University require me to affirm throwing dead fish at Harvard hockey players. Why can't we begin with a sense of what intellectually diverse Universities ought to share and have in common? Because after all, they should be about certain things and if we are then going to impose moral commitments on anyone then they should flow from those common bonds."

Speaker Pollak: "Thank you very much Ms. Hollidge. We'll now move on to the last item on the agenda and Peter will provide us with some background on it."

6. RESOLUTION ADOPTING A PROCEDURE FOR REVIEW OF A NEGATIVE TENURE DECISION BY THE PROVOST

Dean Stein: "On behalf of the body I'd like to thank Heather for bringing that to us and I think that the discussion was spirited. I will send out an E-Mail asking which of the four you prefer and I think I will include Ken's 'none of the above' as a fifth choice. Let me now try to set the context of the next item on the agenda."
“In probably the most raucous Senate meeting we ever had, in May 1996, the UFC brought you a proposal for reviewing tenure decisions at the University level. You almost universally trashed that proposal and sent us back to the drawing board. Over last summer, through an E-mail attempt to achieve some focus on how to address this question, we came up with three different notions of proposals that were quite different and then debated them in the Senate. These were only three or four line descriptions of how the faculty might interact with the administration in this crucial, final decision on granting tenure. In our closest, cliff-hanging vote which was actually reversed upon a recount, we selected what was known as Option 6b. Then, I recruited a drafting committee to flesh out Option 6b and turn it into a real proposal. Its chair, Professor deBoer, is ready to present a proposal to you. I should remind you that this is not Senate legislative business; we cannot legislate any kind of procedure into existence. We can only recommend to the administration that they adopt a procedure that we think will be fair.”

Professor Tobias deBoer, Mechanical and Aerospace Engineering, and Chairman of the Option 6b Drafting Committee: “On behalf of the Committee, I’d like to move the resolution that has been distributed in the call to meeting.

WHEREAS, the Faculty Senate in its meeting of October 16, 1996, adopted a motion to appoint a committee to draft a procedure for a "Substantive and Procedural Review of a Provost's Negative Tenure Decision" (designated as Option 6b), and

WHEREAS, a detailed proposal in accordance with this motion has been formulated by a drafting committee,

THEREFORE, BE IT RESOLVED, that this proposal, titled "Procedure for a Mandatory Review of the Provost's Preliminary Decision to Overrule a Positive Tenure Recommendation by a Dean," be adopted by the Faculty Senate, and

BE IT FURTHER RESOLVED, that the Faculty Senate recommends the proposal to the Administration for endorsement.

"These are the members of the committee: Tobias deBoer, Chair, David Grossvogel, Risa Lieberwitz, Robert Lucey, Alan McAdams, Laura Meixner, and Peter Schwartz. Peter Stein sat on the committee ex officio and attended most of our meetings. We met once with Provost Randel. I’d like to say a few more words about this. As Peter indicated, after the meeting in which this was read and passed as an idea, it was considered an option and was not in its final form. It was assumed that it would be left up to the committee to draft its final form (Appendix A, attached). We started early in December and we started by consulting what is called ‘Procedures for Appealing a Negative Tenure Decision’. That is, a negative tenure decision at the Dean’s level. There are several differences between that procedure and the current proposal. It was included explicitly in the motion that we adopted that this review
would be substantive as well as procedural. The second big difference is that at the Dean's level there is an authority to appeal to, which is the Provost. The Provost has the responsibility for making the final decision. First of all, at the Dean's level, there is talk about an 'appellant' and an 'appeals committee.' Wherever appropriate, we changed 'appellant' to 'candidate' and 'appeals committee' to 'review committee'. The emphasis that was in the original motion was to get faculty input as soon as it became clear that there might be difficulties at the Provost level in approving a recommendation of the Dean.

"Another difference between the procedure and this motion is the selection of this committee. It was stated that this committee of five would be appointed by the Provost, and selected from the University Appeals Panel. It was suggested that it might be better if the committee was appointed by the Dean of Faculty, with help from the Associate Dean of the Faculty. We would like to give some say in the composition of the committee to the candidate and the Provost. So there would be seven people appointed by the Dean of Faculty and Associate Dean of Faculty, and the Provost and candidate would each strike one. As far as the procedure to be followed, the committee is strongly urged to read files of recent cases, and that access to these files must be provided, keeping in mind the absolute necessity for the confidentiality of those files. An objection that was raised in our discussion of this option, was that people would not have the general view.

"The committee has eight weeks to report. We suggest that they may attempt to arrange an informal settlement, this is always preferable. The outcome of the committee deliberations we suggest will consist of three possibilities: one, the appointment of the candidate to be extended for a certain time period, giving the candidate the opportunity to improve his or her record for tenure. The recommendation will go to the Provost and the Provost has the final decision on that matter. The second possibility is that the committee agrees with the Provost, there is clear and convincing justification for overruling the Dean's positive recommendation. There was some debate over this 'clear and convincing' but it was pointed out that this is used in a number of University documents and this is probably the best language to use, although one can argue about that. A third possibility is that the committee disagrees with the Provost about the clear and convincing justification and that conclusion is sent to the Provost. The Provost still has the final decision and this decision is not subject to further review within the University. So, we hope that this will serve to get faculty influence into tenure decisions at the Provost level by getting the faculty committee involved in the process early on."

Associate Professor Harry Kaiser, Agricultural, Resource, and Managerial Economics: "I shared this document with faculty members in my department and I got back one set of comments from a faculty member who has actually gone through this process, and I'd like to share his comments with the body. He thought that the document could be strengthened by giving a little more power to the candidate in this process. Probably the biggest suggestion he made was in section B1 on the
selection of a review committee and the thought there was that not enough power was given to the review committee. I am basically wondering why you chose to go with this model as opposed to say the appeals at the dean’s level, where, for example, the candidate could choose two candidates, the Provost could choose two candidates, and then the candidate could strike two of the Provost’s selections and the Provost could do the same for the candidate and then the Dean could select a fifth member. So, my question is did you consider that model and if you did, why didn’t you choose that one instead of the one you chose?”

Professor deBoer: “We considered that in detail and for a while that was in the document. We met with the Provost and he pointed out that what you really want at this level is a committee of peers that will keep in mind the background of the candidate. We decided that the current procedure would serve those purposes better.”

Professor Kaiser: “It seems that this is somewhat of an adversarial process. On the one hand you have the Provost selecting some members and to me it would make more sense to have the candidate represent his or her own interests and not the Dean of Faculty. I have a number of comments on this paper, but I don’t know if it is worthwhile to go through it if we are not going to have a say in amending this document at this point.”

Dean Stein: “Just a comment, the Provost does not pick any candidates in this model. On a procedural note, the one recourse that we do have other than voting it down, is to refer it back to committee. Our rules are that if you want to make amendments, you have to make them twenty-four hours in advance of the meeting.”

Professor deBoer: “If I may say one thing, the wording that we came up with is that ‘In developing their list, the Faculty Deans must be mindful of the mission of the particular department or group in which the Candidate serves the University’.”

Professor Kaiser: “Just to summarize the remainder of the suggestions from the person in my department, he suggests rewording section B1 to ‘the Provost picks four names and the candidate picks four names, the candidate strikes two of the Provost’s names and the Provost does the same with the candidate’s names’. Furthermore, all of the members should be full professors, otherwise an associate professor may go against the Provost on a close call.

“Section C2, the following should be added: ‘If the candidate is alleging discrimination in the evaluation of the Provost or any other person evaluating the candidate’s package, then the Office of Equal Employment Opportunity will be formally responsible for rendering a final discrimination charge.’

“Section C4 add the following sentence: ‘Subsequent changes in the first and final drafts should be resubmitted to the committee by the candidate and the Provost.’
"Finally, Section D3: 'If the review committee still finds that the Provost does not have due justification for overruling the Dean's positive tenure recommendation, then the committee shall bring its findings to the entire Faculty Senate body. If the Senate so chooses, it will vote on a vote of confidence on the Provost's actions."

"So those are the suggestions that I have for you."

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "I recall that what precipitated this entire discussion in the initial phase were situations when the first, initial decision was made by the Provost. The way this revised recommendation is written, it would also allow for this process to be enacted if as an example there were a negative determination by the department, the Dean overruled, and then the Provost were to agree with the department. Was that the intention of the Committee in drafting this, to extend this kind of review to that sort of decision as well?"

Professor deBoer: "I don't recall discussing that point. It was only discussed in respect to a positive recommendation by the Dean."

Professor Schuler: "Again, the distinction I am trying to make is when the initial negative determination is by the department, not by the Provost. Is there a distinction made in the treatment of the case if the first negative decision is made by the Provost or when it is made by some lower department?

"Let me just reiterate what I am trying to say, the department says 'no,' the Dean says 'yes,' the Provost says 'no.' It is my understanding that this process can then be enacted under those circumstances."

Professor deBoer: "I would say yes, that could happen."

Dean Stein: "If I can make a quick response. To try to sort that out like that would be a mistake, because departmental decisions are ambiguous. For instance in some departments, a departmental decision is a decision of the chair. In some places, departments have a tradition that a close vote is considered negative, the decision of the Dean and the decision of the Provost are always binary, there is never any dispute as to whether they are 'yes' or 'no'. But departmental decisions are a little bit murkier."

Professor Wilson: "I oppose this resolution, because in my reading of it, it seems fairly valueless. It will waste a huge amount of time, raise a lot of negative emotions and will do almost nothing positive. I also think, perhaps I am having undue faith in our current Provost, but I think that no Provost is going to step up and arbitrarily overrule a positive tenure recommendation from the Dean. It is not something that you do because you are having a bad day and you just roll out of bed and decide to overrule a tenure decision (laughter). I honestly think that anyone who sat down
and chose to overrule a tenure decision sent to them by a dean is doing it from certain institutional perspectives that are very important. Then there is going to be a committee put together to review this and cover all that ground, and I don't think that if the Provost really sat down and thought about this before he made his decision that he is going to accept a reversal from the Committee. It doesn't make sense to me that the committee is going to come up with any new facts or information that would greatly affect the Provost's decision. I think it is only going to stir up a lot of problems and do nothing positive."

Professor deBoer: "I respect what you are saying, but let me point out that it was decided by the Senate overwhelmingly to take this approach." (dissent from the crowd).

Associate Professor Jeffrey Scott, Entomology: "I agree with Dr. Wilson that there is a lot of wasted time. We sorted out one option without looking at everything. I think that this is not perfect, but it is a big step forward and a positive step forward. It makes good suggestions, and I think the structure of the committee is excellent. I don't want to make this a representative committee of the Provost or of the candidate; I think that a committee selected by the Dean of Faculty is the way to go. This isn't an advocacy situation, at least that isn't how I want to view it. I would like to think that there will still be quality control at this level, not just an advocacy. I think that relative to the current situation, while this Provost is exemplary, down the road, there may be a Provost who makes a decision that may be questionable, motivated perhaps by political or personal reasons, and things that we never thought would happen, but could. This is a safety check. The Provost will have to stand up to five people and say 'I did make the right decision,' and these people have the right to say, 'no you really didn't.' Then, the Provost can change his decision or stick with his original one, but the point is that the faculty have a voice."

Professor Terrence Fine, Electrical Engineering: "I have a number of questions about this, but my biggest concern is the 'clear and convincing' language. The document reads that the Provost is the final arbiter. If we accept that he is the final arbiter, what I would like to know is not whether he has other motives behind his decision, but whether he has run off the track. I don't know if he has decided something beyond a reasonable doubt or with 'clear and convincing' reasons. I want to know if he has made a bad decision. Imagine if we moved it up to 'beyond a reasonable doubt', then how interesting would this be. It wouldn't be very interesting at all. I really would like to know whether what he has done is fraudulent, so I would like to move that standard down. I would like to see 'clear and convincing' moved down to 'preponderance', or maybe even slightly lower than that and that would be a little more interesting standard and a little more appropriate."

Associate Professor Risa Lieberwitz, ILR: "I was on the Committee and we discussed many of these issues, but first, I would like to say something in terms of the faculty input question. the Provost is already getting input on these issues. In fact, the Provost made particular comments that faculty input is what he was looking for,
and it seems to me that this proposal is very much consistent in terms of the type of advice the Provost is looking for on these decisions. In terms of the amount of time, we are not talking about a lot of time or a lot of cases, only those cases in which the Provost has indicated that he will be making a negative decision, that is cutting down the number of cases enormously. Thirdly, on the 'clear and convincing issue', we discussed this at length and we were trying to find a process that would be fair to the candidates and at the same time keep in mind the Provost's powers as the final arbiter. The essential point was that when a Dean makes a positive recommendation, it deserves respect so that when the Provost makes a decision contrary to that positive recommendation, the Provost should have to give 'clear and convincing' evidence why after a positive recommendation from the Dean he still chose to make a negative decision."

Associate Professor Robert Green, Law: "The standard here of the review is whether the Provost has adequate justification. I wonder a little bit how predictable the standard really is. My guess is that the normal justification from the past is the desire to raise the tenure standard, and that the Provost has applied the existing standard, but that is no longer high enough. There is an implication in this that the Committee is supposed to look at recent cases and apply the standard applied there to the current case. The Committee can turn around then and say that the Provost's decision is not in line with those cases. So, if the Provost wants to raise the tenure standard, is this review committee going to say that that standard is too high? I'm just wondering how they are going to handle something like this."

Professor deBoer: "I think that the intent was that the committee would not be working in the dark. It would have at least knowledge of recent cases, but without being obligated to act in accordance with those cases. The committee would, of course, be expected to hear the Provost and the candidate and gather the information for itself."

Professor Holcomb: "I haven't heard anything in the way of a motive for this, usually when one develops a piece of legislation and sets up a machinery to enact that legislation, there is something to be fixed. Yet, I have heard nothing in this conversation to indicate what problem we are trying to fix."

Dean Stein: "We are here because we voted about five meetings ago to pursue this path. I don't really think that I have more to say than that. There were some very different approaches that had very different aims. One approach, was trying to make a consistent set of standards. Another one was trying to check possible abuses of power by the Provost. This proposal I think came out of the stream of thinking of the second rather than the first. I don't think that anyone ever made a justification before the group that showed clear and convincing evidence or even a preponderance of evidence that showed Provostial abuse of power, but people did raise the concern that an unchecked Provost may someday go wild (laughter)."

Professor Strike: "It strikes me that there might be occasions where a Provost might, in fact, want to gain the kind of information and insight that this type of committee
could offer prior to making a decision. It might be useful to trigger this procedure by
the Provost without requiring a negative decision to come before the process is
triggered. I was wondering if the committee gave that any consideration."

Professor deBoer: "We did not consider that. We did, however, emphasize that the
committee should become involved very early in the process, as soon as the Provost
indicated that he might turn the candidate down."

Dean Stein: "To answer you directly Ken, the committee was constrained by the
Senate resolution. There was another proposal on the floor that would have
allowed that. The line between a tentative negative decision and seeking advice but
at least the intent is clear."

Professor Strike: "If I may make a comment on that, it seems to me that if you have
a dead heat between two proposals, and one wins by only a few votes, if you write
the proposal so that it 'throws a sock' to the loser, that's a good thing not a bad
thing."

Professor Teskey: "I would just like to underline that point. If I recall the choices
were Option 3 and Option 6b. Option 6b won on a very narrow margin and on a
recount, some people have been claiming that it won hands down, and that is just
not the case. I was thinking as we brought this up, I cannot remember the content of
Option 3 very well, however, I do remember that I voted for it (laughter)."

Professor Peter Schwartz, Textiles and Apparel: "My recollection is slightly different
than Dean Stein's. My recollection is that the driving force behind this, is that in
almost all University procedures there is an appeal process for a negative decision
except at the Provost level. It was felt that part of the motivation behind this was to
complete the appeal process so that there would be some form of equity for someone
who received a first negative decision, so that this would not seem to be out of the
blue.

"The question about Option 3, what the committee felt, and I am only speaking for
myself, was a very great deep concern about standing faculty committees for faculty
control, and I've heard this in my department and throughout the statutory
departments and colleges, and that is why we developed this ad hoc committee. The
other proposal would not have been all that different from the current appeal
process. The feeling was that when a positive recommendation from perhaps the
two most qualified groups, the department and the dean of the college was
overruled, that was more than just a procedural issue and that is why we chose to
follow this path."

Professor Norton: "I walked in here today not knowing whether I was for or against
this, and now I know that I am against it. I am against it because I realized that I am
still in favor of Option 3, which only lost by a few votes to this. I am against it
because Option 3 had qualities that this one lacks. I have always argued for a
consistent faculty voice in decisions and I don't think that this option gives us that. I think Option 3, that is a standing committee that would look at all tenure decisions at the level of the Provost, would have been a consistent faculty voice. This will not be, this will only be sporadic. I don't really believe that the provision that the committee will look at relevant cases will solve the problem, in part because of some of the issues that other people have raised. For example, is it possible to ever raise tenure standards if all of the decisions are based on previous decisions?

"I also think that the kind of committee that we were proposing in what ended up being Option 3 would have been a much better vehicle for what Ken Strike was proposing, that the Provost receive advice before the negative decision was reached. I just want to make one last comment on the time involved, going back to Professor Wilson's comment about wasting a lot of faculty time for no purpose. I am going to tell a story from the midst of time back in the dark ages of this University, the Provost was a member of an appeals committee with me, when he was merely a faculty member, I was actually the chair of the committee and he was a member. I recall that we spent many, many, many weeks on that appeal, and I certainly don't want to do that again."

Professor John Abowd, ILR: "I came here not knowing how I would vote on this, but still preferring Option 3. If the Provost wants advice from faculty, I think that there is a clear way to provide that. I don't like the notion that he has to first put a tentative decision on the table and then can get that advice. The faculty cannot take part in that process. I think that the University ought to be taking a long hard look at every tenure decision at every level and I think that this resolution will not enable that, but it will go against it."

Professor Rendsberg: "I suspect that two things are possible. I believe that the Provost has the right, power, and ability to ask any member of the faculty for an opinion at any time. I think that is within his jurisdiction, so that should answer a number of the questions we just heard. Secondly, he also has the possibility of not knowing, in a case that is not prima facie approving of the decision delivered to him by the Dean's office, of overturning that decision for the specific reason of bringing about the committee that is to review his decisions. So there still is the possibility of faculty input overturning that decision, and the Provost, after hearing the comments from that committee, may decide that in fact his decision was wrong and that he should reverse his decision, and he has the power to do that."

Dean Stein: "I am surprised at the amount of division in the room. I don't think that we should make this decision looking at the clock, so I am going to move to adjourn [seconded] and that means reconvene in a week (groans from the crowd)."

Speaker Pollak: "In a moment it is going to be 6:00, but we do have do go by this vote. All those in favor of adjourning, please raise your hand. All those opposed? The motion has failed."
The question was called and a roll call vote resulted in 23 votes in favor of the resolution, 40 votes opposed to the resolution and 2 abstentions.

The resolution was defeated.

Adjourned 6:07 p.m.

Respectfully submitted,

Robert Lucey, Associate Dean and Secretary of the University Faculty
Procedure for a Mandatory Review of the Provost's Preliminary Decision to Overrule a Positive Tenure Recommendation by a Dean

A. Appointment of a Faculty Review Committee

When the Provost has reached a preliminary decision to overrule a positive tenure recommendation submitted by a college dean, the Provost shall, within three weeks of the dean's recommendation, furnish the candidate, the dean, the department, and the Dean of the Faculty with a written document stating the basis for his or her negative judgment. Within two weeks after receipt of the Provost's written statement, the Dean of the Faculty shall be responsible for forming and charging a Review Committee. The Committee is to review all relevant materials, including the candidate's file and the Provost's written statement, to determine whether the Provost has shown clear and convincing justification to overrule the dean's positive tenure recommendation. In its deliberations and findings, the Review Committee shall recognize the central role of peer judgment in tenure decisions. The appointment of the Review Committee is mandatory, unless waived by the candidate.

B. Selection of a Review Committee

The Review Committee shall be composed of five tenured University faculty members selected in the following manner:

1. The Dean of the Faculty together with the Associate Dean of the Faculty shall prepare a list of the names of seven tenured faculty members willing and qualified to serve (see B2 below) on the Committee. In developing their list, the Faculty Deans must be mindful of the mission of the particular department or group in which the Candidate serves the University. Sequentially the Provost and then the Candidate each is required to strike one name from the list. The Committee shall be constituted of the then-five named tenured faculty members. The Committee shall select its own chair.

2. Any person contacted by the Faculty Deans who has previously participated in the review of the candidate or feels unable to render an unbiased judgment or perceives a conflict of interest, shall disqualify himself or herself. However, in those colleges where all tenured faculty members participate in each tenure decision, the automatic disqualification of that college's faculty members as Review Committee members shall be waived if that is agreeable to all parties.

C. Review Committee Procedures

1. The Review Committee shall have access to the tenure file of the candidate and to the Provost's written statement. The Review Committee is strongly encouraged to read the files of recent representative cases within the college
of the candidate and of cases in related fields in the University to carry out its charge; it shall have access to the files it requests. The Review Committee shall scrupulously protect the confidentiality of all documents and testimony.

2. The Review Committee may solicit the views of the principal parties and others it deems appropriate through written statements and/or interviews. These may include the views of qualified persons outside Cornell.

3. The Review Committee shall be required to keep a formal record, but not a transcript of its proceedings. The record shall include the names and relevant identifying characteristics of the persons interviewed and the titles of the documents considered.

4. The Review Committee shall report in writing within eight weeks after being formed. The report shall be furnished to the candidate, the Provost, the college dean, and the department. One week before issuing the report, the Committee shall circulate a draft to each of these parties and invite responses.

5. At any point in the review process, the Review Committee may attempt to arrange an informal settlement of the case, if the Committee believes that fairness can, thereby, be served and that such an arrangement best serves the interests of the candidate, the department, the dean, and the University. Such attempts at informal settlement may include discussions with the Provost, the dean, the Department, and the Candidate seeking an outcome satisfactory to all.

D. Findings and Recommendations by the Review Committee.

In its report, the Review Committee shall make one or more of the following recommendations:

1. If the Review Committee finds that circumstances existed which unreasonably prevented the candidate from creating a stronger record for tenure, the Review Committee may recommend to the Provost that the candidate’s appointment be extended for a fixed period, after which a new tenure review would be undertaken. The Provost’s final decision concerning such an extension shall not be subject to further review within the University.

2. If the Review Committee concludes that the Provost has shown clear and convincing justification for overruling the dean’s positive tenure recommendation, the Review Committee Report shall so state, and include the reasons for its conclusions. The Provost’s final decision shall not be subject to further review within the University.
3. If the Review Committee concludes that the Provost has not shown clear and convincing justification for overruling the dean's positive tenure recommendation, the Review Committee Report shall so state, and include the reasons for its conclusions. If, following the issuance of the Review Committee's Report, the Provost reaches a final negative tenure decision, the Provost shall furnish the candidate, the dean, the department, and the Review Committee with a written statement of the reasons for the Provost's final negative decision. The Provost's final decision shall not be subject to further review within the University.

E. Disposition of Records and Files

1. The Dean of the Faculty shall maintain copies of all reports of Review Committees and shall maintain records of all subsequent actions within the University that occur in these cases. At the completion of a review, all case files shall be returned to the dean of the college.

2. On completion of the review, the chair of the Review Committee shall provide to the Dean of the Faculty a letter setting forth his or her observations of the review process and specifically identifying any difficulties encountered in applying or interpreting these procedures. The Dean of the Faculty shall maintain a file of these letters, a digest of their central points, and other documents useful to subsequent review committees or to anyone authorized by the Faculty Senate to evaluate these procedures.

Members of Option 6B Drafting Committee

Tobias deBoer, Chair
David Grossvogel
Risa Lieberwitz
Robert Lucey
Alan McAdams
Laura Meixner
Peter Schwartz

3/26/97
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, May, 14, 1997

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein for remarks.

1. REMARKS BY THE DEAN

Peter Stein, Dean of Faculty: “This is the last meeting of the year as you can tell by the classes and those super elegant refreshments that were served.

“I have just one item that I want to talk to you about today. It’s an item that I’ve talked about often before, namely the Sexual Harassment Policy of the University. You will recall the Senate passed the resolution and sent it to the Provost three or four meetings ago. The Provost then asked the various constituencies on the campus, in particular the Employee Assembly, the Student Assembly, and the Deans, I suppose, and probably a lot of other people what their comments were on the Senate proposals. He then retired to his think room and thought about what he heard. I can tell you some of what he heard because I was engaged in a lot of meetings with the Employee Assembly, and the Employee Assembly had a number of concerns. But one item that was of some importance to them was the fact that they felt that the document was in some sense overreaching and in some sense represented a faculty desire to shield itself from conviction of sexual harassment against members of other constituencies on the campus. I believe that that’s not true, but nonetheless, also putting myself in their shoes, I can understand why some of them may read the document to say that.

“I am pleased to report to you today that the Provost has sent out a mailing to the whole campus constituency, which I suppose will be in your box in two or three days, where he announces what he intends to do about that. I think he expected to be here today, but I will report what is in that mailing because I have seen a copy of it. He made one substantial change in the Faculty Senate’s document which was how the faculty co-investigator is structured. The employees complained that there was no need for a faculty co-investigator in cases where a professor harassed his secretary. That seemed to have logic to me also, that the reason for the faculty co-investigator was the belief that a lot of academic arrangements were very subtle and it took a faculty member to understand them, but there are lots of relationships that faculty have with other individuals on campus that don’t involve those matters of classroom teaching or academic freedom. The procedures were changed so that the faculty co-investigator would only be called in in cases where there was an academic relationship or an academic freedom issue to be addressed. In addition, the responsibility for making a decision of whether there is to be a charge, not whether the person is guilty, but whether there is to be a charge of sexual harassment, is given directly to the Office of Equal Opportunity. Both of these were complaints that were made by the Employee Assembly with, I believe, some justification.
"The letter also says that the Provost has accepted the general flow of the case that was written up by the Faculty Senate, the policy recommendation that was adopted by the Faculty Senate, and many of the other major editorial changes that they made.

"I believe that this is a happy conclusion to this affair. I happen to think that the item that the Faculty Senate passed was an improvement on the existing Sexual Harassment Policy, and I also believe that the changes the Provost has made in the document to be passed is an improvement to that document. So, I am really pleased that it has ended in this positive way, and I think this is a contribution that the Senate has made to getting fairer and better procedures on the campus in this area. That concludes my remarks."

Professor William Lesser, Agricultural and Managerial Economics: "Next year, could you kindly try to send out the agenda a little bit earlier? That's particularly an issue because under the procedures we operate on if we want to add any motions or suggest any substantive amendments to motions, we're required to get six signatures and get it to your office, I believe, a week ahead of the meeting. Since the agenda often arrives eight days ahead of time, we really don't have much of an opportunity to do that and often just end up voting things up or down."

Dean Stein: "For a new item on the agenda, you're required to get six signatures. I'm not quite sure how it would help because our agendas are always full."

Professor Lesser: "I was particularly interested in substantive amendments to motions on the agenda."

Dean Stein: "Substantive amendments to motions require only the signature of the person proposing it and only has to be there a day in advance."

Speaker Pollak called on President Hunter R. Rawlings III for remarks and discussion.

2. REMARKS AND DISCUSSION - PRESIDENT RAWLINGS

President Hunter R. Rawlings, III: "Thank you very much. Let me say that it's a pleasure to join you again and have an opportunity to spend a bit of time and make a few remarks and I hope to engender some questions, comments, discussion, and I look forward to that."

"I'd especially like to begin by thanking you for serving in this first full year of the Faculty Senate. I know that this is time consuming and burdensome, but I want you to know that we in the administration do appreciate the time you spend, and it is clearly the case that on a number of occasions you make important contributions to policy matters that we are investigating at Cornell, and we take seriously what it is you have to say. We think that this kind of
interchange is helpful in informing the process of creating policies and procedures at Cornell on important substantive issues. All of this adds, I think, to our enterprise, and helps us realize joint governance which I take to be the most significant aspect of a good university. So, we do treat the goings on of the Faculty Senate with the utmost seriousness, and we have good interchanges such as the one you have just heard about which I think resulted in improvements in the policy and I think it makes the whole enterprise worthwhile.

"Most significantly, I think you are developing a sense of the whole, and that is the most important aspect of your work to me. That is, you represent the faculty as a whole, you cut across the colleges, schools, departments, programs, centers, institutes, and that helps give us a university-wide perspective from the faculty and it's most important that we have that, especially at this time. Cornell's strength is an inherited advantage, I would argue, over our peers, is our scope. We are rich in resources compared to other universities if you look at the whole, especially in the breadth of disciplines covered by the faculty. We are an unusual university in that respect, and I would argue that that is one of our greatest strengths. You would be hard pressed to find another research university with our range of intellectual inquiry, our diversity of interests, our sheer numbers of productive faculty members, and when I compare us with the other institutions in the Ivy League, we have substantially more breadth, more scope than our brothers and sisters do, and we can derive substantially from that advantage. From music to veterinary medicine, from linguistics to plant science, from human development to nanofabrication, we encompass fundamental and applied research, public and private missions, and state, national and global aspirations. I think we are highly unusual in that regard, and it is one of the reasons Cornell has stood out among research universities in this country for a long period of time. A challenge is to create maximum coherence from this diversity of interests to develop a sense of the whole, shared values, and a common purpose. This has been always at Cornell an especially difficult goal to achieve, where the traditional autonomy of colleges has focused most attention and energy on college specific missions, as is natural in a context like this one, especially where the statutory and endowed units are so clearly defined and differentiated. We suffer more than most universities from a culture that Phil Lewis, the Dean of Arts and Sciences, has termed 'neo-capitalist', that is, research universities generally in the second half of the twentieth century have been expansionists, internally competitive and incremental in the intellectual as well as the economic dimension. Because of those factors, we, especially at Cornell with our great diversity of colleges, have represented this model to a greater degree than most of our peers have. As a result of this model or paradigm, we are attempting now to foster greater academic collaboration across the disciplines, across the colleges. We are using some mechanisms such as the Provost's academic initiatives fund to stimulate new initiatives, find areas where faculty members from a number of different departments can agree on a particular new pursuit and try to find some funding to give the enterprise a good start. I think we've
already begun to see some results from these initiatives, and we would like to see more, and we would like, in fact, to stimulate more interest on the part of faculty members across disciplines to take advantage of opportunities like this.

"We are also developing more university-wide standards, such as those incorporated in the Provost's review of tenure cases and those used in evaluating departments through the academic program review process. You all have certainly been assisting us in both of those last two matters, and we hope you will continue to do so. It takes time to develop these new procedures, and it can be frustrating when you spend all your time on procedural matters, but it is important to get it right, especially when we are looking at as sweeping a review process as the one we contemplate for academic program review. It is important to insure that the faculty has some real sense of confidence in the process, and the only way to do that, I would submit, is to have the faculty involved in developing and designing the procedures and insuring that the faculty feels that those procedures can be implemented primarily through faculty members themselves, with some administrative support and guidance as well. As I see it, that's not a bottom up process or a top down process. It really is a combined process where we have active engagement by both the faculty and the administration, and we are able to create a set of procedures that give us some confidence that we can apply in similar standards across the entire University, and we can make decisions based upon those studies that are done for us and by us in the academic review process.

"A number of you serve on committees that contribute to those processes. I appreciate the work you put into that, and I hope that it will continue in the next couple of years until these processes are fully in place and we can begin to derive the benefits from them.

"We are also stimulating greater coordination in other areas as well, such as the University Library and the Admissions Office. I want to mention these to you because they will soon be presented to the Board of Trustees, and I think it's important for the faculty to have some sense of what we are about. We have for many years, as all of you are aware, run a highly decentralized admissions process here at Cornell with overlapping responsibilities and on many occasions, insufficient communication among the colleges. We are in the process now of tightening that organization, consolidating some of its functions, and creating much stronger coordination, we think, across the different units. Above all, we want to focus the enterprise on recruitment, not just admissions. We're in a highly competitive environment now in higher education. It is essential that we recruit with a great deal of care and a great deal of ardency because that's exactly what our competition is doing, and we are restructuring the Admissions Office in order to enable us to do a better job. Similarly, the library at Cornell currently contains 19 separate units and those 19 units in some cases were linked with each other, but in many cases were not. We have some library systems in fact that are quite literally
incompatible with each other. Under Sarah Thomas, the new Director of our Library, we are now moving to bring our various libraries much closer together, both administratively and financially with the expectation that we can create a system that ultimately serves the entire Cornell campus better. These kinds of changes always engender a certain amount of anxiety, especially in units which feel that they have had for many years exactly what they want and that any change from that system is bound to be negative. We have already had a number of discussions with deans and others about these matters and we understand those concerns and feelings, but for the future, especially with a digitized library coming faster and faster, we need to have a system that is much more closely coordinated where in particular our new investments are made in such a way that we do not run into the incompatibility we’ve seen in systems in the past few years. Ultimately, these efforts should give us more opportunity for taking advantage of our strengths, that is our intellectual scope and diversity. In non-expansionary times like this one, size and heterogeneity can be disadvantages if they cause diffusion of strength and dissipation of resources. We should work hard to obviate such tendencies, I believe, and to make our different parts work to each others benefit much more closely and collaboratively than they might have in the past. It’s not always easy to effect such changes, but I think that we’re embarked on a number of cases on doing precisely that, and I hope that as a result, we’ll be stronger.

“I believe you are an important part of this process. Having the Faculty Senate representative of the different colleges and departments is essential if we are to have a sense of the whole and if we are to continue to engender that sense across the campus where the whole is greater than the sum of its parts and where the different parts do interact effectively with one another.

“Permit me now a few more personal thoughts. We’re often led today, and I know that I’m often led today, to think of the University very much as a corporate entity and in a lot of the press and in a lot of the public remarks you see made by administrators and others, that is the kind of vocabulary that is increasingly used to refer to the University. We are in fact much like a corporation--we’re global in our reach--and we are characterized by many other aspects that are similar to corporations, to be sure. There is some truth in this model. We are a large enterprise with a huge budget. We have shareholders and directors and a personnel system of great complexity, and we operate, as I said earlier, in a highly competitive world. I would argue in just as competitive a world as most corporations, but I resist giving in to this paradigm all the time. We are in essence still an academic community where individual, intellectual transactions count the most, and it’s important at least for me to remind myself of that because I spend a good deal of my time in the so-called corporate world, and it’s a significant reminder to me to meet with faculty members individually in particular and to have a chance at conversation of the kind that one often does not in that corporate world.
"I've recently had the opportunity to spend a good deal of time with individual faculty members and those conversations have also reminded me of the non-corporate aspect of a great university, the chance to talk with faculty members about ideas and to be reminded also, as Don Randel frequently points out, of the fun that we can have at a university and which I'm afraid university presidents do not engage in often enough, speaking at least for myself.

"I recently had lunch with Mike Abrams, our superb Professor of English, who is still, I think, as active as any member of the faculty, and an hour and a half conversation with Mike is enough to remind one of why one got into this business in the first place.

"I'd also like to single out a few others with whom I've recently had lengthy conversations including Sandra Greene, Biddy Martin, Henry Shue, Dominick LaCapra, and Bob Richardson, just to choose a few from those that I've had a chance to talk with at some length in the past few months. I want to say in front of you, the Faculty Senate, that these opportunities reflect each one relevantly fresh in the so-called corporate job, and I appreciate those opportunities and hope I can have more of them with you in the coming years.

"Thanks for the chance to say a few things about what we are doing here at Cornell and I'd be happy to answer any questions or take any comments you might have."

Valley J. Stewart, Associate Professor, Microbiology: "I heard you say that there will be sent to the Trustees a plan for increased cooperation between the library systems. Is that meeting to be next week? Could you give a few more specifics about the plan; in particular, what will happen to control the statutory library budgets under that plan?"

President Rawlings: "Yes. We are still working out details on matters such as that of the statutory college budgets in the library, and we have had several conversations between Sarah Thomas, on the one hand and the deans of the statutory colleges on the other. I would say that it's a work in progress, still, but I might ask Don to say a word about the overall structure of this as opposed to the individual parts."

Provost Don Randel: "There is no question that insofar as the statutory libraries are concerned, that funds can't be co-mingled. By statute, there is the requirement that all funds that go to statutory colleges be accounted for separately. At the same time, even within the envelope of the statutory colleges, I think there are possibilities for joint management of collections that can make those collections stronger, save money, and administrative costs within the library system."
“The key ingredient in all of this I think is simply that the University Librarian be engaged with all the libraries and the deans of the colleges that those libraries serve in discussing how they deploy their resources to make sure that we are not engaging in wasteful duplication, which has been the case sometimes in the past.”

Professor Peter Schwartz, Textiles and Apparel: “I applaud the notion of doing the university-wide standard coordination. We've been too long a group of colleges connected by a leaky steam system. However, I do have a concern, and that is I'm concerned that the so-called 'applied disciplines' will be treated as subordinates to their so-called 'basic disciplines'. I find this particularly galling because many of the so-called 'applied disciplines' are more highly regarded locally, nationally and internationally than the so-called 'basic disciplines'.”

President Rawlings: “Let me just say that from its beginning, Cornell has put great emphasis on both and I don't think that's going to change any time soon at all. What I do think is important is that we try to do more of this wherever it makes sense. We don't want a cookie cutter approach to this. On the other hand, it seems to me, the scope of Cornell is our greatest strength, but it can also be a weakness at times, and I'd like very much to avoid that and to foster as much interaction as possible. I don't think there is hierarchy myself among departments based on whether they are applied, fundamental or any other kind of cut, especially at Cornell where we have several different missions including a highly public mission in New York State which we have served very well and we reap some benefits from that even though we've been through some difficult years with the State of New York. The overall support for this University from the State is very high compared to most other institutions. We don't want to do anything to damage that. So, I think we have to approach such matters very carefully, but I think nonetheless we should push to look at the opportunities.”

Associate Professor Jeffrey G. Scott, Entomology: “Recently, Transportation Services unveiled a proposal that will increase parking rates yet again. Given the stagnant nature of salaries for many of the employees and many of the faculty, this sort of act, I think, would be very demoralizing and sort of the employer reaching deeper and deeper into the employees' pockets. Do you plan to allow this rate increase to take place?”

President Rawlings: “I thought I could come to the Senate meeting and not discuss parking [laughter], but I'd be happy to try to answer that.

“First of all, I agree with you, it's annoying to have increases in such fees. I frankly don't know the answer to your question. I literally don't know what stage of the process that each such proposal has reached, but we try to keep those to a minimum. We are also attempting over the next four or five years to do something serious and substantive about faculty salaries and we're going to take extra money to do precisely that. Our goal is to become
competitive in faculty salaries. That's one of the most important goals we have.

"In terms of the parking fees, I don't know. Does anybody here know about this plan? Danuta, do you know?"

Professor Danuta Shanzer, Classics: "I think they are planning to present increases over the next two years. I think they are adding more zones."

Professor Scott: "They have changed the name of one zone, therefore giving it a new name and increasing the rate 12% at that particular zone. We heard that there are going to be efforts to increase salaries. You could start by not taking the money away from the people that you are giving it to." (scattered applause).

President Rawlings: "Well certainly look into that, but as I said, I am not highly aware of that particular issue."

Associate Professor Risa Lieberwitz, ILR: "On the issue of consolidating administrative costs with the libraries, I wonder how high on the list of priorities is avoiding layoffs of employees?"

President Rawlings: "That is very high on the list, and even as we go through Project 2000, which is now picking up some momentum, our estimate is that we will be able to move through that process by using attrition as the primary and almost only means of dealing with the results for employees. We have been examining those models pretty carefully and it looks as though we will be able to achieve that goal. That doesn't mean that in every case we will be able to avoid layoffs, because the changes that occur won't occur precisely where attrition occurs, so there may be some disparity there, but the overall numbers look as though it will be quite similar."

Professor Lieberwitz: "Will there be an attempt to relocate people rather than simply laying them off?"

President Rawlings: "Absolutely, and Mary Opperman, the Associate Vice-President, has devoted herself to designing a system that will enable us to do precisely that. I think that the work with the Employee Assembly has been very helpful throughout the year."

Professor Lesser: "I have a question regarding the Chronicle article that followed last month's Senate rejection of a proposed procedure to review negative tenure decisions by the Provost. The article began by saying 'tenure decisions are the responsibility of the Provost acting on behalf of the President.' It then went on to say 'Provost Randel would then have to approve the procedure,' which in this case was voted down. I was a little bit uncertain as to how to take that statement. Was that a misstatement or does
your administration take the position that you have the authority to review such faculty procedures and legislation?"

President Rawlings: "Well, my view on that is that it is the Provost's responsibility to head up such reviews and in the end he should be able to do that in the way he best sees fit. On the other hand, he consults with this body and he is interested in the opinions of this body and will certainly try to work through any kind of disagreements, but in the end I think it is the responsibility of the administration to do that in a way that it best sees fit."

Speaker Pollak: "OK, that is all the time we have. Thank you President Rawlings. We will now move on the next item on the agenda."

3. APPROVAL OF MINUTES FOR MARCH 12 AND APRIL 9, 1997 FACULTY SENATE MEETINGS

Speaker Pollak: "The minutes for the March 12 and April 9 meetings have been available to you. Are there any changes or corrections to those minutes? Seeing none, the minutes are approved.

"Now I would like to call on Dean Stein to discuss the next resolution."

4. DISCUSSION ON A RESOLUTION FROM THE EDUCATIONAL POLICY COMMITTEE

Dean Stein: "I just want to briefly give you a little context on this next resolution. In 1962, this faculty passed a resolution saying that all undergraduate students must spend their last two semesters in full-time residence at this University. The same requirement is made on students in Masters degree programs. Approximately six months ago, Walter Cohen and I were approached by Mary Opperman who is the head of Human Resources, and she said that this requirement was very difficult for employees in the Employee Degree Program to meet. If they were to have full-time residence, they would have to stop being employees and that would inhibit their getting masters degrees or undergraduate degrees. She asked Walter Cohen and I to look into this situation. I gave this to the Educational Policy Committee and Walter handed it to the General Committee of the Graduate School. The General Committee of the Graduate School waived this requirement for masters students who are participating in the Employee Degree Program. A similar proposal relating to undergraduate students will now be presented to you by Peter Schwartz, Chair of the Educational Policy Committee."

Professor Schwartz: "Dean Stein has given the rational for the proposal that you received, I have one correction the 'Therefore be it resolved...' section. Where it says 'As adopted on June 8', that should read June 8, 1932, not 1962. On November 14, 1962, it was subsequently amended. This resolution basically cleans up some of the language of the 1962 amendment and adds the
last sentence that 'Cornell employees participating in the Employee degree program are exempted from these residency requirements.'"

Associate Professor Walter Mebane, Government: "I wonder about the possible ambiguity. Is there a clear definition of who is an employee and is there a clear definition of what is the Employee Degree Program? For example, are Work Study students employees? Are graduate student TAs employees?"

Professor Schwartz: "There is a clear definition of what the Employee Degree Program is. I am not able to answer the specifics on the graduate students, maybe Peter could explain it better."

Dean Stein: "Walter, this resolution is cleverly worded to finesse all of those questions. There is something established as the Employee Degree Program and it has its set of rules which decides who is eligible and who is ineligible and the way this resolution is written, whomever Human Resources decides is in the Employee Degree Program, then the requirement is waived for that person. I do not know the specific answer to your question as to whether Work Study Students could be in the Employee Degree Program, I doubt it.

Unknown: A motion was made to disengage the two types of corrections in the motion.

There was no second to the motion.

Professor Terrence Fine, Electrical Engineering: "So, University Human Resources can determine residency requirements?"

Professor Schwartz: "The faculty determine residency requirements. If this amendment is passed, we agree to exempt anyone who the University certifies as a participant in the Employee Degree Program."

Professor Fine: "But, what is to prevent them from deciding that Work Study Students fit this criteria?"

Professor Richard Schuler, Civil and Environmental Engineering and Economics: "Then we can simply change this resolution. So, I think that ultimately, we remain the controlling party because we can withdraw this amendment."

Professor Locksley Edmondson, Africana Studies and Research Center: "I'm not sure what motivated the speaker, a few speakers ago, to separate the motion. But in the interest of correctness, perhaps the preamble should technically read that these previous items of 1932 and 1962 'be amended, as provided below, primarily to reflect...' Those are the only amendments because of the employee situation."
Speaker Pollak: "I am a little uncomfortable with the word 'primarily' so I am going to rule that a substantive change and not a change that we will allow at this meeting.

"There is a motion to appeal the chair's decision. We have a second. Is there any discussion?

"All those in favor of appealing the ruling of the chair, signify by raising your hand. All those opposed, please raise your hand. The opposition has it and the decision of the chair stands.

"We now have a motion to call the question. We have a second. All those in favor of calling the question, please raise your hand. All those opposed. The question has been called and we will now move on to a vote on the motion.

"All those in favor of the resolution signify by raising your hand. All those opposed."

The motion carried as follows:

WHEREAS, it is in the mutual best interests of Cornell University and its staff to provide for the continued development of its employees, and

WHEREAS, the Employee Degree Program is a valuable component of that effort,

THEREFORE BE IT RESOLVED, that the residence requirement for a Cornell undergraduate degree, as adopted by the University Faculty on June 8, 1932 and November 14, 1962, be amended, as provided below, to reflect the special circumstances of participants in the Employee Degree Program.

Residence Requirements for All Candidates

A candidate for an undergraduate degree of Cornell University shall be required to spend the last two terms in residence at this University, except that, with the consent of the college faculty concerned, a candidate may carry on the work of either or both of these terms in absentia, provided that before receiving the degree he/she pass such examination or make such report as the faculty supervising his/her work may require, and that during the period of absence, he/she be registered as a student of this University and pay a fee of such an amount as the Board of Trustees may fix. This residence and registration requirement shall not apply to a candidate carrying on work away from Cornell University, and with the prior approval of the college faculty concerned, when such work is equivalent to eight semester hours credit or less. Cornell employees participating in the Employee Degree Program are exempted from these residency requirements.

"We will now move on to the next item on the agenda and Peter will again put it into context for us."

5. DISCUSSION ON THE PRELIMINARY REPORT OF THE PROVOST'S COMMITTEE ON THE TRANSITION OF FACULTY TO EMERITUS STATUS
Dean Stein: "Vice-President Ehrenberg formed a Provost's Committee to look at transitions to retirement. As in all administrative committees, the Senate appoints half of the faculty to the committee and in this case, we appointed all half dozen of the faculty. That committee has issued its report which was mailed to all members of the faculty. The administration has asked us to consider this report and to advise the committee. The way the University Faculty Committee decided to structure this advice was to have a general discussion at this meeting led by two faculty members appointed to this committee, and then at the meeting in September, we would try to formulate a response, either approving or disapproving of the report. But, at this meeting, we will have no vote."

Professor Emeritus Albert Silverman, Physics: "I am going to present some of my personal viewpoints on some of the issues that were discussed in the report, whether my viewpoints reflect the views of the other members of the committee, I don't know. The report deals with two important questions: 1) how to make life better for Emeritus Professors and in particular, how to make it easier for them to continue their personal and professional relationships with Cornell; and 2) How to increase the number of tenure track appointments. In fact, most of the report is devoted to that topic.

"I will be addressing sections five, six, and seven of the report, which are the sections that are most pertinent to the two questions I mentioned earlier. Section six deals with the way the University reacts to Emeritus Professors. I just want to say a few words about this section, because I think that most of it is fairly non-controversial. A lot of it reiterates positions that have already been taken. In some cases they are positions that have been strengthened in this report. In particular, the question of an office for an Emeritus Professor. The department chairs and the deans were encouraged to find office space for Emeritus Professors. The report changes the emphasis and makes it more of a requirement for deans and department chairs to find some sort of modest office space for all Emeritus Professors. Speaking from my own personal experience, if I didn't have my own office, I certainly would have no way of keeping in contact with my department and my college. There are also some new provisions that will make life better in general for Emeriti.

"In regards to the number of tenure track appointments, there are two ways in which the phased retirement program can increase the number of new appointments we have. One is that it will reduce the mean service time of faculty at Cornell. If we can deflect people into phased retirement, we can keep the numbers around where they were with mandatory retirement. The other way that this helps is that we get some money from it based on the difference in salary that you have to pay a retiring tenured professor and a new young, non-tenured hiree.

"I am going to show you a very simple calculation about the number of new appointments that we expect to get. There are three ways that we can get new appointments. We can get it from the number of people who retire, the
number of faculty who leave for reasons other than retirement, and if we're lucky, we will have a considerable phased retirement savings that we can use. We have calculated the retirement factor simply by dividing the number of faculty by the mean years of service. The faculty leaving is a little harder. I have taken that to be the number of appointments divided by four, essentially I have considered those people to be the people who leave because they didn't get tenure. I assumed that seventy-five percent of appointees become tenured. Of course, there are all kinds of other reasons that people leave. Unfortunately I couldn't even venture a guess as to what those numbers are, so our calculations ignore all those people who come and go for various reasons and assume that in the end they balance out. But, that does not change the effect from the phased retirement program on the number of new appointments. The money saved from each personal phased retirement I have taken to be $80,000 times .4, .4 is sort of the percentage saved and $50,000 is the initial salary. So, $50,000 is how much it costs us to buy someone. I have made estimates based on these calculations in two extreme cases. What if there are no phased retirements? In that case, I assume that the mean service time will increase from thirty-seven years to forty-two years. All of our new appointments will be assistant professor appointments. In the other extreme case is that all the faculty eligible are on phased retirement for five years. If we get to that state, the mean service time will remain about the same, at thirty-seven years. So the number of new appointments you get are fifty-six instead of fifty because the service time is down from forty-two to thirty-seven and a very effective phased retirement program could add quite a few professors a year. If we decide to take the money we have from the phased retirement plan and put it into faculty raises, we could give the faculty a one time raise of 6%.

Speaker Pollak: "Bill, do you want to speak now and then we'll handle discussion when you are finished."

Professor William Fry, Plant Pathology: "I think that the committee was unanimous on two issues: the appointment of new faculty is crucial to the University and that absence or elimination of a mandatory retirement age would negatively affect the ability of the University to attract and hire new faculty members. The goals of the committee were to eliminate the economic constraints that prevented faculty from retiring. The other was to lessen the prestige, the status, the activity, etc., that prevented people from retiring. There are four categories of recommendations that Al did not discuss that were designed to encourage people into retirement: (1) faculty should do proper economic planning so that the economic constraints to retirement would not be as significant; (2) there should be regular analysis of workload so that younger faculty members are not doing extraordinary amounts of work and that older faculty members have cushier jobs than younger faculty members do; (3) we should remove the disincentives of loss of space, i.e. provide faculty members with offices; and (4) to provide the phased retirement option to everyone."
Speaker Pollak: "We have a couple of minutes to discuss the issue, so the floor is now open to everyone."

Professor Kathleen Rasmussen, Nutritional Sciences: "I was concerned when I read your report that it didn't address the issues that were faced by women as directly as it could have. In a situation where we have a defined compensation program and not a defined benefits program and you have a segment of the faculty who is likely to live longer, you do have a differential there in terms of the benefits payout."

Professor Robert Lucey, E.V. Baker Professor of Agriculture and Associate Dean and Secretary of the University Faculty: "Bill, how do you manage this whole thing in an era of downsizing? The statutory units are going through this whole period of downsizing and they take the opportunity when someone retires, of eliminating the position and it distorts the efforts at appointing new faculty to positions that faculty members have retired from."

Professor Fry: "I think that if more people were to move into phased retirement, we could get out of the downsizing trend a little sooner, and allow ourselves more flexibility."

Dean Stein: "Looking at the clock, I'd like to make a motion to refer this to the Committee on Academic Programs and have them report back in the fall term with a motion on which we can act. The reason I say this is that I feel that it is too big and amorphous for us to take action on it and we need someone to generate a motion for us to act upon."

Speaker Pollak: "This is a motion to put it to committee. The motion has been seconded. Is there any discussion on that?"

Ronald Ehrenberg, Vice-President for Academic Programs, Planning, and Budgeting: "I would like to give you a sense of how the process is going to unfold from the perspective of the University as a whole. On the condition that we get a view from the Faculty Senate, there will be an opportunity for us to get the views of the Trustees, Academic Affairs, and Campus Life Committees sometime next week. They will be given a copy of the minutes from the Academic Leadership Series meeting, which I am currently drafting, and I will also give a copy of that to Peter to pass on to the Faculty Senate committee. We have also asked the Emeritus Faculty to give us their views and we will be discussing this with the academic deans sometime later this semester or at the beginning of next semester. If we get the views back from all these different organizations, the committee will convene and we will write a final report that will go to the Provost sometime in mid-November. There are a lot of things that were discussed at the Academic Leadership Series, but I want to say that there are three things that came through to me clearly: first, was the issue of lab space for Emeritus Professors was not adequately addressed in our report; second, many faculty were against proposals that capped faculty retirement at any level, and virtually every
faculty member with the exception of one or two are against the idea of temporary salary raises that could be instituted and taken away at some later date in an interesting compensation system; and third, is that there seems to be fairly widespread support from the members of the faculty that were present at the meeting for having periodic reviews of tenured faculty members. A lot of people seemed to like the system that was instituted in the Johnson School where these reviews occur prior to the individual going on sabbatical, and if there are deficiencies in the person's record, then the sabbatical plan is structured in such a way that the sabbatical could improve the deficiencies in the record."

Speaker Pollak: "There is a motion on the floor, and I would like to keep the comments confined to those that are specific to the motion."

Professor John Abowd, ILR: "I'm going to make the same argument that I made at three UFC meetings, because I think it needs to be on the floor. When we instituted this form of faculty governance, we did it with the active participation of the members of this body and our delegated representatives on these joint administration-faculty committees, with the intention that this would greatly reduce the faculty committee time burden that people who participate in faculty governance commit themselves to, which basically means that our representatives on such committees should bring back to us their recommendations and then we should, as a deliberative body act on them. There was some reluctance by the members of this particular committee to offer us either the motion that we approve this, or a set of amendments that they would recommend we should approve. That is what I think should have happened. I don't think we should refer this to another committee. As a general rule, I think it is our job to make this system where we reduce the amount of committee work that faculty members do, work. It was a very important part of the way that we structured faculty governance. If we take everything that comes before us and send it out to a special faculty committee, then we do not accomplish one of the things we were trying to accomplish. I would like you to think about this before you vote to send this out to committee. I think it would be easy for someone to propose to the UFC that the report be approved by the Faculty Senate."

Speaker Pollak: "If there aren't any objections, I'd like to call the question."

Professor Fine: "Yes, on a technicality, I really don't think that it would belong to Academic Programs, I really think that it should belong with Academic Freedom and Professional Status of the Faculty. That's not arguing against Professor Abowd's point, that is a separate point. Maybe the Dean would like to speak to his reason for choosing Academic Programs."

Dean Stein: "I'd be happy to, and I think you are quite right, it probably does belong with the Academic Freedom Committee than with Academic Programs, but my experience is that the workload is very variable on committees and people are not on them because they possess any particular
expertise. My notion was that a random group of seven faculty members on one committee could consider it just as well as any other committee. There are certain committees that are sort of special like the Financial Policies Committee and the Academic Freedom Committee that have certain assigned duties. The Academic Freedom Committee has been very engaged over the past year in the Sexual Harassment issue and I think that the Committee on Academic Programs has only met once or twice during the year, I don't think that they have been worked very hard, so it was on that basis alone that I made my proposal. But, you could amend it to make it go to the other committee, I suppose."

Speaker Pollak: "I would now like to call the question. All those in favor of sending this to committee, please raise your hand. Thank you. All those opposed to sending this to committee, please raise your hand. Thank you. It is very close. Unless there is any objection, I am going to do this by a hand count. All those in favor, please raise you hand. All of those opposed. The motion is defeated. There were twenty-one for and an excess of twenty-five against. Since there is no vote on this, we will end the discussion here and move onto the next item on the agenda which Peter will introduce.

6. RESOLUTION TO FORM A COMMITTEE TO DEVELOP "OPTION 3"

Dean Stein: "At the first meeting this year, we had a face-off between Option 3 and Option 6b, on the matter of how we interact with tenure decisions. In a very close vote, even closer than the last vote, we chose Option 6b over Option 3. Option 6b was duly developed and defeated decisively by this body at the last meeting. Two members of this body along with four co-sponsors sent in a resolution asking the body for authority to appoint a committee to develop Option 3. I believe this is in order, I believe Robert's Rules make this an item that can be considered. The argument is that Option 3 received almost as much support as Option 6b, so why not allow that group the opportunity to develop their motion."

Professor Gordon Teskey, English: "The rationale for our proposing to form an Option 3 committee was that it lost a very close vote, and since it was defeated by Option 6b, which was fully developed into a procedure which was decisively defeated by this body last month, we decided that we should take a closer look at Option 3. As the President said earlier today, it is the Provost who has the final word on the tenure procedure--it is our position only to advise him. It was however, the Provost, who initiated this search for a different way to advise him, and since Option 6b was defeated, I think that we should flesh out Option 3. I would like to emphasize that this is not a vote for or against Option 3 at this time, but rather, just an authorization to proceed with the development of Option 3 into a full proposal that might be voted down just as resoundingly as Option 6b was."

BE IT RESOLVED, that a committee of the Senate be formed to develop "Option 3" (a standing advisory committee to the Provost) into a full procedure and
**BE IT FURTHER RESOLVED, that the committee report to the Faculty Senate this fall.**

Assocciate Professor Kerry Cook, Soil, Crop, and Atmospheric Sciences: "I was on the original Option 3 drafting committee and in our committee, we confined ourselves to the philosophy of Option 3. It seems to me that you might be opposed to the development of Option 3. One is that you might not agree that faculty should review all of the tenure decisions. Another reason is that you are worried about faculty time, the amount that it is going to take to review all of the tenure decisions. On our drafting committee we realized that there is a very wide range of faculty time commitments that could be designed into the system. So, having a charge to develop Option 3 would allow us to have a closer look at that. Probably developing a new Option 3 drafting committee would be thinking about faculty time because of the discussions that have gone on here. They can design a system that puts a very light touch on the faculty review system and then has a more fully developed system that will kick in for borderline decisions."

Professor Fine: "This strikes me as a second bite at the apple. It was discussed. There was a long period of discussion on this, it did not go both ways, Option 3 was defeated, granted it was a close defeat, but nonetheless it was defeated. We tend to go forward and not turn around and churn up old ground. I spoke with the Dean and I do believe him that this is technically legal and is technically allowed. So, here we are again considering something that we have already defeated. I just don't think that it is very good hygiene even though it is legal. I didn't like it before, I still don't like it, but here I am having to deal with it again."

Associate Professor Jeff Scott, Entomology: "I think you're right, I think Yogi Berra would have loved to be a Senator, because I think this is 'deja vu all over again.' There was opposition to 6b because it was too much work. No matter how you restructure it, this is still meant to be a very large package. Is the system that broken that we want to go through all that effort? I don't think that we need to revisit this issue again."

Provost Randel: "Perhaps I should clarify my own position on this since it was alluded to earlier. I think that the infamous gang of four is a responsible group of people, very hard-working. I would be very happy to labor on with that same gang. Of the two proposals, I personally prefer Option 3, and if it is the will of this body, I would be happy to work with it. Is it broken, I do not, at the moment, believe that it is."

Professor Lesser: "Provost Randel, I wish you could clarify what you mean by working with a committee. What gives me pause in this case is that a committee reviews the case in some depth and then the Provost, acting on behalf of the President, decides against it anyway. Would you accept the judgment of such a University committee in lieu of your decision?"
Provost Randel: "Certainly not in lieu of my decision. The authority is invested in the President and delegated to the Provost. The Provost will always have the option of disagreeing with the committee on its recommendation. I think it would be astonishing, if after having created such a body and having elected respectable people to it that the Provost would very often if ever reject one of their recommendations, but in principle, it will always be possible."

Speaker Pollak: "The question has been called and the motion was seconded. All those in favor of calling the question, please raise your hand. Thank you. All those opposed. Thank you. The motion carries, we will now move onto a vote. Please remember that this is a vote only to create a committee to draft Option 3. It is not a vote in favor of or against Option 3. All in favor of the resolution signify by raising your hand. All of those opposed. We will have to move to a roll call vote."

The motion carried 34-25.

Speaker Pollak: "The motion carried, so we will form the committee to draft Option 3..."

Professor Fine: "Mr. Speaker, I move to reconsider and enter upon the minutes."

Unknown: "What does it mean?"

Professor Mebane: "I think it is a third bite at the apple." (laughter)

Dean Stein: "Is there a second to the motion?"

Crowd: "What does it mean?"

Parliamentarian: "It is a motion to reconsider your vote and enter that consideration into the minutes."

Dean Stein: "Is it proper to call orders of the day considering the hour?"

Parliamentarian: "It requires a second and a vote, which means that it would come up at the next meeting."

Speaker Pollak: "The motion has been made and seconded, so all those in favor of reconsidering and entering into the minutes, please raise your hand."

Professor Fine: "Point of Order! I do not believe that this motion needs a vote. I believe that a second is sufficient. If it were to need a vote, that would defeat the purpose of the motion."
Dean Stein: "I believe that this is a terrible way to end the year, we have lost our quorum, and we are ending in shambles."

Speaker Pollak: "As Peter has pointed out, we have lost our quorum, so we will resolve this and resume in September."

Adjourned 6:07 p.m.

Respectfully submitted,

Robert F. Lucey, Associate Dean and Secretary of the University Faculty

** Considering the circumstances under which the meeting ended, Speaker Pollak was asked to review and rule upon Professor Fine's motion to "reconsider and enter upon the minutes." The purpose behind the said motion is to protect the majority viewpoint from being subverted at times when people who hold the minority position temporarily outnumber the majority.

The following stipulations from Robert's Rules of Order, govern the use of the said motion:

1. "In an organization that does not have regular business sessions as often as quarterly, it cannot be moved at the last business meeting of the session."

2. "It cannot be applied to votes on motions whose object would be defeated by a delay."

Speaker Pollak overruled the motion on two grounds:

a) This was the last meeting of the business session and there would be a four month break between that meeting and the next meeting. (violating #1 above)

b) The resolution required "that the committee report to the Faculty Senate this fall." In delaying discussion of the resolution to the first meeting of the fall, it would make it impossible for the committee to report to the Senate in the fall, thus defeating the object of the resolution.

Speaker Pollak also noted that since it was only a decision to formulate a committee and not an expression of approval for "Option 3" which the Senate could still defeat once the Option was drafted.

He also noted that the Senate could review and overrule his decision regarding Professor Fine's motion at the first meeting of the Senate in the fall. If the Senate did so, the 'Option 3 Drafting Committee' would simply cease to exist.
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, September 10, 1997

The Dean of Faculty, Peter Stein called the meeting to order. He then called on Professor Kathleen Rasmussen, Nutritional Sciences, and Associate Dean and Secretary of the University Faculty to serve as Speaker pro tem.

1. QUESTIONS AND ANSWERS WITH THE PROVOST

Don M. Randel, University Provost: "It is my pleasure to be here again, and it is always my intention to stay here until the end of the meeting. Unfortunately, I have to catch an airplane, so if there are any questions on the agenda that you anticipate asking about later, by all means, ask them now."

Professor Elizabeth Earle, Plant Breeding and Biometry: "I've been hearing that the costs of Project 2000 have been going up and up. I was wondering if there was any upper bound contemplated on this exercise or is it just going to rise out of sight?"

Provost Randel: "There certainly is an upper bound that can be computed. It can be said that the real money budget of Project 2000 has not been increased until this day. There has been pressure steadily and there has been reallocation in that budget, but we are, at this point, sticking to the cash budget authorized initially. Much of the special strain around that has to do with a major part of that expense in people's time. We have had some difficulty in securing the 'volunteer' labor that is needed to complete some parts of the project. That situation has improved somewhat recently. If you read the Chronicle of Higher Education, you look at these big ads for PeopleSoft and you see the growing list of universities that are going to projects of this kind. We, having been early in this activity, developed the core of people that were pretty good at implementing this effort, with the result that they are being hired away and we are under constant threat. Our consultants, Andersen Consulting, has been experiencing the same thing, namely, they are having trouble hanging on to people. This has put pressure on having people available to do the job. So far, we have not changed the dollar amount in actual cash money that we are spending, to this day."

Professor Sally McConnell-Ginet, Linguistics: "A related issue, there are all sorts of jobs that are being computerized in the University and where responsibility for implementing that is being transferred from departments to individuals. A good example of that is the Staff Directory, where we're each being asked to provide information about where we reside. It turns out that I can't do it from my computer, because I don't have enough memory to download the new fancy version. But, it brings up the issue of are we going to get the mechanical and technical support to help implement these various programs."
Provost Randel: "One of the aspects of the entire program will be the need for upgrading desktop machines of many people. That is a need that we face anyway, with or without this project. I think that we will not in fact be able to centrally fund new machines for everyone. There is not a level playing field out there now. In Arts & Sciences some years ago, we discovered, not surprisingly, that a lot of people didn't have machines that were capable of being plugged into the network, after we just spent hundreds of thousands of dollars bringing network connections to everybody's offices, so some college funds were provided for those upgrades. I think one will have to go on a case-by-case basis, perhaps at some time, there will be a central fund. But, in the meantime, departments will have to provide the funding on their own."

Professor Terrence Fine, Electrical Engineering: "Can you tell us where we are on the Sexual Harassment Procedures?"

Provost Randel: "There was a meeting about a week ago with the Policy Advisory Group, which is a group of people from across the University who meet to steer the process of putting things into the form that makes them consistent with all the other policies in the University. What we are working with there is the document that the Senate passed last spring, with some changes of the kind that I described in my memo of May 12. We had a further meeting this morning about what appears to be a contradiction within the procedures. There will be further meetings of the Policy Advisory Group and it is my devout wish, that by the end of this month, the matter will be settled and the new policy can be promulgated, and I think you will find that the Senate's views in this are virtually wholly incorporated. I've been in close contact with Dean Stein about the matter all along. Certainly, the procedures that the Senate developed for its own committee will be verbatim.

"Maybe I should volunteer something, since readers of the Daily Sun will have seen this morning's story about a $6 million shortfall in the General Purpose Fund in the current year. As usual, with all newspapers, including the New York Times, if you have any direct personal knowledge of a story reported there, you realize that there are certain parts of the reporting that are not quite accurate. You try to extrapolate from all the other stuff in the newspaper that you don't know anything about, and you wonder why you buy the newspaper.

"The story is in some number of respects perfectly true. What is perhaps slightly misleading about it is the degree to which it looks as though we are going to go around putting our hands in peoples' pockets and getting money back to fill this hole. The problem, if you didn't read it, or in case you did, is we concluded negotiations about this overhead rate this summer, which ended in the federal government insisting on reducing our rate by several points. This alone will cause a problem of about $3 million less in recoveries than we had been planning in this year. Similarly, we begin the first year in which we feel the effects in the Theory Center in the decline of research volume, and that might be about $1 million less than we anticipated when we originally made this year's budget. We have
experienced a further decline in graduate student enrollment, it would appear. We are trying to make a good estimate at the moment, but one can't know with certainty how many graduate students are here and how much tuition they are paying, but there has been a decline in Ph. D. enrollments in recent years, and would appear to have gone further this year, and that might be another $1 million of unanticipated revenue loss.

"A few other things have happened, environmental health and safety concerns, when accounted for bring the total to around $6 million. We have committed ourselves on all sides of the house, to not go to units, colleges, and ask for reductions in their operating budgets. So, everyone will continue operating this year on budgets that had been planned almost a year ago. And we will address this $6 million problem through various one-time funds that are available. This is beginning to sound like the State of New York. The University does maintain a contingency in the annual budget against just such developments and there are other reserves that we can draw upon without affecting other planned activity in this year. Those will come from a variety of quarters, but I think that in the operating units no one who has been saving money scrupulously for some particular planned project is going to have that jerked out from under them and, in any case, we are certainly not asking anyone to reduce their planned operating budget. So we will complete this year in balance, as we have completed every year for the past 20 or so, and I don't think that it will cause any particular hardships. It has to be said that we will experience this decline in overhead recoveries this year, but since the rate has gone down, we will experience it ever after unless the volume rises to the point of making up the difference or, and don't count on this, if we are able to reverse the trend in our rate. A lower rate is good news and bad news, but we will have to accommodate for that in future years.

"We are hoping that in the next few weeks to have revised our projections over the next several years, so that we can begin to disseminate to operating units and colleges what the budget for the next academic year and the two years beyond that are likely to look like. We continue to emphasize in this process the need for enhanced compensation for faculty and staff. The pressure on the staff side can only be said to have grown since we last met to talk about this, partly by virtue of the fact that we have people being hired away in a competitive market. We steadily have to think about whether we are doing enough there. Thank you. I'm sorry to have to leave. You are entitled to know where I go, the Executive Committee of the Board of Trustees is meeting in New York tomorrow morning, all day."

2. REMARKS FROM THE DEAN

Peter C. Stein, Dean of Faculty: "Consider this the opening talk. It is a little funny coming second, but I would like to welcome you all to another year of the Senate. Kathy and I had a brisk e-mail exchange about what to call this. I thought we could make it sound really good by numbering them with Roman numerals like Super Bowls. But there was a dispute as to whether this was Senate II or Senate III or
Senate 2 1/2, due to the usual problem in academia, when you call a new year, do you call it in September or January. So, anyway, it is either Senate II or Senate III or Senate 2 1/2.

"Last year's Senate was just chock full of things that are to my mind controversial and important, and I see no letup as I look at the agenda. People are always telling me that we are in a time of change. People have been telling me that since I first came to Cornell 40 years ago and, in general, those statements seemed not to be true. Looking back, things stayed pretty much the same. Rather than drastic change, we saw fluctuations around a relatively constant line. My sense is maybe I've just been beat into the ground, but my sense is that this time it's true. We really are in for some fundamental change. It is fair to say that the institutions or the concepts that have been the bedrock of our society are all under attack. You hear it all the time: tenure is under attack, the notion of the department being the core of the intellectual work of the University, the notion of research as being a fundamental thing that we do, the whole academic freedom you hear being discussed as if it has gone too far and is out of bounds, the independence or the entrepreneurialism of the faculty is under attack. Those things together describe in my mind what universities have been like. Those things are all being seriously examined. I don't think that all of them will go, but I do think that in the next few years, we are going to see substantial changes in the way that we think about the way in which we go about our business.

"There are a number of initiatives that will come before this body, one in particular is the report of the Research Futures Group, which really is a substantial change in the way we carry out our scholarly business and I think it is something that we want to look at very closely. The question of how we make our appointments: Are appointments totally within the purview of the department or is there a wider group that is going to control that? How do we make tenure decisions? The train is already moving, and it is no longer a question of whether or not we want to get on the train, because we are on the train. The question is, do we want to ride on the train or do we want to drive the train? The time when we can say 'no, no, no, let's just pull the emergency cord and stop all of this' has passed. I think that a number of items will come before us that will look unpleasant the first time you look at them and we have to be very serious about looking at them, and see if we can craft a way that the faculty can play the dominant role that I believe we must in an era of substantial change.

"With that, I would like to show a couple of transparencies on faculty salaries. I sent you all a copy of a report that I made to the Board of Trustees about the dismal state of faculty salaries at Cornell. Since that report was first written, another year has passed and the data for the next year has come in. I'd like to show you that data, in a somewhat different form than it is presented in the report that I sent you. I have plotted the years 1986-1996. It is the same period, and what I have plotted on the other side is the increase in the average full professor's salary in the endowed units at Cornell compared to this comparison group that I have always used, which are 17
major private research institutions (Figure 1). As you can see, for all of these years, with the exception of 1989-90, the raise pool at Cornell has been significantly below the raise pool at other peer institutions. When I gave the talk to the Trustees, I hadn’t seen this last piece of data. It is possible to look at this data and draw very different conclusions from it. One conclusion is, we are doing very well, our slope there is better than the slope of our peer institutions, so we have momentum. You may also interpret this data more pessimistically, and recognize that this is our second best year in the past 11, in that we fell behind our peer institutions, less in those two years than in any other year. But, the fact remains that in 1996, we were still worse off than our peer institutions than we were in 1995. I will leave it to you to draw your own conclusions as to whether it is good or bad. On the one hand, it is better than it was in the past, but on the other, we have fallen still further behind our peer institutions.

"The point for the statutory institutions is interesting. They have a much more erratic behavior than the endowed units. What is interesting is that when you add it all up, if you add it all up in 1995, it turns out that the difference, where you are vs. where you were, is the same in the statutory units as compared to their peers as in the endowed units as compared to their peers. But, this was a disastrous year for the statutory units; they fell considerably behind. And we are of course, pleased, that an agreement was reached with the State University of New York to provide a substantial pool, and we hope that that agreement will change the situation in the statutory units. It is always important to remember that this is a competitive situation, whether that agreement will be good depends very much on what they will do at Madison and Davis and so on. So, we won’t really know whether we have gained or lost until we see the data from the other groups.

"If I just take Cornell endowed vs. Cornell statutory (Figure 2), a lot of people think that the salaries in the statutory units have deteriorated with respect to the endowed salaries. That is not true, there has been a slight decrease, but with the erratic up and down behavior of the statutory raise pool, and in the end, there is not a very large difference in the behavior of the endowed units and the statutory units in that time.

"The last thing I want to talk about is a subject that was much discussed in the press over the summer time was the salaries of our administrators. There was an article in the Ithaca Journal that you may have seen, which said that our administrators received a 17.5% raise over the past year. A lot of people called me about that and I thought that it was worth pursuing. Where that data comes from is that the IRS requires us to file the salaries of our top administrators and make that a public document, and that document is public for this year, last year, and the year before. I got copies of that data, I fiddled with it, and it turns out that there is not a unique answer. I tried to look at in such a way that maximized it, and I couldn’t come up with 17.5%, the best I could do was about 10-11%.

"Since this was a year of change, we run into several problems, for instance, we had Rhodes, and now we have Rawlings. Do we take the Rhodes salary over the
Rawlings salary or not? We also have Fred Rogers, Fred replaced Jay Morley, and Fred Rogers' job wasn't filled. So, do we compare Fred Rogers' salary as Sr. Vice-President to Morley's salary? What do you do with the fact that the treasurer's position wasn't filled? By doing that, you can make those numbers change from 11% to -1% depending on how you look at the data.

"After looking at this data for a while, I started to look at what I thought people would be most interested in. Take your typical top administrator and compare his raise with the typical faculty member's raise. This may not be the question on your mind, but I thought it was the most pertinent question. I calculated the median raise for the top 15 continuing administrators and I calculated the median raise for continuing endowed faculty members. I plotted it on this graph (Figure 2) and I think the message is clear: the average top administrator has roughly a 50% greater raise than the average faculty member.

"You can dispute the way that I took this data, you can drive the numbers down a little farther, but, administrative raises always remain higher than faculty raises. Is this a fluke or not? It is hard to say, you take one year, and you don't know, particularly when you have a group as small as 15, it could be a fluke. I think it is interesting. This may be reflective of what our colleague Bob Frank talks about as the 'Winner-take-all' theory that dominates American politics, that the spread between the top and the bottom in all sectors of our economy is growing all the time, or maybe it's a fluke. I thought it was interesting to take this same data for the past 11 years and see if indeed it was a fluke, or if indeed we see a trend. I asked for the data—the data was public some time ago—my request was refused. I received a letter that said that no good could come to Cornell by making these comparisons, and that the data has been used irresponsibly and it would be irresponsible to allow people to use the data irresponsibly. So, I am unable to tell you if the data is a fluke or if it is reflective of a greater trend. That concludes my remarks."

3. ELECTION OF SPEAKER AND APPROVAL OF A REPORT ON COMMITTEE APPOINTMENTS FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Speaker Rasmussen, Chair, Nominations and Elections Committee: "The election of a speaker is required annually by our legislation. However, our legislation does not specify how many candidates we have to put forward during this election. The Nominations and Elections Committee has considered this information, and particularly the way in which the past two elections have been conducted, which as you recall asked us to make a decision rather rapidly on not a whole lot of information, which wasn't a very satisfactory thing to do. So, what the Nominations and Elections Committee is proposing is that we have a contested election every three years. This year not being one of those years, we are going to put up one candidate, John Pollak, who was our Speaker last year. That will be our slate, and we are going to open up the floor for nominations. Do I hear any nominations from the floor? If not, I will call for a vote asking John Pollak to
continue as our Speaker. All in favor, please say 'aye'. All opposed. The motion carries.

"The next item is the actions of the Nominations and Elections Committee. These were so numerous that we decided not to make a transparency but, rather, made a three page handout that you picked up on your way in the door (Appendix A, attached). These are the actions taken by the Nominations and Elections Committee since May. As is our custom, I ask for your approval of these. All in favor, please say 'aye'. All opposed. That motion also carries."

4. DISCUSSION OF A RESOLUTION ON SENATE PROCEDURES

Dean Stein: "Last year, after the first few Senate Meetings, when it was never clear whether a motion could properly be introduced on the floor or not, the UFC decided to propose to the Senate a policy that John Abowd christened the 'no surprise policy'. It said that motions could only come before the Senate if they had been distributed a week in advance and amendments to that motion, a day in advance. The theory behind it is that you represent constituencies, and so you have some time to think about these amendments and motions and even discuss them with your constituencies. There is an escape clause that could be used if the body felt that a particular amendment was of such import that it should be excused from this particular rule. The other part of this was what support does a motion need to get on the floor. The UFC proposed that the support of six people should be required to get an amendment to the floor. That set of procedures also said that they should be reviewed after a year of operation, and we have a suggestion from Professor Fine that suggested that we regularize something that we used to have in the Senate but we stopped doing, and that is the Good and Welfare section which allows any faculty member to speak to any subject that they think is of interest to the faculty. So, I move these procedures for adoption."

WHEREAS, the Faculty Senate, in September 1996, adopted rules of procedure to facilitate consultation between members of the Senate and those whom they represent, and

WHEREAS, the UFC was charged with evaluating those procedures in the summer of 1997 and the UFC has completed its task,

THEREFORE, BE IT RESOLVED, that the UFC recommends that the Senate amend the procedures as follows:

(deletions underlined, additions in bold)

BE IT RESOLVED, that Senate meetings be governed by the following rules of procedure for the 1996-7 academic year.

1. For a motion to be placed on the agenda of a Senate meeting, it must be endorsed by either a Faculty Committee, the UFC (on its own initiative or in response to a request by a Senate member), any six members of the Senate (six because it corresponds to a majority of the UFC) or any twenty-five University Faculty members. Motions will be distributed to the Senate membership by the
UFC at least a week in advance of the meeting. The short "New Business" period at the end of the scheduled meeting would continue, but would be limited to remarks. Motions would not be in order.

2. Members are strongly encouraged to send all proposed amendments to such motions to the UFC, who will distribute them to all members at least 24 hours prior to the meeting. Non-substantive (i.e., stylistic, grammatical, or clarifying) amendments may be freely introduced at a meeting without prior circulation. The speaker will rule substantive amendments out of order, but the speaker's ruling can be reversed by majority vote of the body. Members may also move to postpone action to the next meeting if they believe a new approach deserves full consideration.

3. Distribution of motions and amendments will be by e-mail. Any member may elect to receive the material by campus mail. Copies of all motions and amendments will be available at the meeting.

4. The order of business of every meeting will include a brief "General Good and Welfare" section, where remarks (but not motions) on any subject of interest to the faculty will be in order. Faculty members must inform the Speaker of their intention to address the Senate prior to the start of the meeting. In the absence of prospective speakers, the Speaker will re-allocate the reserved time to other agenda items.

Professor Fine: "In my amendment, I would like to change the number of Senators required to make a motion from six to four, and that integrates with the Good and Welfare provision. What I have in mind here is that we ought to give serious consideration to a motion that comes before the body, but my feeling is that the threshold is too high. Six supporters is asking for as many as three large departments or six small departments to get together before you can have a motion. It is not quite comparable to the UFC. The UFC sits down in a room together, somebody makes a suggestion and they could vote on it. Standing here, or outside, we don't have that kind of access to immediate support. In fact, when I wanted to make the Good and Welfare motion, I had to hunt around for people to support it, some people didn't answer my e-mail. I finally showed it to Dean Stein. He took it to the UFC, they decided to run with it, they made a few changes that are fine with me, but it is just an example of the difficulty there is in bringing a motion to the floor under the current set of rules. By lowering the number from six to four, you still need the support of two large departments or four small departments, not a trivial number. Also, the general Good and Welfare portion is a good time for somebody who is contemplating a motion to stand up and explain why they have a concern and announce themselves as a rallying point for people who share that concern. Then they can get together, write a motion and bring that back to the meeting. So, the two things support each other, it supports the 'no surprise' clause, and it makes it a little easier for members of this body to propose motions."

Speaker Rasmussen: "This amendment has been seconded and is now on the floor. So what we want to discuss right now is Professor Fine's amendment to reduce from six to four, the number of Senators required to bring a motion to discussion on the floor."

Professor John Abowd, ILR: "I am a member of the UFC, but no longer a voting member of this body. I don't think that many of you have been to a UFC meeting,
but Peter keeps us very busy and, basically, there is always too much for the agenda, especially in the fall when we have the reports of joint faculty administration committees coming in and we have to put those reports before the Senate so that you can see the work of those committees. I'd like to keep it at six, if you have six people in the Senate who want a motion, it gets on. If you can't find six, it's not going to pass. It ought to be incumbent upon the mover to find at least six supporters or persuade the UFC, either way, six people will be in favor of the motion."

Professor Howard Howland, Neurobiology and Behavior: "I agree with Professor Fine that the threshold is very high. As our Dean told us, we are in a time of change and sometimes we have to act rapidly. I take Professor Abowd's point, but sometimes it is not whether or not an amendment passes, but what is really important is the discussion that makes people think about the issues that really matter."

Associate Professor Kerry Cook, Soil, Crop, and Atmospheric Sciences: "I am in favor of leaving the number at six, for reasons connected with the number of the people on the UFC, and also because asking for 5% of the people to support bringing a motion is not unreasonable, it is done all the time in our political system. Also I take John's point that we have to be careful of how much is on the Senate agenda, we have to be careful about how much we consider so that anything we consider, we consider fully."

Speaker Rasmussen: "The question has been called. All those in favor of the Fine Amendment to reduce the number from six to four, say 'aye'. All those opposed. I think I am going to have to ask you to stand. All those in favor, please stand. All those opposed, please stand. The amendment (below) passed.

(deletions underlined, additions in bold)

1. For a motion to be placed on the agenda of a Senate meeting, it must be endorsed by either a Faculty Committee, the UFC (on its own initiative or in response to a request by a Senate member), any six four members of the Senate (six because it corresponds to a majority of the UFC) or any twenty-five University Faculty members. Motions will be distributed to the Senate membership by the UFC at least a week in advance of the meeting. The short "New Business" period at the end of the scheduled meeting would continue, but would be limited to remarks. Motions would not be in order.

"Is there any discussion of the main motion?"

Professor Fine: "Just to give credit where credit is due, when I discussed the issue of allowing people the opportunity to speak with my wife, she is the one who referred me to the general Good and Welfare provision."

Professor Philip Nicholson, Astronomy: "Striking out the last sentence in paragraph one that says, 'motions would not be in order,' does that mean to say that motions
will be in order in the new business period or is the Good and Welfare section replacing the new business section?"

Dean Stein: "The Good and Welfare section is just going to replace the new business period. There can't really be any new business anyway since in order to have a motion, one must have it put on the agenda first and submit it a week in advance."

Speaker Rasmussen: "Any further discussion on the amendment? If there is none, I would like to call for a vote on the motion as amended. All in favor, say aye. All those opposed. The amendment carries."

WHEREAS, the Faculty Senate, in September 1996, adopted rules of procedure to facilitate consultation between members of the Senate and those whom they represent, and

WHEREAS, the UFC was charged with evaluating those procedures in the summer of 1997 and the UFC has completed its task,

THEREFORE, BE IT RESOLVED, that the UFC recommends that the Senate amend the procedures as follows:

BE IT RESOLVED, that Senate meetings be governed by the following rules of procedure.

1. For a motion to be placed on the agenda of a Senate meeting, it must be endorsed by either a Faculty Committee, the UFC (on its own initiative or in response to a request by a Senate member), any four members of the Senate or any twenty-five University Faculty members. Motions will be distributed to the Senate membership by the UFC at least a week in advance of the meeting.

2. Members are strongly encouraged to send all proposed amendments to such motions to the UFC, who will distribute them to all members at least 24 hours prior to the meeting. Non-substantive (i.e., stylistic, grammatical, or clarifying) amendments may be freely introduced at a meeting without prior circulation. The speaker will rule substantive amendments out of order, but the speaker's ruling can be reversed by majority vote of the body. Members may also move to postpone action to the next meeting if they believe a new approach deserves full consideration.

3. Distribution of motions and amendments will be by e-mail. Any member may elect to receive the material by campus mail. Copies of all motions and amendments will be available at the meeting.

4. The order of business of every meeting will include a brief "General Good and Welfare" section, where remarks (but not motions) on any subject of interest to the faculty will be in order. Faculty members must inform the Speaker of their intention to address the Senate prior to the start of the meeting. In the absence of prospective speakers, the Speaker will re-allocate the reserved time to other agenda items.

5. DISCUSSION OF A RESOLUTION ON THE TRANSITION REPORT

Dean Stein: "We promised the administration that we would get back to them with a response about the transition report, we had an open discussion at our last meeting in May, and we just left it on the floor then. It is a complicated motion with
something like 20 or 24 parts to it. It really is too complicated to discuss it section by section openly on the floor. So, the UFC thought the right way to deal with it was to separate it into classes, for example, those classes that we thought were ripe for approval or those things that we thought should be considered a little more in depth. We made our separation, and then put it in a format where people could change that around, add other things into the pot that should be considered, so that is on the floor and I think there is an amendment on the floor to change one of those categorizations."

WHEREAS, the "Provost’s Committee on the Transition from Faculty to Emeritus Status", jointly appointed by the administration and the faculty, has issued a preliminary report with a series of recommendations, and

WHEREAS, the administration has sought the Senate’s advice on those recommendations prior to implementation,

BE IT RESOLVED,

1. That the Senate endorses recommendations A-1 to A-6, B-1 to B-2, C-2 to C-5, D-1, D-2, D-4 to D-6, and E-2;

2. That the Senate supports the notion (i.e. recommendation D-7) of formal participation in the Senate by the Association of Cornell University Emeritus Professors (ACUEP), and instructs the UFC to work with the ACUEP to accomplish that goal;

3. That the Senate is not prepared to endorse recommendations B-3, B-4, C-1, D-3, and E-1 and VII-C at this time, and asks the administration to carry on discussions with the Committee on Academic Freedom and Professional Status of the Faculty (AFPS) concerning these items.

4. That AFPS report to the Senate in a timely fashion on the results of those discussions.

BE IT FURTHER RESOLVED, that the Administration is requested to refrain from implementing any recommendations until such time as the Senate has acted on the AFPS report.

Speaker Rasmussen: "We will now go immediately to that amendment. Professor Lesser."

Professor William Lesser, Agricultural, Resource, and Managerial Economics: "Our amendment is really rather a small one, and that is it moves item E2, which deals with review of requests for permission for sabbatical leave, and moves it from what we will discuss today and refers it back to committee within other groups. Our purpose in doing that is because in wording, in regards to E2, sabbatic leaves are almost identical with what it already says and already will be required to do by the Faculty Handbook. So it seems to restate current power requirements and the purpose of its being there is not very clear."
1. That the Senate endorses recommendations A-1 to A-6, B-1 to B-2, C-2 to C-5, D-1, D-2, and D-4 to D-6, and E-2.

3. That the Senate is not prepared to endorse recommendations B-3, B-4, C-1, D-3, and E-1, E-2 and VII-C at this time, and asks the administration to carry on discussions with the Committee on Academic Freedom and Professional Status of the Faculty (AFPS) concerning these items.

Rationale:

The wording of E-2 is almost identical to the requirements for applying for and awarding a grant of leave under 3.2, Sabbatic Leave, in the Faculty Handbook. The restating of existing procedures is at minimum cumbersome and at worst conducive to an understanding that a fundamental change is being made in a basic component of our employment agreement.

Speaker Rasmussen: "We have a second. This motion is now in order, and the floor is open for discussion. Is there any discussion on this amendment? Seeing that there is no discussion, we will know move to a vote on this amendment. All those in favor of this amendment, say 'aye'. All opposed. The amendment carries.

"We will now go back to the resolution put forth by the UFC, and the floor is now open for discussion on that resolution."

Professor Seymour Smidt, Nicholas H. Noyes Professor of Economics and Finance, JGSM: "I support the motion, but I'd like to make a few comments so that support is not misinterpreted. My training is as an economist, and I think that all of the important issues that are dealt with in the report on transition status would be solved if there were a closer alignment between productivity and pay for all faculty at all times. Instead of an economic response, what we are going to create is a bureaucratic monster where one-policy-fits-all created in Day Hall is going to be applied everywhere. I imagine that in some fields there is a strong correlation between age and productivity, and I'm sure that in some fields there is a strong negative correlation. I think some of the most perceptive comments that I've read on this topic are in Bob Cooke's report. He says at one point that 'the report assumes but does not establish that faculty age is reasonably correlated with productivity.' In another place, he says that the report presents a 'negative image of the faculty while attempting to get them to behave altruistically.' Bob points out that there are some real potential problems. But they announced this on a macro level. I hope that in sending all of the sensitive issues back to a committee, that they figure out ways to respond by adjusting the pay scales so that it isn't just by age. The age policy wasn't that bad, but we don't have a choice about whether to keep that. The question is whether we are going to make it worse by a very bureaucratic response, or perhaps better by a more sensitive response. In relation, I have to mention a comment by my friend Al Silverman, who is so drastically against the fact that salaries may decline even relatively as a result of some type of performance. In the Johnson School, we already do that. It happens, not necessarily in the base salary, but all sorts of people
get paid extra for all kinds of special activities of one sort of another. Although it is of course subject to abuse, I think that any policy that we could have could be subject to abuse. I think it is at least worth seriously considering, I don't know what the situations are in other departments, but I don't think that we ought to assume that every pay raise ought to go on forever. It has not been a big problem in the past because inflation allows you to judge relative salaries. We may not be having so much inflation and it will take tough decisions by administrators. But, I would rather see the central administration analyzing whether people are adjusting salaries properly rather than creating these very bureaucratic rules."

Professor Tob deBoer, Mechanical and Aerospace Engineering: "I am struck by two aspects of the report. The first one is the punitive character of the report and the other one is the apparent attempt to go against the age discrimination legislation. Even the version before us, C2, makes specific references to the ages 65 to 70 and E2 makes specific reference to ages 68 and 65. I'm not quite sure if that is legal, but certainly it is against the spirit of age discrimination and it seems to me that we should look for other ways of solving this acknowledged problem. One of the interesting suggestions was a new rank of Senior Professor. I think that the approach should be reconsidered to solve our acknowledged problem, while working to abolish age discrimination."

Professor Locksley Edmondson, Africana Studies and Research Center: "I just want to follow up on the previous comment. Not only about the punitive approach, but I do not think it sits very well when an attempt to implement a policy begins to imply that people who may disagree are irresponsible. I am speaking in particular about paragraph D4 which I've read six times, and I am trying to figure out if it really means what it says. The type of language used in that paragraph is repugnant, on such a sensitive issue, it is incumbent upon people to incorporate language that will not be taken as offensive by people. The other point, I am a little confused about is paragraph C2. What happens after 70? I am not quite sure if this policy is compulsory."

Ronald Ehrenberg, Vice-President of Academic Programs, Planning, and Budgeting: "I am the designated administrator to take the 6 a.m. flight tomorrow morning. I also received salary increases in the past two years of 2.2 and 2.9%, so it has been very interesting for me. I would also like to say that if you look at the salary data for assistant and associate professors, you would see that Cornell fared substantially better than for full professors and in the last year, was ahead of peer institutions. The only point I would like to make here is that you do not have an administration proposal before you, you have a joint administration-faculty proposal before you. All of the faculty members were appointed by the Senate. So, the administration, including the Provost has not taken a position on this. Secondly, I can assure you that there is no possibility of even thinking of bringing forward a proposal that would recommend stopping retirement contributions or cutting down our flexibility on faculty salaries based upon reactions from the Senate, Academic Leadership Council, and other places. So that is just not on the table. Thirdly, to
Professor Edmondson's point, is that we are looking for a system that will provide incentives for older faculty members to step aside, not because they are less productive than their younger colleagues, but because it is necessary for a University to have a constant inflow of younger people in order to survive. The reason for putting a cap on the eligibility age for phased retirement is that if you leave it open, that may encourage people to stay longer as opposed to staying shorter. We will investigate the full legality of all proposals that mention age before any decision is made."

Assistant Professor Anna Marie Smith, Government: "I just want to make two points. With this kind of report, junior faculty and senior faculty are seen as contestants for a shrinking set of resources, and we need to anticipate that, and remind ourselves that we are colleagues and we should avoid that kind of stuff. Secondly, I would like to direct your attention to item E1, section B. That is the section that says 'The University's contributions to an endowed faculty member's retirement account will cease at the end of the 37th academic year after his or her initial date of hire.' I think we need a lot more argument to persuade me, and I'm sure a lot of my junior colleagues, that this is a good thing. Think of a junior faculty member that was fortunate enough to have been hired at Cornell straight out of graduate school, and stays loyally in his or her department until retirement. Why should we be penalized in this way? Especially since those of us who aren't moving from job to job to job aren't seeing any massive pay raises. I don't see the logic there."

Vice-President Ehrenberg: "Just to repeat my earlier point, that isn't going to be included in the report."

Professor Donald Farley, Electrical Engineering: "I have been reading through A1-A6, and they seem really sort of motherly, the University should set up a way to find out all sorts of information about retirement. Does anyone have any information on how much something like this is going to cost? Keeping in mind Peter's other report that the biggest increase in spending has been hiring non-teaching staff. I think most of us kind of understand this stuff fairly well. I can envision that we have to hire five people to handle this, and I was just wondering how much money A1-A6 is going to cost?"

Dean Stein: "Just to answer you, I don't think we have that information."

"While I have the floor, I want to respond to what Vice-President Ehrenberg said about these not being part of the report. I think we have to take this with something of a grain of salt. This is a committee, you're the chair of the committee, but it is a large committee, and they may take a different view of that. This is an official report that was tabled by that committee, and we are the Senate that represent the Faculty view and until we have another report, we have to treat this as a serious document that was tabled by that committee as their idea of what we ought to do. If we don't believe that certain of those provisions should be enacted, we have a duty to the
faculty to say so, even if you don't feel that the committee will adopt them in its report."

Professor Howland: "Like many people in the room, I'm disturbed by some of these references to specific ages. It seems very unphysiological to me, but I'm worried because, the wording in the report says that the 'the Senate is not prepared to endorse recommendations. . .' and asks the administration to carry on discussions with the Committee on Academic Freedom and Professional Status of the Faculty; and then we hear from Vice-President Ehrenberg that we have to have something decided by our next meeting. That is kind of a narrow throat so to speak to put all of our sentiments into. Are there members from the committee here? How will they take our recommendations? I'm really asking, what should we do?"

Dean Stein: "I think Vice-President Ehrenberg is right, we can't dilly-dally about this. We can't wait another month to call a meeting and start to think about this. We ought to proceed with due deliberate speed. We did that with the Sexual Harassment procedures, which were also complicated, but the administration wanted to act. The committee worked very long and hard, they met over Christmas break, and brought something back to us and it wasn't easy. I think that this is the same sort of thing; it is serious, it's important and they need our response. On the other hand, we cannot have a gun put to our head; we will move as quickly as we can. I think it would be unwise of the administration to implement it because we were not able to come to a conclusion in that particular time scale.

"I made a terrible mistake earlier, I was supposed to ask for unanimous consent from the body to change that motion, because we wrote it poorly. We wrote this, and even those things we approved, we asked them not to do anything about. That seems silly, and so I'd like unanimous consent to pass wording that restricts the things that we are asking the administration not to do anything about to those items that we are asking our committee to consider."

The UFC proposed amending the last paragraph of the resolution to clarify that it only applies to paragraph 3. The paragraph would then read as follows:

(deletions underlined, additions in bold)

BE IT FURTHER RESOLVED, that the Administration is requested to refrain from implementing any of the recommendations listed in paragraph 3 above until such time as the Senate has acted on the AFPS report.

Speaker Rasmussen: "Is there discussion of the motion on the floor?"

Vice-President Ehrenberg: "I seem to have difficulty expressing myself. I said if the Senate would like to influence the final report of the committee, we need your recommendations by the next meeting because the committee has to submit its final report to the Provost by November 1. But it is the intention that if the final report differs significantly from the draft you have before you, that it will come back to the
Senate, and then the Senate will have its opportunity to tell the Provost its reactions to the report then. But, we will have to coordinate with Dean Stein, because it will be a very rapid process."

Speaker Rasmussen: "We have a motion on the floor that requires the unanimous consent of the body."

Professor deBoer: "I object."

Speaker Rasmussen: "OK, so we cannot have the unanimous consent of the body, we still have an amendment on the floor, and it is open to discussion."

Professor Howland: "The amendment we are considering to change this report is something of a surprise and it doesn't change the resolution significantly. We have heard in the discussion several objections to portions of the report that were going to be approved by the amendment. I don't think we should pass this amendment."

Professor Fine: "By the procedures we just adopted two minutes ago, the Speaker could rule substantive amendments out of order. This is substantive, and then the body could overrule by majority vote."

Dean Stein: "This was circulated."

Professor Fine: "When?"

Dean Stein: "A day in advance by e-mail"

Professor Fine: "I never received the information."

Professor David Gries, Computer Science: "The whole transition report should be acted upon by the administration as a whole. To tell them that they can go and act on part of it now and part of it later, just doesn't make any sense. They should be able to consider the whole package."

Vice-President Ehrenberg: "Just to try to facilitate this discussion, we have no intention of implementing anything until the Provost gets the final report of the committee and the reaction of the Senate, which we hope to have by January 1."

Dean Stein: "Well in that case, the mover will certainly vote against the amendment. I thought I heard a concern that it didn't make any sense for us to approve things and then say don't implement them, and I saw the logic in it. So if that won't help, I think we should defeat the amendment."

Speaker Rasmussen: "The question has been called. All those in favor of ceasing discussion on the amendment, say aye. All those opposed. The motion carries. We
will now move to a vote on the amendment. All those in favor of the motion, please say aye. All those opposed. The motion is defeated.

"We are now back to the main motion, and we are running out of time for discussion."

Professor deBoer: "I move to refer this matter to the Committee on Academic Freedom and Professional Status of the Faculty."

Speaker Rasmussen: "There is a motion on the floor to commit the resolution to the Committee on Academic Freedom and Professional Status of the Faculty. Is there any discussion?"

Dean Stein: "Point of order. I would like to understand the significance of the motion because if it passes I will have to implement it (laughter). What you are asking is that the whole Transition Report be referred to this committee without any detailed instructions from this body. Is that the point of your motion?"

Professor de Boer: "I would hope that the Committee would take into account the discussion of this body."

Dean Stein: "Yes, but there will be no vote on any matter."

Professor deBoer: "I hope that they will come back with a report that will be better received."

Professor Douglas Haith, Agricultural and Biological Engineering: "I'm having a little trouble following all of this, but this really seems to me to be evading the issue. To have a detailed committee report here and then to send it back to another committee seems to me to be avoiding the issue."

Professor Abowd: "When we formed this body, the Faculty Senate, we took a position that we would share responsibility for committees with the administration and appoint by a procedure our representatives to those committees. I believe that we have an obligation to deal with the substantive issues of the report and to give the Vice-President and our colleagues a substantive vote, and not to send the whole thing back to committee. That is neither in the spirit or in my view the operating rule of our committees now. We have the substance. This is our second meeting. Everyone now knows what this is all about, and we should go ahead to a vote on this topic."

Associate Professor Alan McAdams, JGSM: "I thoroughly disagree. I sit here and I feel the tension in this room. This report, as it is written, is causing that tension. I believe it would be a real mistake, unless you want this voted down, to do anything other than refer this to another committee and let the faculty review it again and come together with the whole administration."
Speaker Rasmussen: "If there is no further discussion, I would like to move to a vote on the motion to commit the entire Transition Report to the Committee on Academic Freedom and Professional Status of the Faculty. All those in favor, please say aye. All those opposed. The motion carries.

"Now, I would like to call on Professor David Wyatt, Chair of the University Faculty Library Board.

6. REPORT FROM THE LIBRARY BOARD

Professor David Wyatt, John Stambaugh Professor of History: "The Library Board over the past couple of months has been concerned with quite a wide range of issues, but the one that, at least in the short run, has proven the most contentious has been the so-called re-organization of the library. In many respects, this could be viewed as an internal administrative matter in which the faculty would not be justified in taking any particular interest. But, in the discussion of this issue, many people were upset, worried, and confused, about what this might mean for matters that are very dear, very important to the hearts of all of us, namely, the quality of the library, the excellent staff we have and our relations with them, the conduct of research and of learning in this University.

"This particularly involves the regrouping of Cornell's many separate libraries into two large groups. One, a group of all the science libraries, and the other, a group of libraries devoted to humanities and social sciences. For purposes of argument this took fairly natural lines, with the exception of the Medical School, which is generally affiliated with, but not a member of the sciences group, and the Law School, which is generally affiliated with, but not a member of the social sciences group. In pursuit of this particular set of objectives, issues were made about statutory and endowed sections of the library. There were worries expressed on both sides of this divide that one side was trying to steal money under the table from the other. There were fears expressed in some parts of the University that the autonomy and the special quality of the relationship between the libraries and their deans, faculty, and students might be affected by this. Very early on, as the issue was raised, people began to talk about this, and as a result, library staff, the administration, the faculty, some students, the library boards, the users groups of various libraries, all to some degree were involved.

"The plan which ultimately came out and took effect September 1 of this year, is a result of that conversation, which represents one of the more positive aspects of the way collegial decision making, discussion, and argument can take place. There are people present who were very much involved in that discussion, most particularly, the head of the Cornell University Library, Dr. Sarah Thomas, Ross Atkinson, who I saw enter the room just a few minutes ago, and Jerry Combs, who was involved particularly in the discussions in the Agriculture School and Human Ecology. My understanding now is that everyone is satisfied with the plan we have now."
"Finally, let me just allude to what is down the pike, and make a general pitch to the faculty about what I, on the Library Board, see as what is important about the relationship between the faculty and the library. Over the course of the next year, years, or even decades, we are going to have a whole array of serious, difficult, and of course expensive issues to confront: Questions of the digital library, electronic publishing, questions as mundane as what the implication of libraries moving to a 'Wintel' or a 'Windex' platform as opposed to a Mac platform will mean; questions of inter-library collaboration, cooperation, and consortia; issues of preservation and conservation; and issues of collection development in an age of declining resources. The issue that is upon us right now, and is not being discussed as much as I think it should be discussed is the move of another million volumes to the apple orchards. It is very important that people complain, talk about it now, and express their views. I'm sure that the Library Board would react very positively to your input on this matter.

"Beyond that, I can only ask if you have any questions?"

Speaker Rasmussen: "Are there any questions for Professor Wyatt? Seeing none, the meeting is adjourned."

Adjourned at 6 p.m.

Respectfully Submitted,

Kathleen Rasmussen, Associate Dean and Secretary of the University Faculty
REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

ACADEMIC FREEDOM AND PROFESSIONAL STATUS COMMITTEE

Melissa Hines, A&S
Lily Kahng, Law
Robert Langhans, CALS
Maurice Neufeld, ILR
Henry Shue, A&S
Kenneth Strike, CALS - Chair

ACADEMIC PROGRAMS AND POLICIES COMMITTEE

Paul Hyams, A&S
Daniel McDonald, CALS
Carlo Montemagno, CALS - Chair

AFFIRMATIVE ACTION COMMITTEE

Clare Fewtrell, Vet.
Risa Lieberwitz, ILR
Jonathan Ngate, A&S
Gary Simson, Law - Chair

COMMITTEE ON EDUCATIONAL POLICY

Penny Becker, A&S
W. Keith Bryant, H.E.
John McMurry, A&S - Chair Fall ‘97
David Stipanuk, Hotel

FACULTY ADVISORY COMMITTEE ON ADMISSIONS AND FINANCIAL AID

Gerald Feigenson, A&S - Chair
Thomas Gilovich, A&S

FACULTY ADVISORY COMMITTEE ON ATHLETICS AND PHYSICAL EDUCATION

Thomas Brenna, H.E. - Chair
George J. Conneman, CALS
Barbara Correll, A&S
FINANCIAL POLICIES COMMITTEE

Robert Corradino, CALS
Savely Senderovich, A&S
Martha Stipanuk, H.E.
Paul Sherman, A&S - Chair

UNIVERSITY-ROTC RELATIONSHIPS COMMITTEE

Francis Kallfelz, Vet. - Chair
Olan Forker, CALS
John Muckstadt, Engr.

UNIVERSITY ASSEMBLY

Betty Lewis, H.E.
Ellis Loew, CALS
David Levitsky, CALS
Richard Moore, Hotel

UNIVERSITY BENEFITS COMMITTEE

Harry Kaiser, CALS

UNIVERSITY LECTURES COMMITTEE

Peter W. Nathanielsz, Vet.
Sandra Siegel, A&S

UNIVERSITY FACULTY LIBRARY BOARD

David Collum, A&S
Gerald F. Combs, CALS

MUSIC COMMITTEE

Andreas Albrecht, A&S - Chair
Kathryn Abrams, Law

FACULTY COMMITTEE ON PROGRAM REVIEW

William Fry, CALS
BUDGET PLANNING GROUP

Les Trotter, Engr.

RESEARCH FUTURES

John Abowd, ILR
Persis Drell, A&S
Thomas Eisner, CALS
Peter Gierasch, A&S
Frank Keil, A&S
Michael Shuler, Engr.
Full Professor Annual Salary Increase
Cornell Endowed vs. Private Comparison Group

Full Professor Annual Salary Increase
Cornell Statutory vs. Public Comparison Group

Figure 1
Full Professor Annual Salary Increase
Cornell Endowed and Cornell Statutory

Annual Salary Increases
Endowed Full Professors and Top University Administrators

Figure 2
MINUTES OF A MEETING OF THE FACULTY SENATE  
Wednesday, October 8, 1997

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein for remarks.

1. REMARKS FROM THE DEAN

Peter C. Stein, Dean of Faculty: "A couple of brief comments. Number one, if you remember the famous debate about the median grade policy that took place a couple of years ago, well, the resolution that the FCR passed has now been implemented and the median grades of all undergraduate courses with more than 10 students last term are now posted on the web. The file can be accessed from the CUinfo home page by clicking on 'Courses, Classes, and Exams' under Academic Life.

"The other announcement that I would like to make is that I received a request from Susan Murphy, the Vice-President for Student Affairs, on behalf of the Associate Deans of the various colleges to change the rules about S-U grades. A student cannot now change from S-U to a letter grade later than three weeks into the term and a request came to me to bring to you a proposal to change that to seven weeks. I brought that to the Educational Policy Committee and they unanimously rejected it. I want to read you the letter that they wrote to Susan Murphy for your information. This is from John McMurry, Chemistry, the Chair of that Committee to Susan Murphy. It says:

"The Educational Policy Committee met recently and was unanimous in opposing a change in the grade/S-U deadline from the current three weeks to a suggested seven weeks. As stated in the Faculty Handbook (p. 67), 'The purpose of the S-U system is to encourage students to venture into courses outside their main areas of familiarity without great risk to their academic record... Students may not defer the decision in the hope of first seeing the letter grade they are likely to earn.'

The committee felt that three weeks was a sufficient amount of time to allow an informed decision on the part of the student. Lengthening that time would simply encourage more game-playing and more attempts at manipulating the grading system."

"Since the proposal was rejected by that Committee, this proposal will not appear on the floor of the Senate.

"I would also like to report that the President has made his decision on his response to the Residential Life Committee's recommendation, a recommendation that has been around, believe it or not, longer than a proposal to establish a committee to review the Provost's tenure decisions. He has made his final definitive response. He is having a press conference where he is announcing his decision. I do not dare, nor am I able to summarize what his response is. But, I am sure that you will be able to read about it in tomorrow morning's newspaper."
"That concludes my announcements, it is now my sad duty to read to you the names of the faculty members who died during this past year.

Charles E. Williamson, Professor Emeritus, Plant Pathology, May 30, 1996
Robert P. Merrill, Herbert Fisk Johnson Professor of Industrial Chemistry, September 20, 1996
Karla Longree, Professor Emerita, Nutritional Sciences, September 26, 1996
John G.B. Hutchins, Professor Emeritus, JGSM, October 28, 1996
John F. Cummings, James Law Professor of Anatomy, November 3, 1996
John G. Matthysse, Professor Emeritus, Entomology, November 9, 1996
Rudolf B. Schlesinger, William Nelson Cromwell Professor of International and Comparative Law, Emeritus, November 10, 1996
Peggy Lawler, Professor Emerita, Theatre Arts, November 21, 1996
James C. Moyer, Professor Emeritus, Food Science and Technology, Geneva, December 12, 1996
Carl Sagan, Duncan Professor of Physical Sciences, December 20, 1996
Hazel E. Reed, Professor Emerita, Cooperative Extension, January 4, 1997
Alice J. Davey, Professor Emerita, Consumer Economics and Housing, January 27, 1997
Helen Powell-Smith, Professor (retired), Textiles and Clothing, February 6, 1997
H. Peter Kuhn, Professor of Fine Arts, Emeritus, February 16, 1997
John W. McConnell, Adjunct Professor, ILR, February 19, 1997
Wolfgang H.J. Fuchs, Professor Emeritus, Mathematics, February 24, 1997
Richard W. Guest, Professor Emeritus, Agricultural and Biological Engineering, February 24, 1997
S. Reuben Shapley, Professor Emeritus, Personnel Administration, March 12, 1997
Francis M.R. Isenberg, Professor Emeritus, Vegetable Crops, March 18, 1997
Reeshon Feuer, Professor Emeritus, Agronomy, March 29, 1997
William L. Brown, Jr., Professor Emeritus, Entomology, March 30, 1997
Dalai Brenes, Professor Emeritus, Romance Studies, April 7, 1997
Lillian Shaben, Professor Emerita, Food Nutrition, May 3, 1997
Adrian M. Srb, Jacob Gould Schurman Professor of Genetics, Emeritus, May 24, 1997
Barclay G. Jones, Professor, City and Regional Planning, May 26, 1997
Carlton E. Wright, Professor Emeritus, Consumer Education, May 30, 1997
Anwar A. Khan, Professor, Horticultural Sciences, Geneva, June 28, 1997
Nicholas Bodman, Professor Emeritus, Linguistics, June 29, 1997
Robert A. Polson, Professor Emeritus, Rural Sociology, July 4, 1997
Frances Spratt, Associate Professor (retired), Textiles and Clothing, July 9, 1997
Dean Lee Taylor, Professor, Mechanical and Aerospace Engineering, July 31, 1997
Robert J. Wagenet, Professor, Soil, Crop and Atmospheric Sciences, July 31, 1997
Joseph K. Campbell, Professor Emeritus, Agricultural and Biological Engineering, August 4, 1997
S. Gordon Campbell, Professor, Microbiology, Immunology and Parasitology, September 29, 1997

"I'd like to take special note and pay special tribute to the last name, which is my friend and colleague on the Senate, and colleague of many of us, the untimely death of Gordon Campbell from Veterinary Medicine. Gordon has played an active role in this body, has been a colleague and friend of mine, and I would turn to him often for his measured response and guidance which I always found very useful. I will miss him."

Dean Stein asked those present to stand for a moment of silence for their departed colleagues.

Speaker Pollak: "Now we will move on to questions and answers with the Provost."
2. QUESTIONS AND ANSWERS WITH THE PROVOST

Don M. Randel, University Provost: “I would be glad to respond to questions right off. If there is not a ready supply of questions, I can speak for at least 50 minutes on any musical topic.”

Professor David Wilson, Biochemistry, Molecular and Cell Biology: “I don’t know if it has been officially announced. The report of the new research committee about priorities is one that stirred up a lot of conflict at least from my extremely narrow focus. I don’t know if you have any response to it.”

Provost Randel: “That report was never intended to be the report on the whole of Cornell’s research agenda nor even on the whole of the sciences. It seems desirable to incorporate some aspects of biology that had the closest set of relationships with the physical sciences and engineering. You can be sure that that is just the first of a series of such reports. There is underway at the moment a review of the structure of the Division of Biological Sciences and, simultaneously being launched, are reviews of each of the sections that make up the Division. During these reviews, one will be thinking about everything, including rethinking the alignment, which could lead to a different sort of structure and subdivisions in the Biological Sciences. So you can be sure that there will be a good deal more thought given to Biology. We expect that in the next year we will launch a comparable effort with respect to the social sciences, and at some later time, the humanities and the arts. This results from our need to be able to think collectively about how we are going to allocate our resources in a game where the stakes are growing ever higher. Immediately, this evokes the specter of centralized planning. The alternative is, I sit there and talk to this parade of people who come to me and I just do it on the fly, one at a time, in the order that they appear. I think we need a better way of doing it than that.”

Speaker Pollak: “Any other questions.”

(a long pause)

Provost Randel: “Well in 1756, in Salzburg. . . (laughter)

“I could say a couple of words that might stimulate more discussion. This is not just for the sake of talking about money, because we talk about money too much. We are now beginning the next phase of working on the budget planning for the next few years. We have had, as I described, a few surprises with respect to this year. But we are now formulating plans for next year and the years beyond. We have been thinking hard about the compensation issue for faculty and staff. It now seems clear that we need to do somewhat better on the staff side than we had been planning. It is probably going to take, in percentage terms, an increase in staff salaries something comparable to what we are imagining for faculty, which in the aggregate, is going to be five percent. This is in the endowed general purpose colleges.
"We need to think hard about how we can provide real gains in salary over the course of one's career. That is, it doesn't make sense for us to provide two points or so above inflation for a couple of years when our revenues haven't been so good, and then we have to play catch up because there has been a wedge that has been opening things up for a while. We have to find ways of providing real gains in salary against the economy over the course of an entire career. There are ways of doing this, but it will require working much more closely with the colleges and managing the turnover in the faculty more effectively than we have. The only solution that will keep us stable over the long term is the one which sees a regular number of faculty members retire and being replaced by people, the majority of whom, but by no means all of the people, will be young people at much lower salaries. If one had a suitable demographic of the faculty such that the retirement of people took place at a regular rate over time, that alone would suffice to enable us to ensure that all faculty over their careers would have the sort of increases that we think are appropriate. What this will entail is getting over the hump that we have been trying to scale for the last couple of years, in the shortage of retirements, and get ahead to the point where we have a regular rate of retirement and capture what is produced by that turnover and reinvest it into compensation. So, things that we have allowed ourselves to do such as take a senior retirement and hire two assistant professors with it, which on the surface seems not to cost us any more money, is something we can't allow ourselves to do because we need to take half of that salary and plow it back into that compensation structure for the whole of the faculty. That is the only way we can see real growth in the number of faculty members if we are to be constrained in our resource work. We are within reach of developing some means to do this, which would mean that we could, over time, make some measurable improvements in this area.

"There continues to be some pressure to reduce the rate of growth of tuition. If you read the paper about a week ago, there was a report from Harvard about the astonishing rate of growth in their stock market portfolio. That raised the question of, if they were doing so well, why did they have to raise prices so much? We will be faced with the same sort of questions, and we will have to have appropriate answers to those questions. It is also the case that raising tuition too fast puts pressure on financial aid budgets. It is not in that sense in our interest to raise it too fast because the gain on that is not dollar for dollar.

"On the statutory side, we think that in a number of respects our relationship with Albany is much better. I have a colleague in Albany that I can talk to, although I have not talked to him as much lately as I would like. There is at the moment a slight hesitation. We would have been expected to submit our initial budget requests for the next academic year by now. We haven't gotten that formal call yet. It is a little bit difficult for us to determine what that means. Also, the legislature has not yet passed the bill that authorizes the salary increases that we are very confident we will have for statutory faculty. I think that there is really no question that this is coming. We spent a really long time preparing to implement it, but the Assembly simply has not been in session to enact this bill. We are confident that it will happen
and we will be ready to do it as quickly as possible. We are pressing all of the buttons and pulling all of the levers that we have in Albany to try to get it to happen as quickly as possible. For this year and for next, I think the situation on the statutory side will, for once, be no imposed cuts, certainly not of the kind we have seen in the past, and some improvements in compensation.”

Professor Charles Walcott, Neurobiology and Behavior: "Don, I hate to ask, but on the statutory side, the increases are nice, but they really don't put us, as a University, up the chain of other universities. Is there any consideration as to how one university might attack that problem?"

Provost Randel: "Yes, there are at least two. One is to receive directly from SUNY more money, but considering the current reluctance to allow more tax dollars into SUNY, I don't think that is very likely. The other option, which is more open to us, is to gain more flexibility within the resources that we are already allocated by SUNY. The problem with that approach, which continues to plague us, is the way in which SUNY pays its salaries and benefits. Currently, salaries and benefits are paid out of two completely different funds. We pay salaries out of the funds that SUNY allocates to us combined with our college dollars, but benefits are paid centrally by a fund located in Albany. So, while we can pressure Albany to allow us more freedom within our current allocations, we don't want to push too hard, lest Albany may tell us that we can have more flexibility, but now we have to pick up the tab for benefits. I don't think that would be in our best interest."

Unknown: "If you run any searches for deans in the next year, will you keep in mind a little thing called 'diversity'?"

Provost Randel: "I have diversity ever in my mind about such matters, and certainly we will bear it very much in mind during the course of the current search for a Dean of Human Ecology. There is difficult irony in this, of course, to say to the College of Human Ecology, that of all colleges, you are the college that must have the woman dean, is not a happy prospect. We are going to try to get the very best person we can get and simultaneously going to try and get more women and minorities in all kinds of leadership positions throughout the University. Although, this is not the kind of business in which you can get a lot of credit for having tried nobly and failed. So, one can't very easily say to some dean, 'Well, we offered this job to you and you're terrific, but we initially offered this job to a woman, and she was even terrificer, but she turned us down.' So, part of this requires some trust on behalf of us all that we really are trying to do the right thing, and even at times coming close to succeeding in doing the right thing, but sometimes, we fail."

Speaker Pollak: "Please remember when you speak to rise and say your name, and where you are from."
"We will now move on to a report from the Committee on Nominations and Elections, by Associate Dean and Secretary of the University Faculty, Kathleen Rasmussen."

3. REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS

Professor Kathleen Rasmussen, Nutritional Sciences, and Associate Dean and Secretary of the University Faculty: "The Committee on Nominations and Elections has once again been very busy, and I am beginning to feel like a telephone solicitor. We have made a number of appointments which we hope you will approve:

Faculty Committee on Program Review
Jon Clardy A&S

Faculty Advisory Committee on Admissions and Financial Aid
Kay Walkingstick, AAP

Financial Policies Committee
Tom Gavin, CALS

Library Board
Peter Marks, CALS (fall term)
Ira Wasserman, A&S (3-year term)

University Appeals Panel
William Goldsmith, AAP

Educational Policy Committee
John Abel, Engr.

Budget Policies Group
Nellie Farnum, Vet.

FABIT
Stephen DeGloria, CALS
Zygmunt Haas, Engr.
Ellis Loew, CALS
Eva Tardos, Engr.

Academic Freedom and Professional Status Committee
Ali Hadi, ILR

Cornell United Religious Work Advisory Board
Joe Regenstein, CALS
"We have also been asked by the Dean to suggest faculty members for the search committee for the new Dean of Human Ecology. We have recommended the following people, and they have accepted, and the Provost has accepted them."

Stephen J. Ceci, Human Development, H.E.
Moncrieff Cochran, Human Development, H.E.
Gary Evans, Design/Environ. Analysis., H.E.
John Ford, Policy Analysis/Mgmt., H.E.
Miriam Salpeter, Neuro/Behavior, A&S

Speaker Pollak: "Are there any comments or questions for the Committee?"

Professor Lee Lee, Human Development: "I'm in the college of Human Ecology, and I'm very concerned that the criteria for appointments are not put forth, and that we were not solicited in any way for nominations that are supposed to represent our department. In fact, the Dean of the Faculty knows of at least one member of that committee that violated confidentiality. It concerns me that this person had written a public apology, to each of us faculty members, and yet this person is still on the committee. This is a pretty important committee in my view, and I am shocked that you don't even solicit nominations from college members, that you appoint these members. This is a Nominations Committee, not an appointing committee, at least that is my understanding of it. You could at least give us the courtesy of asking us for some of our nominations."

Professor Rasmussen: "The Committee on Nominations and Elections was provided by the Provost with a list of individuals who were nominated by members of the college to serve on the committee, and we used that list as the starting point for our nominations. In addition, we made recommendations to the Provost. He did not accept all of our recommendations. The ones that he accepted are here, and he made additional appointments to that committee. I am not aware of the incident that you described so I cannot comment on that. But, we certainly did take nominations, and we received a long list of nominations."

Professor Lee: "You may have taken nominations, because the Provost came to our college to speak in August, and a lot of us were on vacation. But, it is very different when a Nominations Committee asks for nominations than when the Provost comes to speak if he asks the few people not on vacation to nominate people."

Dean Stein: "Lee, let me respond to you on this. This is maybe the fourth or fifth time that we have done this. The first time we sent out a letter soliciting nominations, and then the Provost sent out a letter asking for essentially the same thing. After doing this twice, we thought it looked a little silly. It was my understanding that the list that we received from the Provost was an all inclusive list that included people who responded to two mailings and people who responded to him when he came to talk to the departments. There were probably 30-35 people..."
on that list, and it didn't seem to make any sense to us to send out another mailing."

Speaker Pollak: "Are there any other comments on the list of nominations? Since we did have a comment, I will not attempt to cast a unanimous ballot, and instead I will ask all in favor to raise their hands. All those opposed. The motion carries."

Professor Rasmussen: "We have one other issue. As many of you know, because I sent a canvass to all members of the faculty, this is a year in which we will have an election for the Dean of the Faculty. We have received quite a few suggestions for people that we should consider. The Committee on Nominations and Elections views this election very seriously. I come to you on their behalf, specifically asking you, as members of the Senate, to think very carefully about who may be a good candidate for Dean, and to contact either me or Judy Bower (jab14@cornell.edu) with your suggestions. We need the name, and a reason for your suggestions so that we are not flying blind. We appreciate that many of you represent a very specific constituency, and if you can encourage your constituencies to share their ideas with you, that would be very helpful to us.

"You should be aware that the material in the Organization and Procedures of the University Faculty is fairly limited on the selection. It says that, 'the Dean must be selected from among the tenured voting members of the Faculty, and shall maintain such status'. It says that the Committee on Nominations and Elections shall put forward a ballot with at least three names on it, and that the votes will be tallied using the Hare system, and that final approval requires action by the Board of Trustees. It says that we shall canvass, shall prepare the slate, and shall consult the President. Other than that, it gives us very little guidance.

"After the canvass, I received from several people two particular comments that I would like to share with you. One is that there was some discomfort in our last election with electioneering as that has not been our tradition. I just want to make you aware that I have heard that comment and we will take it into consideration as we organize ourselves for this election. The other comment is that we could put forward candidates that some of you would not be familiar with. We would like to avoid that possibility by providing the opportunity for all of you to get to know the candidates. So, the Committee on Nominations and Elections is proposing some sort of an open forum for all of you to get to know the candidates, in addition to allowing each of the candidates to write a one-page statement."

Speaker Pollak: "We will now move to the next item on our agenda, which is the motion concerning the transition report. The Chair of the Committee, Ken Strike, is not here, so Peter, instead of just giving us the context will give us a little bit of summary as well."
4. DISCUSSION AND VOTE ON THE RECOMMENDATIONS OF THE ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY COMMITTEE CONCERNING THE TRANSITION REPORT

Dean Stein: "Ron Ehrenberg asked the Committee on Nominations and Elections, about six or eight months ago, to give him nominations for people to serve on this committee called 'Transition to Emeritus Status'. We gave him a few nominations, he accepted them all, and those people combined with several others composed the committee. This committee sent out a report during the spring semester of last year. That report was discussed by the Senate, three members of that committee came to speak to you at the May meeting, where they described the process and the recommendations. At the September meeting of this year, we brought you a resolution from the UFC that separated the items into two classes, those that they considered controversial and those that they considered non-controversial. They asked you to refer the controversial items to the Academic Freedom Committee. That motion was not accepted, and there was a substitution motion to refer the whole item to the Academic Freedom Committee and report back to us at this meeting. The Academic Freedom Committee did yeoman service, they met very intensely at 8 a.m. every week since the September meeting, and have brought to you a resolution which was distributed with your packet."

"The resolution makes several general comments. They said they were unhappy with the tone of the report, that they felt that in spirit and letter, it violated the age discrimination act. There were several items in that report which, while they had no disagreement with them, were items of academic management which did not belong in the report, they belong elsewhere. The Committee felt that the the coupling of those items on academic management, carried with it the implication that older faculty members were not taking a full pull on their oar. They felt that those items should be separated out and put somewhere else. They also believe that the notion of a ratcheted down, indefinite term phased retirement, which was advanced by Bob Cooke, among others, is worthy of serious consideration by the Transition Committee. That is all I have to say, so on behalf of Ken Strike and the Academic Freedom Committee, I submit to you for your consideration, their report dealing with the Transition to Emeritus Status Report."

Speaker Pollak: "Are there comments regarding this motion?"

Dean Stein: "I think it is a good motion."

Speaker Pollak: "Seeing no other comment, I will open this up to a vote, all those in favor of this motion, signify by raising your hand. All those opposed. The motion carries. (Appendix A, attached)

"The next item on the agenda is a discussion of the procedures associated with the Provost deciding tenure policies."
5. DISCUSSION OF A DRAFT OF A MOTION FROM THE FACULTY COMMITTEE TO ADVISE THE PROVOST ON ALL TENURE DECISIONS (OPTION 3)

Dean Stein: "We have been dealing with this issue on and off for the whole life of the Senate. At the meeting of May 1996, the UFC brought to you a master proposal for a very large and complex faculty procedure for making recommendations to the Provost about tenure appointments. It is fair to say that that issue was opposed by you almost as much as that last issue was supported.

"The UFC then went back and we started a process of trying to solicit from you what you wanted to do with this issue. One of the options we gave you was to drop the whole thing. Another one was to proceed in about six different ways. We had a number of run-off elections, some of them by e-mail, and we came back to you with three different options. One of them was quickly dispensed and there was a very lengthy debate over the course of two meetings on Option 3 and Option 6b. Option 3 was a committee to look at all tenure appointments, and Option 6b was a committee to look only at those appointments that the Provost turned down. In what I think is the most dramatic vote we have ever had, Option 3 won by one vote, the vote was contested, and on the recount, Option 6b won by four votes.

"We then formed a committee to develop Option 6b. That committee presented you with a fully developed proposal which you, in your wisdom, voted down. Following that, another motion was brought to you at the May 1997 meeting by Gordon Teskey and five other co-sponsors asking that we revisit Option 3. That was extensively debated and passed, and then we had a curious lesson in Robert's Rules on one obscure motion and then another obscure codicil to that motion, and following that, the Nominations and Elections Committee appointed a committee of members of the Senate to develop a new Option 3 proposal that we bring to you now. This is obviously a sensitive issue. What the committee would like is to have a full discussion, pro and con, for their information. They intend to listen to what it is you have said, meet, and to bring to the next meeting a motion, perhaps revised on the basis of this discussion, for you to vote on."

Speaker Pollak: "Charles Walcott is the chair of the Option 3 Committee, and he will make a few comments before we open discussion on this."

Professor Walcott: "I feel somewhat awkward presenting this motion to you, considering the history of this whole issue before the Senate. My colleagues and I have struggled hard to find some reasonable ground. Let me begin by explaining some of our rationale, and I will not be very lengthy. Basically, what we are suggesting is a committee to advise the faculty on tenure decisions. By that we mean, appointments that are recommended by the various deans, both internally and externally. We are also suggesting that it would be worthwhile to look at those appointments that are recommended by departments, but for whatever reason, are not recommended by the deans. Currently what happens, departments recommend faculty to the dean; the dean then recommends or does not recommend these
faculty to the Provost. The Provost relies on what is known as the 'gang of three', or four when he includes himself. They examine these recommendations and then make a recommendation to the Provost. We are proposing that there will be a committee that will substitute, in due course, their opinion for the 'gang of three'. We propose a committee of fifteen senior faculty, one elected by each of the faculty in each of the various colleges, and five selected by the Nominations and Elections Committee. What we are trying to do is get a broadly representative group of faculty from across the University, with a diversity of responsibilities to provide overall perspective to this very important task. We suggest a two-year term for each member.

"The function of the committee would be rather circumscribed. It would be to see if the material in the letters, in the recommendations, and the ad hoc committee report, all support and make an adequate case for promotion. There were some objections in various Senate meetings that this was a tremendous task. It is a substantial task; there are roughly forty cases a year. We have proposed, therefore, that rather than have each of the fifteen members review each of the forty cases, that four members of the committee, chosen at random, make an initial screening of each case. If the four members saw that this was a particularly strong case, and unanimously agreed that there should be no problem with granting tenure in this instance, then they would write a short recommendation of no longer than one page to the Provost. If, however, even one member of that group of four saw any deficiency whatsoever, then the matter would be referred to the whole committee. Speaking with some members of the 'gang of three', we have been told that about eighty percent of the cases are really clear cut and would not require the whole committee. So, we feel that this would be a way of compromising and having adequate review while not demanding extraordinary amounts of time from committee members.

"It seems to me that the primary benefit here is that the faculty takes responsibility not just at the department level, where we are all involved, but we take some responsibility at the University level for who should or should not receive tenure. Secondly, I think this ensures fairness to the faculty in this process. This is a University Faculty committee, it assures faculty that there is no feeling that something underhanded may be going on if the Provost turns down an appointment. Finally, Ron Ehrenberg made a point early on, that those faculty involved would get a sense of the diversity of faculty at this University, and get some understanding of other sections and colleges, and be able to see some of the extraordinary accomplishments of our faculty. Since the term is relatively brief, I think this can be an extraordinary educational opportunity for those involved in this process."

Professor Donald Barr, Policy Analysis and Management: 'I would like to suggest to the committee the addition of a phrase to line seven under 'Composition of the Committee'. Where it says, 'to make the committee of fifteen representative of the
diversity of the faculty of the University,' I would like to add 'with due regard to race, gender and ethnicity.'

Professor Locksley Edmondson, Africana Studies and Research Center: "I represent a sector that is not a college, not a department, it is not a program, it is not a job function. I am concerned that the way this is written will totally exclude us from being selected to serve on this committee. I suggest that perhaps on the line that says 'The five faculty nominated will be selected. . . among the various colleges, disciplines, and job functions' that we add 'centers,' so that we are not permanently excluded.

"We do our academic programming through the College of Arts & Sciences. But, in terms of administration, we report directly to the Provost. What I am saying is that the language here supports units, colleges, job functions, so in the interest of making this more inclusive of reality, we change the language to say 'to achieve appropriate balance among the various colleges, tenure granting centers, . . .""

Dean Stein: "I confess that this issue never came up. But, there is no question that the way this is written, that all faculty members in Africana Studies are excluded and I think that we may want to change this."

Professor Terrence Fine, Electrical Engineering: "In my view, the most important element in the tenure granting process is the action of the department. The second most important element is the action of the college, the ad hoc committee and the dean. The third most important, well there isn't a third. The fourth happens to be at the University level with the Provost. Needless to say, there is a gap here. I think those two are the core, and the rest should be working at the margins, and not at the center of the process. I have no problem with the fact that when they do work at the margin, errors will be made. Sometimes, they will be egregious errors, but something will correct those errors, but I think those corrections will be made at the margin.

"Given that, it seems to me that what you should do if you believe there's a problem, and I haven't heard that discussed, is to find ways of strengthening the process at the level of the college and department. Maybe there is some way of improving that. Certainly, if there is a problem with the colleges perceived by the Provost, that he should talk to the deans and get them to pull up their socks and do a better job of making appointments. That is worth addressing. But, adding another layer of voices will diminish the voices that are already in place. In some sense, there is only so much authority to go around. When you have other faculty voices, it becomes harder to hear the ones that should count, from the departments and colleges.

"An argument has been made for the benefits of this process that I have difficulty respecting. Tampering with our strongly entrenched and traditional tenure process for the purpose of educating the faculty, has too high a rate of tuition. This is much
too great a risk to take for the purpose of educating the faculty. We shouldn't take this kind of risk for such a flimsy reason. This is a very important process.

"Finally, I have a concern that is a little bit off the line, but it worries me. What are the limits to what we do here? Would the Senate have the authority to make bigger changes in the tenure process? Would we have a vote of 37-34 in favor of making some big tenure changes? Is that within our purview? I would be concerned that we could come out approving a process by a well-divided, small margin, and we say, 'OK, now we are going to change the way that we grant tenure,' just because five people on a particular day decided to vote one way rather than the other. This should be something that takes two-thirds, or something stronger than just bare majority. I think this is misguided. I am less concerned about the details. I think that the rationale is rather thin. I think that the whole effort is misguided. The effort should be at the department and college level."

Professor David Gries, William L. Lewis Professor of Engineering: 'I am neither pro or con right now. I don't think that this is adding another level, I think it is substituting for an existing level. Instead of the 'gang of four' or the 'gang of three' doing it, this committee would do the work. What I would really like to know, if it is not out of order, is the Provost's view on this.'

Provost Randel: "The difference between the 'gang of three' and the 'gang of four' is the inclusion of me, and when it is the gang of four, it is the 'Infamous Gang of Four'. I said very early on, that I had all possible support for the notion that the faculty ought to uphold its own high academic standards. Other universities have university-wide faculty committees, and if it were the will of the faculty to have such a committee, I would welcome the faculty's participation. In the wake of the discussion, and the up and down, I find no fault with the way it is working, but in the end, there doesn't seem to be a great deal of energy behind this issue. A good many people on the faculty seem prepared to throw in their lot with the 'Infamous Gang of Four,' than with one another, which was interesting in its own right. So, why not, let's forget the whole thing. Which is to say that if the faculty were to approve this plan, I would be happy to work with it; if the faculty were to vote it down, that would be perfectly alright with me. In either case, it has to remain clear that the President has the ultimate authority of referring personnel matters to the Board of Trustees. That authority is delegated to the Provost, and nothing that anybody votes one way or another can remove that authority from the President or his designee. The way in which the designee looks for advice varies. Even with the existence of this committee, it does not guarantee that the Provost or the President will not be seeking advice from other places, including places in the faculty."

Professor Ann Lemley, Textile and Apparel: "I bring a perspective of someone who has been a department chair. I would find it extremely difficult to consider a major change like this that a small majority of the University Faculty is in favor of supporting, I strongly support what Terry Fine just said. Also, I strongly support this concept of the importance of the major tenure decision being at the department and
then the college level. The college then chooses an ad hoc committee in which people are in some way fundamentally related to the discipline of the person coming up for tenure. In our college, we tend to have more people from outside the college than inside the college. As a chair, I know how difficult it is even for the ad hoc committee to understand completely how you chose your outside referees. First of all, I don't want another level of people asking me questions that I have to deal with as a chair, but I am happy to do it. I think this will only add another layer of people who will be further removed from the field and will not really add any fundamental information. It is nice to be educated about what is going on in other parts of the University, but this is not the way to do it. Things are different. I'd like to think our faculty that we give tenure to could stand up anywhere at the University, but I also feel that we would need to do a fairly significant education. When people have start-up funds of only $20,000 and no research assistantships, and they are being compared to people who are brought in with $350,000 and large pieces of equipment, they should perhaps be compared on the same standards, but it is somewhat different.

"On the details of this particular recommendation, I think you have put the Dean of Faculty in a terrible position of conflict of interest. If you look at the Faculty Handbook, the person to whom you go to make an appeal of a negative decision, is the Dean of the Faculty, who sets up the appeals committee. You also have the Dean of the Faculty chairing this review committee, and regardless of the intent of this person, I think that the perception and reality of it is that this places the Dean of the Faculty in a terrible position of conflict of interest.

"I also strongly disagree with the idea that a person who has already been involved in the tenure decision at the ad hoc or department level could participate again. That is clearly excluded in the Appeals Process, except when it is the only person who could possibly deal with the issue. I think you'll run into many more of these, so I would strongly urge that we not spend much more time on it, and that we not pass something that is so incredibly divisive as this issue."

Dean Stein: "I would like to respond to several issues that have been raised. We have dealt a lot with the business of will the Provost sign off on this? Will the Provost write a blank check to this committee? My own feeling of this is if this is another layer, I want nothing to do with it. I think that it only makes sense if it becomes the layer of central review. At the same time, it seems to me inappropriate to ask the Provost if he supports this proposal without seeing how it will work. The way that it is written allows us to see how it goes for a year. At the end of the year, we will review it. If it turns out that the Provost does not have enough confidence in this committee to follow its recommendations, except in very unusual circumstances, and continues to consult another group on a routine basis, then I would agree that there is no point in having this committee.

"In response to what Professor Lemley said about the role of the Dean of the Faculty, that was put in to try to allay some of the concerns that have been raised before.
There is another general concern that I have heard from many people in many different forums, of a rogue committee that will go out and decide that it knows what is right for the University, having no interest in the department decision or the ad hoc committee. It will read the book, it will read the Chemistry publication and say, 'this is a bunch of garbage, I don't want to appoint this person.' Of course, I'm exaggerating to make a point, but I've heard this concern over and over again. The document has been carefully written to say that the committee does not have that particular role. The committee is a judge of judges, rather than a judge. The role of the Dean of the Faculty is two-fold: it prohibits the chair from being an active member of the committee, but rather one who keeps it moving, without taking any position on the matter whatsoever; and it is to ensure that this document as written is the procedure that is followed by this committee.

"The third thing I would like to say, in answer to Professor Fine and others, refers to what is the problem. I'm going to give you a unique answer to that. Having watched all parts of Cornell very seriously for four years, I think we have serious problems at this University. I think one of the greatest is a major fault line, which in the end, if it cannot be overcome will keep us from reaching our full potential. We do not act like one faculty; we rarely act like one faculty. I have seen the divide between endowed/statutory; I have seen the divide between basic/applied; and I have seen the infinite divides between ten colleges. I have been here for forty years and I have seen people on both sides of the divide talk derisively of people on the other side. It is not limited to the part that I come from. I think it is a serious failure that we have that we do not respect members of the faculty on the other parts of those divides and we are unable to act like one faculty. This proposal is, in fact, the way things are done at most institutions that we usually like to think of as our peers. It is not done at Harvard, which has a peculiar system of its own, but it is done at Yale. It is done at Princeton; it is done in some form at Columbia; it is done at Berkeley; and it is done at Wisconsin. These places all do something like this, yet I hear at Cornell, 'It won't work here, because who can trust those people outside of Human Ecology?' or 'Who can trust those people inside Human Ecology?' These are all terrible things to say, unless we can really get our act together and act like one faculty and respect each other, and be able to carry out the normal functions of a faculty, I believe that we will be in very serious trouble in the near future. The most disturbing thing I have heard in all of the discussions that I have had on this question is something that I have heard from many faculty members, which, for me is something that cuts me to my heart. I have heard, 'I trust the Provost and administrators in Day Hall better than I trust an elected Faculty committee.' I hope that we are able in time to get over that particular problem."

Professor S. Kay Obendorf, Textiles and Apparel and University Faculty Trustee: "I'd like to speak about the fact that the committee looks like an appointed committee, not an elected committee, and I think that at least the five that are nominated by the Nominations Committee should be up for an election by the entire faculty. I also join with Terry Fine in being against this proposal. I think we should strengthen our process at the grass roots level of the department and college."
Professor Richard Schuler, Economics and Civil and Environmental Engineering and University Faculty Trustee: "I suppose I will divide marginally from my good colleague Professor Obendorf on this issue. I have waffled back and forth on both sides of these issues. On the one hand, I think that it is an important faculty responsibility and I think we should step up to the plate, take charge and take hold of it. If, as we believe, that the faculty run this University, then we should be willing to accept the very difficult responsibility of deciding it. I come to that conclusion in the face of serious reservations and concerns about the process that Professors Fine and Obendorf have expressed so eloquently. This University is unique and rich in its diversity and cross-disciplinary programs. It is very difficult to represent all of this diversity on a committee of ten or fifteen. I think that it would almost take a vote of the whole faculty, and we certainly don't want to make a recommendation of that intensity. So, I come down, in the end, marginally in favor of this proposal. That being said, let me make a friendly suggestion to the committee. On the third last and second to last line on the first page, is says, 'In coming to its conclusions, the committee will limit itself to assessing the strength of the candidate based on the breadth and quality of prior substantive reviews.' I think the intention is that it will base it upon the 'breadth and quality of the candidate as summarized in those previous reviews'. It is not that the candidate goes up and down based on how well the prior committees have done their work."

Professor Brian Chabot, Ecology and Systematics, and Associate Dean, College of Agriculture and Life Sciences: "I think it would be nice to clarify this last point. I read that sentence to place some restrictions on what this committee should do. I think that is an important issue that probably underlies some anxiety about this. Is this committee going to examine the record that is presented to them, or is it going to be allowed to undertake some additional investigation of its own should it perceive the need?"

Professor Walcott: "I'd like to speak to the point. The notion simply was that the committee would judge the written record that it was presented with. It would not go out and solicit recommendations or other things of that sort. It would make its decision based on the record that was presented."

Professor Howard Howland, Neurobiology and Behavior: "I'd just like to say that of the variety of committees that I've served on, mostly in biology, although biology is spread throughout this University, I have seen an incredible amount of diversity in procedures and standards which have shocked me. I think that the procedure that is suggested in this motion would go a long way in making things more fair and uniform. Hard as it is for a chairman these days, I really do think that there are chairmen at this University who could use feedback on how they make their tenure selections from faculty members experienced with the tenure process."

Ronald Ehrenberg, Vice-President for Academic Programs and Planning: "I am delighted to be standing here in the home of the Faculty Senate of the University that has the highest tenure rate in the United States. Among nineteen leading
private research universities, our tenure rate is 12% above the average. I think it is misleading to talk about this as one motion. It is actually two motions. The first part is to set-up an all faculty committee to advise the Provost. That is something that I strongly support. In fact, I was one of the people who urged initially that we do this. I do that because, although I trust that I have great judgment, I do not trust that the faculty members that follow me will have such great judgment. Having said that, I want to address something that Peter said, which is, that in spite of the great judgment that I have, the Provost does not listen to my judgment, because the Provost has the responsibility to make these decisions, not me. I think that if we do have a faculty committee, I think that it would be inappropriate to judge the success of this committee based on the extent to which the Provost follows the recommendations of this committee. I am in favor of this first part.

"The second part of the motion which is to look at proposed denials of tenure by deans, is something that concerns me greatly. We already have the highest tenure rate in the country. It is very difficult for our deans to make decisions when they are constantly being subject to appeals. There already is an appeal process and now we're going to add another appeal process. I might also note that if this is left in the formal motion, the committee will have to be more clear on what it means by a 'positive departmental vote'. The varying procedures at different colleges and departments make this statement a little unclear. Also, the word 'positive' is unclear. I don't know if a 12-11 vote should be considered a positive vote. What exactly is meant by a positive vote?"

Professor Bernd Lambert, Anthropology: "I'd like some clarification. The Provost's committee would seek a dean's recommendations. Is it envisioned that they would just look at the procedures and see if guidelines were properly followed, or would they look at it substantively as to whether this person ought to be promoted to tenure? I've heard both things, and I would just like to know what the official stance of the committee is."

Professor Walcott: "I'd say that it is in part procedural, but mostly substantive. They will, be interested in whether or not all of the evidence presented supports the candidate's promotion to tenure."

Dean Stein: "This proposal tries to be a compromise proposal. Previous proposals gave the committee more discretion. The way the language is written, it is meant to be interpreted that they may not go out and solicit new substantive reviews. But, these are fifteen people who are not in the field of the person that they are evaluating. So, they are not going to be able to read the candidate's work and say, 'wow, this is a great piece of material.' On the other hand, they are not supposed to perform the clerical function to ensure that the proper number of letters have been submitted. They are supposed to judge the judges. There is a file with a lot of substantive critique of the candidate. They are supposed to look at that file and determine if it makes a case for the candidate to receive tenure. It surely is much
broader than the appeals committee, but it is still not supposed to be the rogue committee that strikes off on its own.

"I agree with Terry that it will be a shame if this passes 38-37, or if it fails 38-37. It is hoped that the committee will be able to craft something that will command a wide support in this body. With regards to Ron, there was a substantial feeling that in order to do justice to faculty members that we ought to look at those cases that the dean turns down that the department has recommended. Because with our current procedures, no one routinely looks at that, despite what some people think. The idea is that someone is going to look at it from both directions. It is supposed to say to the deans that no matter what they do, someone is going to be looking over their shoulder, so they are supposed to do the right thing. That is the basis for that portion.

Professor Seymour Smidt, Nicholas H. Noyes Professor of Economics and Finance, Johnson Graduate School of Management: "I'm concerned that there is nothing in this motion to the extent to which the committee will consider the mission of the colleges in considering these decisions. Particularly, in business, we have a number of different colleges that do something very similar in terms of business, but have quite different missions. If we apply the standards of one school to the other school, they would make quite different appointments. The current procedure has the advantage that administrative officers of the University that have to deal with these missions in a total way, make the decision. If this committee were to apply a universal standard to all departments, some would be wiped out, there is no way that all departments could stand up to the same standards and be able to continue their mission."

Associate Professor Alan McAdams, Johnson Graduate School of Management: "First, I'd like to endorse Seymour's comments, but I'd also like to comment on a number of references made by Ron Ehrenberg. I for one do not derogate the benefit of educating administrators at the highest level. I think we need to have our administrators at the highest level looking at these things partly because of what Seymour said, but also for their own education, as they take on their duties and consider the school and its broad missions. I would like to keep the 'Gang of Four' in place, so I am against this, but I think there is a need for some sort of a review.

Professor Chabot: "If this is a way to replace the judgment of the departments and the colleges, then this is the way to do it. If, on the other hand, this is to improve the process, as Dr. Fine has described, then an alternative way to do it would be to review the decisions after they have been made rather than imposing themselves in the decisions and making recommendations as to how the decisions can be made better in the future."

Speaker Pollak: "With that, we will end the discussion of Option 3 and move on to the Good and Welfare Section."
6. GOOD AND WELFARE

Professor Milt Zaitlin, Plant Pathology: "I was away from Ithaca at the time of the last meeting, so I couldn't attend, of course. I was hoping that I would find the minutes of the meeting on the web. I think that these minutes would be increasingly useful if they would appear on the web by the time of the next meeting."

Dean Stein: "I totally agree with you. For certain technical reasons we got behind, but in the future we will certainly try to do that."

Speaker Pollak: "It is now 6 p.m., and we are adjourned."

Respectfully submitted

Kathleen Rasmussen, Associate Dean and Secretary of the University Faculty
RESOLUTION CONCERNING TRANSITION REPORT

WHEREAS, the Administration requested a response from the Faculty Senate to the preliminary report of the "Provost's Committee on Transition from Faculty to Emeritus Status", and

WHEREAS, on September 10, 1997, the Faculty Senate referred the report to the Committee on Academic Freedom and Professional Status (AFPS) for further review,

THEREFORE, BE IT RESOLVED, that the Faculty Senate recommends that the Transition Committee modify their report in light of the following comments and recommendations.

I. Preface

The Senate supports the efforts the administration is making to understand the effects of the end of mandatory faculty retirement and to find solutions to whatever problems it creates for Cornell. Moreover, it views the transition report as a useful starting point in considering solutions to these problems. However, the Senate has the following concerns about the approach taken by the report.

A. The overall tone of the transition report strikes many as condescending and disrespectful, particularly to older members of the faculty. Not only is such a tone unwarranted, it is likely to prove counter-productive.

B. Cornell, like other American employers, is in general forbidden by law from making rules that only apply to individuals beyond a certain age. This legislation is an expression of a national consensus that age discrimination is improper. The report appears to treat the prohibition of age discrimination as a legal obstacle to be surmounted, rather than as a statement of a moral principle. The Senate believes that Cornell is bound by the spirit, as well as the letter, of the Age Discrimination Act.

II. Framing Issues and Concerns:

A. The report seems intended to deal with at least the following three problems:

1. The need to make space for "new blood" in a system with tenure and without mandatory retirement.
2. The need to control the costs associated with an increase of high salaried senior people.
3. The productivity of senior professors.

B. The approach to solving these problems taken by the report is (largely) to recommend a set of steps to ensure that faculty are able and willing to retire and that
those who do not do so in the traditional time period continue to contribute to the welfare of the university. The solutions proposed fall roughly into 6 classes.

1. Steps to ensure that faculty are financially able to retire
2. Career course planning
3. Phased retirement
4. Steps to enhance the status and professional opportunities of emeritus professors
5. Steps to ensure the productivity of senior professors.
6. Steps to control the costs of retirement

C. The evidence that suggests that the elimination of mandatory retirement has significantly increased the amount of time that professors continue in their roles beyond age 70 or that those who do so are systematically less productive is often anecdotal, meager and speculative. Nevertheless, many of the proposals of the report are worth serious consideration even if the problems they are intended to solve are not as pressing as the report assumes.

D. However, the Senate believes that the "transition context" is not the place to deal with issues that are essentially issues of faculty productivity and management. (Recommendations B-1 and B-2 are examples.) While we do not dispute the broadly accepted principles that underlie these recommendations (equity in responsibilities and merit pay), these issues are far broader than the "transition context." Moreover, the fact that these recommendations are made in the transition context is a significant source of the implied suggestion that senior professors are less productive than others, a implication that many have found doubtful and offensive. Finally, these are recommendations in which "the devil is in the details." It seems inappropriate to turn responsibility for implementing them over to central administration prior to the time that these details are more fully discussed with the faculty. We thus recommend throughout that proposals concerned with academic management and professorial productivity be dropped and considered in another context.

E. The Senate and the AFPS Committee understand their principal task in reviewing the report to be the narrow one of commenting on and recommending or not recommending an endorsement of the recommendations in the report. While we have also suggested alternatives where they seem productive, we have not thought it possible or desirable for us to rethink these complex issues in detail. We view our recommendations as advice to the "Transition Committee," and we have not wished to usurp their role.

**Comments and Recommendations on the recommendations by section:**

III. A-1 through A-6 (Financial Planning Throughout the Life Cycle)

A. Comments:
1. These recommendations have an "apple pie" character. There is little that is offensive in them. However, it is unclear that they solve a real problem or what they will cost.

2. It is unclear that the $2000 provided for in A-4 is necessary or that it can be profitably spent. Financial advisors often do not charge for their services. The administration should look into the possibility of supplying these services through its human resources office.

B. Recommendations:

1. Delete A-4.

IV. B-1 through B-4 (Planning Over the Course of Faculty Careers)

A. Comments:

1. B-1 and B-2 deal with questions of academic management and have the problems noted in ID. above.

2. B-3 and B-4 seem predicated on the assumption that it is reasonable for the university to discuss matters of retirement with faculty in a timely way and that the university has an interest in reasonable notification with respect to retirement plans. We agree. However, (a) retirement is a subset of issues of career planning that ought to be discussed; (b) the reference to the age at which discussion should commence is unnecessary; and (c) B-4 is vague and patronizing.

B. Recommendations:

1. Delete B-1 and B-2.

2. Rewrite B-3 and B-4 consistent with IV.A.2 above.

V. C-1 through C-5 (Phased Retirement)

A. Comments:

1. It is not apparent that it is necessary or desirable to link phased retirement to "voluntary" retirement. There may be cases in which it is to the mutual advantage of Cornell and a faculty member to agree to an indefinite reduction of effort. We believe that an additional option for "ratcheted down, indefinite phased retirement" is worthy of serious consideration and should be pursued by the administration. The appropriate benefits package and pension options associated with such an appointment need serious analysis, although full health benefits are probably a necessary component.
2. Similarly we see no clear advantage in mandating the length of phased retirement or the time at which it must begin so long as these matters are subject to negotiation. However, we believe that 55 should be retained as the minimum age for phased retirement.

3. Since the consequences of indefinite phased retirement are difficult to predict, these should be carefully monitored and subject to further study.

B. Recommendations:

1. Develop an indefinite phased retirement option together with an appropriate and equitable fringe benefit package including full health benefits. Include provisions to monitor and study the consequences of indefinite phased retirement.

2. Delete references to ages and time periods in C-2 except for 55 as the minimum age of eligibility for phased retirement.

VI. D-1 through D-5 (Transitioning to Emeritus Faculty Status)

A. Comments:

1. We believe that it is desirable to make the status of Emeritus Professor attractive and that doing so is a desirable incentive to retirement. We also believe that differential treatment of emeritus professors depending on age of retirement is both discriminatory and undesirable.

2. D-4a seems to assume that active faculty currently receive free admission to athletic events for which admission is otherwise charged. This is incorrect.

3. D-4a could be profitably expanded so as to include cultural events so long as it does not undermine adequate funding for these events. (It has been suggested that some events might be available to retired faculty at the student rate.)

4. D-2d does not consider the need for communications capacity (phone access, faxes, networked computer facilities), and D-4 does not acknowledge the need for access to communications.

5. D-2d should explicitly recognize the importance of maintaining collegial relationships as a significant factor in allocating office space.

6. D-4n is unclear and can be read as more restrictive than current Graduate School policy in that it may require permission to serve on graduate student committees on a student-by-student basis.

B. Recommendations:
1. Delete the age eligibility requirements from D-2.

2. Delete D-3

3. Rewrite D-4a to remove the assumption that faculty currently attend athletic events at no charge and extend an appropriate form of subsidy to cultural events.

4. Include an explicit recognition of the need for adequate support of communications in D-2 and/or D-4.

5. Revise D-2d to emphasize the importance of space allocations that facilitate the maintenance of collegial relationships.

6. Affirm the current Graduate School policy on serving on graduate student committees.

VII. E-1 through E-2 and VIIC (Faculty Compensation Policies)

A. Comments:

1. These have proven widely unpopular, and, we are informed, are no longer under serious consideration.

2. E-2 seems an issue of academic management best considered in another context.

B. Recommendations:

Delete E-1, E-2, and VIIC

VIII. Other recommendations:

A. Cornell needs to make transition policy in the light of a better understanding of the decision making of faculty concerning retirement. For example, it may be that for most faculty the problem to be solved is not financial, but is rather how to stay professionally active following retirement. We recommend that a study be commissioned to better understand the decision making patterns and needs of faculty nearing retirement.

B. On completion of a revision of the transition report's recommendations, these recommendations should be resubmitted to the Senate for further consideration.

C. The report lacks an adequate analysis of the short and long term projection of the age distribution of the faculty. Such an analysis should precede recommendations for changes in policy.
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, November 12, 1997

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein for remarks.

1. REMARKS FROM THE DEAN

Peter C. Stein, Dean of Faculty: "I just have a few items that I'd like to put to you. As they say on the news, 'here are a few of the stories we'll be working on tonight.' The Academic Programs and Policies Committee is working on a proposal, which hopefully will come to you next semester, on the uniform policy for parental leave. What happens to a faculty member who acquires a child? There is not a uniform policy throughout the University, and the Academic Program and Policies Committee is working on that.

"We received a request from the Student Assembly to look into the question of whether or not course evaluations should be made public, and if they should be made public, to what extent they should be made public. It is clear that this is not within the jurisdiction of this body, but perhaps this body would like to debate that and make recommendations to whomever it is that does have jurisdiction over that matter.

"I received on my desk this morning, and I haven't had a chance to look into it, the response of Vice-President Ehrenberg's Transition Committee to the resolution we passed last time with regard to the Transition Report. My intention is to bring that to the Academic Freedom Committee, and Vice-President Ehrenberg is anxious to add your response to that body. And so, the plan at the moment is, that the Academic Freedom Committee will consider it and bring it back to you for recommendations.

"The last item, is the Sexual Harassment Policy, which is proceeding well, and it is my reasonable belief that we will have a Sexual Harassment Policy in place by the end of this semester. That concludes my remarks."

Speaker Pollak: "Thank you Peter. We will move on now to the Question and Answer Session with the Provost."

2. QUESTIONS AND ANSWERS WITH THE PROVOST

Don Randel, University Provost: "Since one of the items on your agenda for later on is the report that was produced by a committee that was led by Norm Scott and John Hopcroft, let me just say a few things about that. That report was not intended to be the one and only report ever written about research at Cornell University. It manifestly left out huge domains. It was intended to concentrate on the physical sciences, some related fields, and only a piece of biology and so forth."
"Biology is probably the single biggest enterprise at this University if it is looked at broadly. It is currently the subject of various reviews that are going to lead, in good course, to a consideration of whether there should be a division or not, what the structure of biology should be, and what should the University's approach be to biology. In the future, we hope that there will be similar efforts in the social sciences, the humanities and the arts, and other areas as well.

"The aim here is not, in fact, an effort to decide from the top down, what kind of research university this is. I've said it in this body before and in others, a lot of the neatest things that happen in this University happen precisely because the central administration does not know about them. That should ever be so. At the same time, we are asked to place fairly good size bets on various enterprises over time, and our historical mode for dealing with this is for the President and Provost to sit in their offices and a parade of people line up outside their doors and come in and say, 'I need a million bucks for this,' or 'If you could only give me a half a million in matching funds, I would be able to do that,' and we answer these requests. It seems to me that in this modern age, we ought to make a better effort collectively to form a kind of framework, or at least a background against which to make these decisions. I think that committee report which was produced by some very able and competent people can be part of a process that we can carry on that will not exclude the future possibilities for research, but give us a framework for thinking about how we make institutional investments that are in some cases of increasing size, and difficult to accommodate. I would now be glad to answer your questions about that or any other matter."

Professor Barry Carpenter, Chemistry: "One of the concerns I have about this report is that it tends to institutionalize a certain set of research priorities. And I wonder how frequently reports such as this are going to be coming out, because research priorities certainly do change, and in a modern world, they certainly do change rapidly."

Provost Randel: "I take the point. In part, the report, and I think any such report ought to stimulate discussion about the respects in which it may be plain wrong on its face. It is also true that we do have before us the need from time to time to make major investments that are going to last a good long while. So, should we build a new building that will allow us to do research on advanced materials? Once we take the plunge there, that is a facility that will be with us for another 125 years. To that degree, we are making decisions that will have a relatively long lifetime."

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "I'm not sure if my observation belongs in my comments to you, the Provost, or later on when we discuss the report. But I think I do want to make my observation now because my question has to do with the way the committee was assembled, and therefore the predisposition that they may lead to in the conclusions of the report. While I find no fault with its conclusions about the enabling technologies, the one aspect that I did find somewhat curious was that there was a fair emphasis on
interdisciplinary approaches, yet that is coming out of a committee that was composed almost exclusively of natural and physical scientists, with the exception of our esteemed colleague, John Abowd. . ."

Professor John Abowd, Industrial and Labor Relations: "The token social scientist. . . (laughter)"

Professor Schuler: "The question is then, could this report in its initial structure have been open to more daylight and creative imagination? Although, I have little doubt that it might have inevitably led to the same conclusion."

Provost Randel: "It certainly was not intended, nor was it done in the dark. The people who were on the committee are smart and thoughtful people, and we can have a vigorous debate with them or around that. I think they did a great service to labor over this and start some thinking about this subject. If you look at our recent history, our alternative has been to not talk about these things at all.

"The question on interdisciplinary efforts is much before us. Among the things the committee described were, in fact, things that are very powerfully interdisciplinary, that do cut across these various fields. I am grateful for the labors that they undertook. I think that it is a useful element in the campus dialogue, instead of everyone doing their thing and hoping that it all works out. It is naive to think that we will all come to some great agreement on precisely what the objects and goals are of the fields we are engaged in. I think the discussion is worth having, and if we find fault with some of the discussion, that should stimulate new discussion with more active discussion from more people, rather than simply not having the discussion."

Professor S. Kay Obendorf, Textiles and Apparel: "Could you give us an update on what is happening with the review of Biology and whether there will be some sort of a task force to define research in that area."

Provost Randel: "There are two things that are going on in Biology, a section-by-section set of reviews and a review of the structure of the division. The Dean of the Faculty oversees the apparatus that sees to department-by-department reviews and could say more about that than I. I think the answer to the first part of your question is yes. Between the review of the division and the section by section reviews, those two must feed a discussion that ultimately leads us to what should be the structure of Biology on this campus. Many universities are talking about this and we need to think about this too. But this is going to take us a while."

Professor William Lesser, Agricultural, Resource, and Managerial Economics: "I wanted to ask you about some of the financial ramifications of some recent actions under the administration’s priorities. I don’t want to get into a general discussion about merits, but just matters of finance and cost savings. These areas being the combining of departments and moving all freshmen housing to North Campus."
"First, in terms of combining departments, the October 23 Chronicle quoted President Rawlings as highlighting the creation of the Department of Statistical Science and the likelihood of a University-wide department of Sociology. My question is, are there any identified cost-savings that underlie amalgamations or proposed amalgamations of departments and, if so, how are they to be achieved?

"In terms of housing, the story in the Chronicle indicated that moving the freshmen to North Campus will involve the construction of a new dormitory and substantial renovations of the housing on West Campus. What do we know presently about the costs of those activities? If we don't know, when will we know? How will we go about offsetting the costs of those activities?"

Provost Randel: "On the first part of your question, there is no fixed target about what should or ought to be saved by combining departments. My own view of that is that that discussion is and should be driven, in the first instance, by purely intellectual aims. As you know, in Agriculture and some other quarters, the relevant colleges have created service centers that serve whole buildings and multiple departments. I think those are models that can be pursued throughout the University and we can save money by that method. But the question of a Department of Sociology or the virtual Department of Statistics, is not driven by economics, in the sense of dollars and cents. It is driven by a need to be more effective intellectually and academically in those areas. Sociology is a good example. We don't know quite how that will turn out just yet, but in point of fact, we can be a much more powerful University in the field of Sociology if we bring those relevant groups together. Statistics is a perfect case. We have labored over that for thirty years and lost some brilliant statisticians in the process because we could never get our act together in statistics. I hope that we have done that now. I don't think it is going to save us money. There is some potential that it is going to generate new revenues through a professional masters program for people who go into fields that have a demand for those kinds of techniques.

"On the housing question, student housing has associated with it a revenue stream: it runs as an enterprise; it is no drain on the general purpose fund; and in fact, it pays overhead to that fund and helps that fund maintain central services. This project is very substantial and will cost tens of millions of dollars, and it is our goal to do all of that within the enterprise of Housing and Dining as currently constituted. How can we do that? Housing, as I said, does have a revenue stream associated with it, namely, in student room charges. Landlords all over town have demonstrated that they can make money on that. We have no wish to make money; we wish to do some things better than some landlords do. The way we can achieve what we want to achieve is access to a lower cost of money than the average landlord has. We can borrow money, amortize that over a period of time through the income stream that derives from housing students, and because we have access to money at little or no cost, rather than having to go to the bank to borrow at 7-9%, we believe that we can achieve what we want to achieve through the enterprise of housing without making any draw on institutional funds of other kinds. It has to be
said that alumni have expressed considerable interest in this and we may see some gifts as a result, but there will be no fund raising effort to support this."

Professor Leonard Lion, Civil and Environmental Engineering: "As you know, later today, this body is going to be discussing the merits of creating a committee to advise the Provost on tenure decisions. As I read the wording of the proposed legislation, I infer that there is a concern that the decisions made are based on economics or other criteria besides the merit of the faculty. Is that a legitimate concern? If the answer to that is no, then it has been suggested that the Provost's office has a problem with the type of candidates that are being brought forward for tenure, and that in the process of selecting those candidates it would be appropriate to discuss those concerns with the deans and departments. Has there been any action to initiate that sort of discussion?"

Provost Randel: "Going back to the first part of your question, I can honestly say that economics have never been a part of my thinking about whether any individual case should be granted tenure or not, nor do I think that economics should play a role in decisions of that sort. I was one of the first proponents of a system in which the faculty would represent its own high standards. One of the arguments that I advanced for that was that although I do not doubt my own ability to separate decisions of finance and academics, I could understand the argument that you don't want the person who counts the money to be the person who makes the decisions, and that the decisions should be made in an environment where only quality matters. I would take some pleasure in seeing the faculty, under the leadership of its deans, exercise that responsibility, bearing in mind that always that authority ultimately resides with the President, but bearing in mind also that a committee of distinguished members of the faculty would be unlikely to ever encounter any resistance from the President or the Provost on these matters.

"This has been discussed at very considerable length in this body, and when the first couple of efforts went down, I lapsed into the belief that maybe it wasn't going to be worth the effort, I think that what we have now will continue to work just fine if there is some reluctance on the part of the faculty to bring such a thing into being. In that regard, neither I nor my colleagues in the central administration, have a desire to turn down tenure cases. We have only a desire to see one wonderful case after another and we can gleefully recommend them to the Trustees. In that regard I have talked with deans about this on a regular basis and have said, we have to respect, to be sure, the different traditions in the different colleges, but if the departments and deans do their jobs, the state will wither away and not have much to do. The state will be there to be sure, but it won't have much to do. My only wish is to see departments and colleges do their jobs thoroughly and well, and I don't want to sit there and say 'no' a bunch of times. If the faculty would like to participate in that overview, I would be glad to have their participation. If not, I think we can do alright and the departments and deans can accept their responsibilities as well. Against that background, we have to recognize that the rate at which we tenure people has been climbing over the thirty years or so that I know about personally.
We do have the highest tenure rate of any University with which we compete. I think that is true barring none, but it does depend on how you look at the list. That may be okay, but it may not be.

3. APPROVAL OF MINUTES FROM MAY 14, SEPTEMBER, 10 AND OCTOBER 8 MEETINGS

Speaker Pollak: "There are three sets of minutes on the agenda for approval, they have all been posted on the web. These are minutes for the meetings of May 14, September 10, and October 8. As a group, are there any questions, comments, or corrections about these minutes? Seeing none, I will cast the unanimous ballot approving them.

"We will now move on to a report from the Nominations and Elections Committee."

4. REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS

Professor Kathleen Rasmussen, Nutritional Sciences, and Associate Dean and Secretary of the University Faculty: "I have two items to share with you today. The first is a slate of candidates for the UFC. As you know, Gordon Campbell died recently and Fred Ahl has resigned from this committee. We need to elect two new members to this committee, and the following have agreed to run:

Donald Farley, Engr.
Sidney Leibovich, Engr.
Vicki Meyers-Wallen, Vet.
Peter Schwartz, H.E.

"You will receive a ballot in the very near future. Please cast your ballot and send it back, and we hope to have that committee complete very soon.

"The Nominations and Elections Committee has made a number of appointments for which we seek your approval:

Committee on Academic Programs and Policies
Carolyn Eberhard, CALS

Ombudsman Search Committee
Joseph Calvo, CALS

Research Council
Steven Ealick, CALS

Statler Club
Michael Duncan, Engr.
Peter Stein, A&S
We canvassed the faculty and most of the people serving on these committees either volunteered or were volunteered to serve on these committees. Are there any questions?"

Speaker Pollak: "Are there any questions or comments on the nominations? Seeing none, they are approved. We are going to move on to a discussion of Option 3. We will start off with a little bit of the context from Dean Stein. When we move on, Professor Walcott will tell us about the option. The discussion will alternate between the pros and cons, so I ask you to pick your side and let me know clearly when I call on you what side you are on. We will call for a vote, by roll call, at around 5:30."
5. DISCUSSION AND VOTE ON A MOTION FROM THE COMMITTEE ON OPTION 3 TO ESTABLISH A FACULTY COMMITTEE TO ADVISE THE PROVOST ON ALL TENURE DECISIONS

Dean Stein: "This would be the third context of this option that I've presented. I don't think you need any more context."

Professor Charles Walcott, Neurobiology and Behavior: "You will remember that we brought this motion before you at our last gathering and there were a number of comments made about it. The committee met and considered these various comments and made a certain number of changes. I'd like to take just a few minutes to go through this. First off, with respect to the selection of the committee, it was recommended that something about diversity be added, so we added, as requested, 'with due regard to race, gender, and ethnicity.' Although the language endeavored to include all aspects of the University, we excluded the one tenure-granting center, so we added 'tenure-granting centers' in the list of units. There were a number of comments about the need for this or whether it made any sense or not. I'm not going to say much about that at the moment, except to point out that what we are suggesting is a faculty advisory group to the Provost who will consider these cases and offer their counsel and advice to the Provost, but that will not in any way dilute his authority in this matter. It is clear that unlike the situation some years ago, the Provost and the University are committed to looking at this whole matter of tenure and making appointments. So, it seems to the members of the committee, if the Provost is going to make a decision, advice from a broadly constituted faculty committee is likely to be more representative of faculty opinion than is advice from the gang of three. Which is, after all, an informal arrangement which this Provost has chosen and might not survive through the next Provost.

"There was some concern about the conflict of interest of the Dean of the Faculty in these matters. I think it is important to point out that his role in this committee is administrative and supervisory. His job is to ensure that the committee is doing what it should be doing and not something else and that the committee is paying attention to how its meetings are organized and its decisions are made. The Dean of the Faculty does not participate in the discussions.

"The issue of election of the faculty to this committee is really one of representation. The feeling is that if this committee is elected by the entire University, there would tend to be a preponderance of people from Arts and Sciences and perhaps CALS. It is our intention that there should be a broad representation throughout the University from the various colleges and centers, and extension, and we feel that that can only be achieved by having the colleges elect representatives and then have five slots available which can be allocated by the Nominations and Elections Committee to address these concerns.

"On the issue of conflict of interest, we changed that around so it now reads, 'previous involvement or conflict of interest,' and we made it imperative, rather
than permissive that anyone with any relationship must declare that relationship. We didn't feel that it was possible to exclude members of the faculty, particularly from colleges where the entire faculty votes on issues of tenure and promotion. That, in a sense, would disenfranchise the entire polity of that college. It is preferable to let them participate in this prior relationship, whatever it might be.

'There was a wording clarification that we would judge the strength of the candidate, not the strength of the file, or its weight in pounds. There was a question of what a positive departmental vote might be, and we weaseled on that and changed it to a positive recommendation from the department. There was some concern about the different college missions and I think that is a very legitimate concern; and so we added 'to the responsibilities of the position or the mission of the college,' to make it absolutely explicit that the committee is to consider not only the person, but what their job is supposed to be.

'Some people gave a great vote of confidence to the 'gang of three'. I already spoken about that; it is a totally informal arrangement and subject to change at the Provost's discretion. Finally, I would like to summarize by saying that I think this is a suggestion for how we ought to proceed. It is, after all, only for a year. We will try it for a year. After that time, if it failed, we can throw it out. If it was a success, we could give it another year or five, or whatever. So, I don't think it is going to be an enormous gamble in that sense. Furthermore, a survey of our peer institutions as Dean Stein mentioned, something like seven out of eight of our peer institutions, have some mechanism of this sort at the University-wide level. It surely cannot be totally evil or it seems to have worked for them. Finally, I think most of you have received a memo from the Law School, and there are a number of things there that are worthy of discussion.'

Speaker Pollak: "OK, we will start the discussion with an opposing view."

Professor Ann T. Lemley, Textiles and Apparel: "I wasn't going to speak today, but I heard the same statement this meeting that I heard at the last meeting, that we have an 80% tenure rate. I think we are mixing apples and oranges here. Enough of us know our math well-enough to know that our percent tenured is not the same as our tenure rate. I went back and looked at my own unit, we have had a 25% tenure rate in our last four tenure decisions, although 75% of our faculty is tenured. We have also lost 12% of our professorial lines because of state cutbacks. We haven't had many retirements recently. We have a significant baby boom population in our department. I don't think we ought to equate percent tenured at Cornell with our standards that we have been applying at tenure. We also were counseled several years ago by the Provost to look closely at reappointment time. I know in my own appointment and on an ad hoc committee that I served on, that people have been counseled out at reappointment time. We have not looked at the numbers carefully and we have thrown it around incorrectly when we speak about tenure rate and percent tenured. We may want to look at the demographics of our faculty and I think that the cuts we have had at Cornell have had a significant effect on that,
particularly on the state side that some of our so-called peers may not have had. I am opposed to the proposal, I think that if there are any problems they ought to be handled at the bottom. I think this University is woefully inadequate in training and working with and developing department chairs. I think you're lucky if you have a good mentor as your previous chair. If we have some problems, we can work very well working at the college and department level for raising standards. I think proof that the system has worked is that the Provost has put us all on our toes with respect to tenure. I think we are putting together better packages, ad hoc committees are asking better questions, and I think basically the system has worked. It has been a very positive step forward. I very much appreciate the letter from the Law School. Only the lawyers could tell us that we are trying to do two different things at the same time. "

Speaker Pollak: "Now a speaker in favor?"

Professor Sally McConnell-Ginet, Linguistics: "It seems to me that what the Law School memo is telling us is that we can't be pursuing both fairness and rigor in tenure decisions. It seems to me that issues of fairness are by no means inconsistent with applying standards rigorously. In fact, it is more important to safeguard fairness the more rigorous that one is trying to make judgment. There is all sorts of empirical evidence that the real superstar geniuses will have no problems, the real losers will not get through. It is precisely in the middle that we need to be the most fair. I feel that one of the most important things we could do is participate in the tenure process. In order to play our role fully and responsibly, we have to be willing not to kick this over to the gang of three or four, but to institutionalize faculty involvement at the University level. I don't think that we are trying to do two incompatible things, but this proposal really is addressing two important things which we as the faculty should really be involved with."

Speaker Pollak: "Is there a speaker opposed?"

Associate Professor David Wippman, Law School: "I regret that our memo was not sent to you earlier. It took us some time to consult members of the faculty in the Law School and to be confident that there was in fact a consensus position. We have determined that and you'll see that the position in the memorandum is in opposition. I won't repeat the arguments in the memo. I am a little concerned based on the comments just heard, that it was misinterpreted slightly. We did not mean to suggest that the University cannot pursue fairness and high standards at the same time. When we talked about predictability of impact, what we meant was, we never really understood what the problem was that this proposal was designed to address. Based on some of the comments that I heard at previous meetings, some people seem to think that the problem was too high a tenure rate, which I have questions about as another member of the Senate does. For those that think the problem is too high a tenure rate, the solution seems to be tightening up of standards, and some people think that this committee will do that. At the same time, there seem to be procedural and other aspects of this proposal that lean in the other direction. I know
that in the past, this body as you all know, voted to create an appeals procedure for negative decisions with respect to tenure. So, I am really not sure what this body is likely to do and I am reluctant to support a proposal that has unpredictable results. I am not sure if this will result in a tightening or a loosening of these standards, or whether it will do something more episodic, if in some cases it will tighten and in others it will loosen. Another concern that we had was really with respect to the incentives of the committee. It was also suggested at a prior meeting that perhaps it is the case that opposition to the motion meant that we had a lack of confidence in other members of the University. Instead, it is a vote of confidence in the Provost. We think he has been doing a good job, or at least, we see no evidence to the contrary. We think he has professional incentives to ensure that tenure decisions at the University are done carefully and fairly. We are not confident that an ever-changing group of fifteen people who do not have the same experience in reviewing tenure decisions across the University as the Provost has will be able to do the same kind of balanced decision making for those reasons and the other reasons mentioned in our memorandum."

Professor Richard Galik, Physics: "I'd like to say a couple of things about the points just raised. It was said that this committee will not be able to make decisions; it is not the purpose of this committee to make decisions, but to give advice. We all agree that the Provost has access to more information than he can commandeer. He spoke of non-predictability; one thing that is very predictable is this will involve the entire faculty as a university unit in having input into decisions on matters that are extremely critical to matters of survival for the entire faculty. In talking about non-predictability, something we should also talk about is whether you are for or against this proposal, you should not hold these views on the basis of present personalities. The person who is Provost, or the people who are the informal advisers to the Provost, will change in the future and future personalities are very unpredictable."

Professor Terrence Fine, Electrical Engineering: "The vacuum pressure was too great (laughter). What I'm hearing today is a little bit different and that concerns me. I've heard it from the Provost who talked about distinguished faculty advising, I heard it from Professor McConnell-Ginet, who talked about institutionalizing faculty advising. The bedrock of tenure decisions are the decisions of the department and the college, and every effort has to be made to make those right. That is where our institutionalization is, that is the way our faculty are, that is the way it ought to be respected. If another committee coming in at the top, is to be viewed in this light, to put the much larger group of faculty at the department and college level in the shadows, then that is not a good thing. We already have institutionalized advising and distinguished faculty at the department and college level, and as I said at the last meeting, that voice is being muffled by this process. The more voices you have, the less you have to listen to any of them. It allows you to pick and choose. The voices we ought to be listening to are the ones at the lower level.

"I'd actually like to come back to a question my colleague Len Lion raised to the Provost that I didn't hear an adequate response to, which was: If there is a perceived
problem, what have we done at the department and college level to address that problem? I'm sure that there are problems out there that occur at random and there has to be a big enough group. Address the problems at the department and college level. Failing that, then worry about fifteen people sitting at the top. But, I'd like to see what has been done in terms of the way we make decisions at the department and college level before I have to worry about whether that failed, and now I need another group of distinguished faculty sitting at the top. I think this is misguided or at the very least, premature.

"The other thing that I'd like to say is about the proposal itself, and this is really not that serious. It struck me a little bit as if it were the late-night Ginsu-knife defense. They say, 'maybe you don't want a Ginsu knife that will cut tomatoes, but maybe you do want one that can cut tin cans.' This proposal will unify the faculty, it will do various other things. I mainly want to know if it cuts tomatoes. It may be nice if it does those other things, but I don't even want to pay attention to it if it doesn't cut tomatoes."

Professor Schuler: "First, I have a question. How was the Law School's memo distributed? I ask because I did not receive a copy of it as of 4:00 today before I came to the meeting. I find it offensive as a matter of process to have some members of this body receive a negative set of discussion when I didn't receive it."

Speaker Pollak: "Peter, do you want to address this?"

Dean Stein: "Yes, let me just make a comment to the whole body. I have no idea how the Law School memo was distributed. But, my office is happy to distribute anything from a senator to the entire Senate body. So, if anyone ever wants to distribute an argument or a paper or something, they should merely e-mail it to my office, or bring a hard copy to my office, and we would be happy to make sure that all the members of the Senate get a copy of it. That was not done in this case. I'm not complaining, but I'm just saying that as an aside."

Professor Wippman: "I'd be happy to answer your question. Certainly in the future, I'll take advantage of Dean Stein's suggestion. The way we distributed it was I printed the list of the Faculty Senate from off of the web, I gave it to my secretary and asked her to send a letter to everyone who was on the list. If for some reason you didn't get it, I can't explain it, and I'm sorry that you didn't get."

Professor Schuler: "I just spoke with Professor Obendorf. We are both Faculty Trustees, and as such are voting members ex officio of this body, but somehow, you failed to pick that up."

Speaker Pollak: "May I ask a question? Has any other Senator not received this?" (approximately 7-10 Senators raised their hands).
Professor Schuler: "So, it does certainly suggest that a process revision be made to ensure that it does go through the Dean of the Faculty's office to ensure that voting members receive this information in a timely fashion. If I may, I just want to make reluctant, but positive arguments for voting in favor of this proposition. From all the reasons espoused by Professor Fine and many others. I am leery of having the departments, who should have the prime responsibility for making these judgments, feel that they can abdicate their responsibility and pass it up the line. I am in favor of every effort to put as much training and pressure at the threshold level. Having said that, we are also well aware of the problems that arise when we have a negative vote at the Provost level. That is why I was strongly in favor of the proposal to put in place the review committee that came up to vote last spring. We defeated that motion, so I am reluctantly in favor of this motion. I think it stands on a profound principle, namely that in the end, I would like to see a broadly constituted group of faculty responsible for making the final advisory decision on these issues than some ad hoc group, even though the final responsibility ultimately does rest with the Provost and President. Nonetheless, I think there will be a broader level of 'we the faculty,' well constituted, with the varying missions of the colleges and units in mind. I will be far more confident that that is preferable to what we have now.

Associate Professor Alan McAdams, Johnson Graduate School of Management: "I just asked Seymour if I could speak for both senators from the Johnson School. He has given me that permission. We agree very strongly with the memo from the Law School. We do believe that this group does make decisions; they decide the direction of their advice. I heard Dick Schuler saying the same thing. One of the big problems is that this committee would be a changing group of people; you will have one group of four, another group of four, another group of four. You will not have the learning that comes from the current group, which must come to grips with all of these decisions. I think it would be unfair to ask a particular group of four faculty to do that. The biggest problem I see is that each group of four, as the Law School suggests, bears no professional consequences for the quality of this decision. They move on. They are a group of faculty members in their own field, and they are not ultimately responsible for their decisions. It is very hard for a randomly selected group to be sufficiently knowledgeable about the concerns and norms about each specialized discipline. I think this is something that you learn as you are responsible for it, and you must stand behind your decisions and I think that is what the gang of four must do and does do."

Professor Gordon Teskey, English: "The departments are undoubtedly the bedrock of decisions in tenure cases. So, what does this proposal provide? It is not going to affect very strong cases and I don't think it is really going to affect average ones. It is only going to affect marginal and egregious cases. The second thing that I think it is about is confidence. To my way of thinking, the proposal need not make any change in the rate of tenure. The same number of people may receive tenure, but I think there will be greater confidence in the decision if it is made at the upper levels by the faculty. When a particularly doubtful decision goes by, one about which there
has been a negative decision by an ad hoc committee and the like, and is nevertheless recommended and approved by the Provost, there is going to be less confidence in the value and intelligence of that decision than there will be if it is approved after being evaluated by a group of fifteen faculty members. We may wonder how their deliberations resulted in a positive decision, but we will feel more confident in the Provost's decision. So I think the issue is not a tightening of standards or a lowering of standards, it is just that we have confidence in the decisions made at the University level.

"As to the point about the departments, I agree with Professor Fine that the departments are the bedrock of the tenure decision process and I don't think that anyone could disagree with that. It is important to remember that the work of this committee is not to make specialized judgments of other fields independently of the witnesses and evidence that has come up to them. That is, they will be reading the letters of outside reference, they will be reading the documents that have been passed along. They will not be evaluating the candidate, but rather reviewing the quality of decisions already made."

Assistant Professor Anna Marie Smith, Government: "I am in my fifth year of service in a tenure-track appointment, and therefore it is my career that is being experimented with. We are discussing a pilot program, experimental in nature, that will create concerns for virtually every one of my colleagues in this situation. Secondly, it is not plausible to me that a University-wide committee, with constantly shifting personnel will be able to inform themselves as to the specific mission of the college, department, and unit. I would like to draw your attention to a problematic statement for me on page two, it states, 'The committee will also take into consideration the academic standing of the candidate's outside reviewers. ...' I'm not saying that the existing situation gives me a great deal of confidence. I'm just saying that I'm not sure how the existing system would solve the problem that I see, namely that some candidates from our department would be using outside reviewers from campuses and institutions that may not be respected adequately by people who are not familiar with the specialties in our discipline. I think that is extremely problematic and I don't have enough confidence in this proposed body that they will be able to gain that kind of information quickly enough in each case. Terry Fine's remarks about replacing the voices at the college and department level also give me concern.

"Finally, I think that the remark about the training of chairs really has to be listened to here. I am aware of junior faculty who have received utterly contradictory advice with respect to their preparation for tenure review from different department chairs in their own department. Something has to be done about this."

Dean Stein: "I vowed not to speak, but who can maintain their vows? (laughter) I want to correct something that Professor McAdams said in describing this proposal as to what this group of four is. The notion here is that there are some fraction of the tenure decisions that come through, I love this phrase, I learned this from a real
estate agent, 'drop dead gorgeous.' The 'drop dead gorgeous' cases would not have to involve a meeting of all fifteen members. So, the idea was that one takes a randomly selected group, and if all four agree that this is a 'drop dead gorgeous' case then it will bypass the committee. But, if anyone of them registers a question, then it goes to the full committee. This is not a group that is the final judge, this is a group that judges at a very high threshold.

"The second thing that disturbs me in what a lot of people to say, and I find it difficult to put into perspective, is this lack of confidence in the faculty. Charlie Walcott referred to something that I told him before, that I was sitting around at my word processor, fussing around with faculty salaries again, and one of the issues is what a peer comparison group is. In various ways, I tried to devise peer comparison groups to compare ourselves with regarding salaries. Last night, I was just looking at one on a spreadsheet as I was calculating salaries, and realized that this group of eight, do this in roughly the same way as this 'Option 3' is proposing. They all make tenure decisions, and they are all subject to the same kind of vagaries that we are discussing here. Some people describe these people as though they are in first grade and are not aware of the subtleties. They look at a physicist and say, 'two books, have you written two books? No? Well, then we'll vote it down.'

"I spoke to Dave Jackson, a distinguished Emeritus Physicist from the University of California, Berkeley, last night about faculty salaries. He served on a committee like this, and I asked him, 'Do you have any trouble judging people from the law school?' He said, 'No, I just don't see a problem.' I really don't understand why people keep raising this issue of why the Provost, for whom I have great admiration and respect, and for the 'gang of three' for whom I have boundless admiration and respect . . . (laughter)"

Provost Randel: "Objection!" (laughter)

Dean Stein: "I don't see why the people that oppose this think that senior people selected by their colleges will suddenly lose all of their perspective, all of their maturity, all of their ability to understand the subtleties of academia while the Provost and his 'gang of three' are able to maintain it. I have more confidence in my faculty colleagues to be able to make these kinds of decisions than other people do. Frankly, it disturbs me that people are willing to say that they trust the Provost and the 'gang of three' to make these decisions, but cannot predict what faculty members will do."

Professor McAdams: "Point of Order. My name was used and I would like to say that I am fully aware of any sensible thing that the Dean has just said, and I was aware of it when I made my comments and I am aware of it now."

Speaker Pollak: "We are approaching the end of our time for this issue and we have two options: we can either delay the discussion or call for a vote. Are there any
objections to taking a vote on this issue right now? Seeing none, we will call the roll for the vote.

The motion passed by a vote of 48-38, with one abstention (Appendix A, attached).

6. DISCUSSION OF REPORT ON RESEARCH FUTURES TASK FORCE

Dean Stein: "Unfortunately, we don't have a resolution to present to you because it is complicated. We discussed it in the UFC and the hope is that from the discussion that ensues after this, we will be able to formulate a resolution that we'll send to you. You have all received the report. The Provost discussed it earlier. The Vice-President for Research and the Dean of the College of Engineering put together a committee at the beginning of the summer that was going to discuss priorities in research in Engineering, the Natural Sciences, and some parts of Biology. It says in the report, that the Faculty Senate appointed half of the members of the committee. That actually is not true; it appointed something like 1/3 of the members. There is nothing really more to say about it, except my belief that it may well be that this report represents a more substantial change in the way that we do business at Cornell than the last resolution that we just passed. I think you will want to listen to this very seriously and very carefully and we will bring back to you in December, some kind of a motion that will attempt to address what you think about this new way of doing business. With that, I am pleased to introduce to you, my colleague from the Physics Department, Persis Drell, who is a member of that committee, appointed by the Nominations and Elections Committee."

Professor Persis Drell, Physics: "The Research Futures Committee was created in June. We had our first meeting on June 10 and we were told to report to the President and Provost by August 18. We didn't quite make that deadline. The report was completed by mid-September and that report was published in the Cornell Chronicle and is available on the web. The charge to the committee was to outline research goals for Cornell, to suggest research priorities, and to suggest a research strategy for allocating limited Cornell resources. In the original appointment letter, which I went back to in preparation for this meeting, we were also asked to address ways to support emerging fields while reducing support to existing fields; the report did not address that. In fact, we did not address that explicitly. The report was specifically targeted at the physical and natural sciences.

"The report from such a task force could be a visionary document that charts new courses for research at a university. It could do damage if it is poorly written, by causing upheaval and divisiveness in the university community, and it can be useful by stating the obvious, by providing a blessing for people to do what they knew they sort of needed to do anyway and really leaving the tough decisions for the smaller, more focused groups. My personal feeling is that this report falls in the latter category. I don't feel that it is visionary, because we didn't do enough homework for it to be visionary. We didn't do this over a long enough period of time. Some members here may disagree with me, but I don't think we spent enough
time grappling with the really tough issues that I feel need to be grappled with. Hopefully it is not divisive or harmful.

"What does the report say? Well, you can read the report, but I will tell you what it says or what I hope it says. There are different investment strategies that are appropriate for different areas of research. We called out three large areas that we thought required different strategies and tried to define what strategies we thought were basic research, something we called strategic enabling research, and then the third category was interdisciplinary research.

"For basic research, we thought that it was imperative that a great university excel in some areas of basic research. It doesn’t have to excel in all areas of basic research. The appropriate strategy we felt was to hire and support superb faculty and let them make strategic choices on what areas to pursue. The scale of effort in basic research is often at the department level or smaller. One example of a department that has hired well is the Astronomy Department. It is not active in all areas of Astronomy; it doesn’t try to do all areas of Astronomy; it has chosen some small strategic areas of Astronomy; and the areas that it has chosen, it does extremely well and is very well ranked. The process for investing in basic research works well and we didn’t recommend that it be changed.

"The strategic enabling areas are areas that we thought a University must be excellent in to remain top-ranked. They are characterized by their breadth of impact over many fields throughout the University and the three strategic enabling areas that were defined by this committee were Biology, Information Science, and Material Science. Picking those three areas, as was pointed out by many of my colleagues, was obvious. They are the three obvious areas that pretty much anyone would have chosen for a great research University. Most universities across the country see those as fields in which it must invest in its future. The real issues that we had to address were how to make Cornell uniquely strong in those areas where every research university is investing for its future. The discussion of what strategy is appropriate for Cornell to use in those three strategic enabling areas took most of our time and occupies most of our text in the report. I’ll talk about that more in a minute.

'To be complete, there was a third broad area for classification of research that we called 'interdisciplinary'. It is distinguished from the three strategic enabling areas in that it has less broad an impact. Again, a great research university should excel in some interdisciplinary activities, but it does not have to excel in all interdisciplinary areas. The report, as I went back to look at it, was not as clear in a strategy that we should take in approaching the interdisciplinary areas. Basically, as in the first instance, we said that the University should try to support faculty initiatives in that area, but not try to create it.

"The real focus of the committee’s report, after identifying the three strategic enabling areas where we felt Cornell has to be strong in order to be competitive, was
to determine the best strategy to achieve that goal. You have to keep in mind some very important facts. First, Cornell has invested very, very heavily in those fields. Well over half of the science faculty in this University are involved in those areas. The problem is that those resources are dispersed over many departments and all colleges in this University. The concern is that the model of making strategic decisions at the department level does not have a broad enough vision and that somehow broader administrative units need to be involved in order to be effective. We felt that Cornell needs to focus in these broad areas. We don’t need to try to do everything in them, but we need to develop a strategy University-wide to enhance the effectiveness of the existing research commitments.

“The committee felt that Cornell faculty need to identify focus areas within Biological Sciences, Material Sciences, and Information Sciences that would take advantage of what we felt was the real breadth of resources here at Cornell that we felt was unique to Cornell. The report over and over again says that the identification of focus areas should be faculty-driven. One needs to coordinate efforts across colleges and across departments. Basically, the model strategy that works for something like Astronomy is not going to work for a field as diverse as Biology or Material Science. The report calls out some suggestions of specific areas that it felt if Cornell chose to focus in, could be very strong. These were meant to be suggestions and no more than that. There was also a suggestion of an internal review board as a mechanism to provide coherent overviews and coordinate efforts across campus, to help the administration, the deans, and the departments, in making choices in how to focus resources in these areas. We kept using this word resources, we’ve discussed what resources mean. It is some amount of money. We never knew how much money that is available from the Vice-President for Research and from the Provost. The real resource that we are talking about was faculty minds.

“The committee did not deal with many of the nitty-gritty issues that need to be dealt with in order to make this work. They probably need to be dealt with by a smaller, harder-working committee than we were. You need to discuss how to reallocate resources to make this happen. Where do they come from? How much are we reallocating with the strategic enabling areas? How much are we reallocating within all of the Physical and Biological Sciences? Where is it appropriate to reduce support? How many new resources have to be found? How do we successfully integrate resources across colleges? I think it is a mistake to interpret this report simply as ‘take resources from everywhere else and put them in these three strategic enabling areas without a plan of how to do that.’ That is certainly not the tone of the committee’s discussions. Once a plan is in place, then we’ll have to determine the tough resource allocations. That is my take on the report.”

Speaker Pollak: “Are there any comments or questions?”

Professor Schuler: “In your discussions, was there any dialogue with the Medical School, since it is undertaking a major research initiative?”
Professor Frank Keil, William R. Kenan, Jr. Professor of Psychology: "We certainly did talk about the Medical School and our desire to have collaborations with them. It is a complicated issue and there are a lot of things going on, so I can't go into all of the details here. Some of us worked on that at length. We mentioned the medical school in the report, but it is not trivial to develop those collaborations."

Dean Stein: "I have a feeling that we are all exhausted by the drama of the last vote. This is really important and I think that the time got compressed. Persis, I hope that you can come back next time. I think we are going to need a longer broader discussion when people have had more time to think about this."

7. GOOD AND WELFARE

Professor McAdams: "I want to talk about a strategic enabling technology. It would be based on your own personal resources. I put up here something that I thought would sell like hot cakes, I gave you two colors of paper, yellow and red. We are offering you the opportunity to join a Cornell community based cooperative to get a wireless version of ethernet out into the whole of Tompkins County. This would give you two megabits on your desktop. We will be having an organizational meeting on November 18 at 4:30 p.m., Upson B-17. We'll be working with CAI wireless; they are one of the leading wireless organizations in the country. We would have hybrid modems which are superb. We think this is a way that we can reach a number of people who will not be in the range of any other high speed access to their homes.

"There is a lot of talk about ADSL. There is a small trial underway right now. I happen to be a part of that trial, and it is wonderful. But it looks like it is going to take a while before that can be built out to other places. There has been talk about rebuilding Time Warner's system. That may happen soon; a minimum of 9-10 months. If you want to have 2 million bits to your desktop now, please join us. It isn't cheap, it is not a giveaway, it is a cooperative. If we have 100 people who decide to sign-up in the whole county, and we are limiting this to Cornell people, the transmission cost would be $50/month and the cost would be $22 otherwise, plus startup costs, including getting it installed, getting an antenna, and an initial piece on the modem. If we get 200 people, that transmission cost would drop to $25, plus the $22, that will be $45 [sic] and you do still have to maintain your dial-up return. You still have a shot at the red or yellow paper as you go out."

The Speaker asked for a motion to adjourn.

The meeting was adjourned at 5:47 p.m.

Respectfully Submitted,

Kathleen Rasmussen, Associate Dean
and Secretary of the University Faculty
MOTION FROM THE COMMITTEE ON OPTION 3 TO ESTABLISH A FACULTY COMMITTEE TO ADVISE THE PROVOST ON ALL TENURE DECISIONS

At the May 14, 1997 meeting of the Faculty Senate, a resolution was adopted that called for the formation of a committee (known as “Option 3”) to develop a proposal for a standing faculty committee to advise the Provost on all tenure decisions, and report back to the Senate this fall. The report and motion follow.

Members of the Option 3 Committee
Peter Chi, Policy Analysis/Mgmt., H.E.
Nelly Farnum, Anatomy, Vet.
Sidney Leibovich, Mech/Aero Engr., Engr.
William Lesser, ARME, CALS
Christopher Minkowski, Asian Studies, A&S
Barry Perlus, Art, AAP
John Smillie, Mathematics, A&S
Gordon Teskey, English, A&S
Charles Walcott, NB&B, CALS - Chair

BE IT RESOLVED, that a committee of the faculty be established to advise the Provost on all proposed promotions to and appointments with tenure as well as proposed denials of tenure by a dean after a positive recommendation from the department.

Composition of the Committee:

The committee will be composed of fifteen tenured faculty members, one elected by the professorial faculty in each college and five nominated by the University Faculty Nominations and Elections Committee and appointed by the Faculty Senate. The five faculty nominated will be selected in such a way as to achieve appropriate balance among the various schools, colleges, tenure-granting centers, disciplines, and job functions (including extension) to make the committee of fifteen representative of the diversity of the faculty of the University with due regard to race, gender and ethnicity. Members will serve for two years. Terms will be staggered so as to replace half of the members each year. Vacancies caused by the resignation of a college representative will be filled by a vote of the college faculty or by an elected college committee, or by the Nominations and Elections Committee for a non-college representative. No member of the committee will serve for more than 3 consecutive years. The dean of the faculty will be a non-voting, administrative chair of the committee. The chair will strictly refrain from taking part in the committee’s decision making. The role of the chair will be limited to
facilitating timely decision making and ensuring that the committee adheres to its charge and mandated procedures.

**Procedures:**

The committee will determine whether the evidence in the tenure file shows that the candidate has demonstrated excellence in scholarship, teaching and public service at a level warranting appointment to tenure at Cornell. In particular, the committee will consider the evaluations made by the candidate's peers and students, as well as those of outside reviewers and the ad hoc committee. The committee will also take into consideration the academic standing of the candidate's outside reviewers, as well as any special considerations that might pertain in the case of those candidates with appointments in professional schools, performing arts or extension programs. In coming to its conclusions, the committee will limit itself to assessing the strength of the candidate as summarized by prior substantive reviews. The committee will not solicit additional reviews; its judgment will be based on the information in the candidate's file. University financial and other non-academic considerations will play no role in the committee's deliberations. The committee should ensure that tenure appointments are consistent with Cornell's high standards, but that no faculty member is turned down for tenure wrongfully, capriciously, or without reference to the responsibilities of the position or the mission of the college.

Each file will be read by four members of the committee chosen at random. Each member will independently prepare a very brief written evaluation of the case not to exceed one page in length. If all four members are positive with no concerns or reservations, a positive recommendation will be sent to the Provost with copies of the four reviews. Copies will also be circulated to the 11 other members of the full committee.

If any one of the four has reservations, each member of the full committee will write a brief, preliminary evaluation which in no case can exceed one page in length. After these have been circulated, the full committee will meet for discussion and a vote. The committee's decision, including the vote tally and the final individual evaluations, revised on the basis of the discussion as each committee member sees fit, will be sent to the Provost. Committee members who are unable to attend a particular meeting may cast an absentee vote as long as they submit an evaluation. The committee will make its recommendations within four to six weeks of receiving a file.

If the Provost rejects the committee's recommendation a statement justifying that decision will be sent to the committee.
Previous Involvement or Conflict of Interest:

If any member of the committee has voted or otherwise participated in the tenure decision at an earlier stage or has any relationship with the candidate that might significantly affect his or her opinion, the nature of this potential source of bias must be described in the member's written evaluation of the candidate. A member who has a relationship that falls under the nepotism policy (Faculty Handbook, p. 86), will recuse him or herself from the case.

Report to the Faculty Senate:

The committee will report the number of cases considered and the number of positive and negative recommendations annually to the Faculty Senate. In addition, if the Provost's action on any case differs from the committee's recommendation, that will be reported to the senate in a timely fashion.

After its first full year of operation, the Faculty Senate will re-evaluate the effectiveness and the procedures of this committee.

Rationale:

The recommendation of colleagues to tenure is one of the weightiest responsibilities of the faculty. The proposal is intended to involve a broader and more diverse group of the faculty at the highest level of decision in the tenure process. We believe the proposal will help to ensure that high standards of academic achievement and of fairness are met and that administrative or financial constraints do not compromise these standards.

The President has delegated to the Provost the authority to make final decisions on tenure cases to be recommended to the Board of Trustees. Currently the Provost seeks advice on these cases from three senior administrators. We propose that the responsibility for advising the Provost on tenure decisions be transferred from this group to the larger, more formal, and more representative faculty committee described in the motion. This transfer will not increase the layers of review, rather it will replace an administrative with a faculty review. For various reasons, among which are increasingly severe financial constraints, the Provost has decided that he should exercise greater vigilance than he has in the past in approving tenure appointments. In these new circumstances, the faculty must be vigilant in preserving fairness to the candidates, in keeping academic and non-academic considerations apart, and in preserving high standards of achievement.

Some faculty have expressed concern that the time commitment for service on such a committee would be too great. We estimate roughly half the cases are likely to be considered by the committee as a whole. The total workload, predominantly reading folders, would be about 40 hours per year for each member of the committee.
Finally, with 15 committee members serving two year terms, a significant fraction of the senior faculty are likely to be involved in this university wide process over time. By considering tenure cases from throughout the university, faculty are likely to have a better understanding of the diversity of their faculty colleagues. This is likely to help unify the faculty.

10/21/97
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, December 10, 1997

The Speaker, Professor John Pollak, Animal Science: "In case any of you are wondering, the quorum is fifty-five. We are up around forty, I'm sure there are some who are delayed in the snow. We will give them time to get here. This doesn't affect anything other than voting, so we will progress through the agenda as best we can and take it from there. We will start off with a few opening comments from Dean Stein.

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of the Faculty: "I feel a little bit like Cal Ripken. We are in danger of breaking that long string of quorums that we've had so far. I want to talk about two things today. One is to give you an update on what is happening with the University-wide Committee to Advise the Provost on Tenure Appointments. It turns out that putting that into operation is a task of some magnitude, more complex than I realized. We are progressing. The elections that must first take place in all the colleges are going on right now. I have been in contact with all of the college deans. We hoped to have had those elections done by this time, but that was not possible; the deans all promised me that we would have the results of those elections by early January. Once we have completed that process, the Nominations and Elections Committee can appoint the other five members of that committee. The way that tenure appointments work is that they are defined by meetings of the Board of Trustees. There will be a meeting of the Board of Trustees in March, and the length of this process means that this committee cannot participate in those particular appointments because they are already midstream. Probably half the tenure appointments that are made during an academic year are made at the May meeting and it is my hope, and I have no reason to believe that my hope will not be realized, that this committee will be up and running and participating.

"I realize that this was a very contentious issue. After the last meeting, I sent out invitations to almost everyone who voted 'no' to meet with them. After looking at the vote, I realize that most of the 'no' votes were confined to essentially three places. One was the College of Engineering, a second was the small colleges and professional units, and the third were the two statutory colleges, CALS and Human Ecology. We had three separate meetings with the faculty who voted 'no'. We talked to them and tried to understand their concerns. I think that their major concerns could be addressed by careful management of this committee.

"In addition, I took a trip out to Wisconsin to talk to the faculty members who are in charge of a similar committee in Wisconsin. I chose Wisconsin because Wisconsin seems to be the closest match to us in terms of the range of programs offered on that campus. Almost everything you can point to on our campus there is a parallel at Wisconsin. I talked to those people who have twenty years of experience in making this work, and I think I learned a great deal from them. I feel confident that we will
be able to make this work and I will put every effort into making this work for the remainder of my term when I will be chairman of that committee.

"The second thing I think I should address is the Sexual Harassment Procedures. It sort of reminds me of a joke. There was a weather forecaster and he had a simple way of forecasting. If it was a nice day, he would look out the window and say, 'It's a nice day.' If he looked out the window and it was a little foggy, he'd say, 'It's a little foggy, but it's going to clear and it's going to be a nice day.' If it was raining hard or snowing, he'd say, 'It's just a front that is coming through, it will clear and it's going to be a nice day.' His prediction was pretty much, 'It's going to be a nice day.' After about a month of living like this in Ithaca, someone asked him how he was at predicting the weather. He said, 'It's kind of 50/50, I'm not very good at predicting bad weather, but there hasn't been a single nice day that I didn't predict.' I feel as though I am in a similar situation because at every meeting, I stand up here and confidently predict that by the next meeting we will have a new set of Sexual Harassment Procedures. I have not been good at predicting not having Sexual Harassment Procedures. I can say that the effort has been going along in spurts, it has not stopped, as far as I know. On several occasions I felt that we were close to the end of the trail. I am not sure why we are not at the end of the trail, I sort of think we are at the end of the trail, but I am reluctant to make any predictions at this time."

Professor P.C.T. deBoer, Mechanical and Aerospace Engineering: "Could you give us some idea about the things you learned in Wisconsin?"

Dean Stein: "I asked the question about extension, because extension has been mentioned as something that is very difficult to manage. They told me that extension is much more extensive in Wisconsin than it is here. They do extension work in the humanities, engineering as well as the extension work in agriculture and human ecology that we do here. They told me that they did not find that to be too big an issue. Extension could be judged similarly to the way that they judge teaching. They told me that the real pitfall is the performing arts. They have great difficulty with that because the circumstances in the performing arts were different than they were in other parts of the University. Somebody summed it up in the following way, 'We expect our researchers to be world class. But if we had a pianist who was world class, we frankly wouldn't expect him to be on the faculty of Madison-Wisconsin, we'd expect him to be out performing.' I said to myself, well Malcolm Bilson is a world class pianist, but I understand the point they're making and it has a certain amount of validity.

"The other thing I noted in Madison that we don't have here is they have a very specified way in which tenure files are put together. They don't differ from department to department in overall structure. In talking to the woman who has been looking at all these files and also in talking to members of the IGOT, the 'Infamous Gang of Three,' I realized that this uniformity in the structure of the tenure files, not the substance, but the structure of these tenure files at Cornell is not
nearly as great as it is at Wisconsin. I started thinking then that if we are going to have a group of fifteen faculty members half of whom are going to change over every year, we are going to have to have a greater degree of uniformity in the way that tenure files are put together in order to make this work."

Speaker Pollak: "We will now move on the section of Questions and Answers with the Provost."

2. QUESTIONS AND ANSWERS WITH THE PROVOST

Don M. Randel, University Provost: "The matter of the structure of the tenure files is a matter that I think the committee could take up. We have talked often about that already. At a University as diverse as Cornell, I don't think we can create a uniform recipe for the whole University.

"With the snow coming down, I don't think I should make a speech, so I'll get right to your questions."

Professor Mary Beth Norton, Mary Donlon Alger Professor of American History: "What is the story with the Sexual Harassment Procedures?"

Provost Randel: "I do think that we are near the end. There is an established mechanism for bringing policies into effect. It involves a group called the Policy Advisory Group, which is broadly constituted across the whole University, and then it goes to the Executive Policy Review Group, and all of the policy that goes into the notebook goes through those two groups first. Peter and I have met with the Policy Advisory Group many times, we have not had what I would call the final meeting with them, and we have not met with the Executive Policy Review Group. There simply was no time to schedule both of those meetings between the last time I was here and today. I have been in touch with the University Controller who oversees those groups. She told me that we can schedule a meeting in January, so I am hoping that in January before the term begins, we can see progress with those procedures.

"It is important that I not appear to try to short-circuit that procedure; that is the procedure that gave us our AIDS policy among other things. There is a lot at stake for members of the staff and students and we must be sure that we convey to staff and students the seriousness with which we take these matters. I'd be lying to you if I said that everyone in these quarters is going to be happy, but it is my aim to have these meetings in January make some progress by the beginning of the term."

Professor Ann T. Lemley, Textiles and Apparel: "This may come up with the Research Futures discussion, we have the first report, which in my mind covers some of the basic sciences. There has been some discussion about Biology because there has been some discussion about the division. I know there is a committee being formed about the social sciences, and I've heard about the humanities and
arts. If this is all that is to be, then there is a very significant aspect of the sciences that has not been examined and discussed in terms of where the key areas are. I would not like that to happen. I am wondering if we have done everything that we think we are going to do on the sciences."

Provost Randel: "The answer to that is surely 'no.' On the other hand, one of the attempts here is to not set in motion too many things simultaneously. There have been various discussions with the deans about what are the next set of areas that need to be discussed and at what rate we need to take them up. We are in the process of trying to create that list based on discussions with the deans, and the President will assimilate that advice to try to lay out a schedule for the next group. I suspect that even there we won't try to make it exhaustive. I don't think it is useful for us to suggest that there are four and there will only be four. New areas emerge and situations change. I welcome your concrete suggestions. It is helpful to have a precise formulation of this, bearing in mind, with over 100 departments, and as you know if you are in Ag, over 150 programs, we can't have a task force on all of these things."

Professor Lemley: "I will do that, I wasn't even thinking in terms of my own department, but in terms of the general applied sciences which I don't think have been covered yet."

Professor Seymour Smidt, Nicholas H. Noyes Professor of Economics and Finance, Johnson Graduate School of Management: "This may not be appropriate here, but the Provost normally does not participate in the discussions. We'll be talking later about the Transitions Report and it refers to two options. As a factual matter, I wonder to what extent are the proposals new or just talking about things that already exist."

Provost Randel: "I think I can safely say that there are examples of practically anything you can imagine happening. Part of the aim here is to have a more coherent set of alternatives so that people will know what the possibilities are. One of the things we have been afflicted with is the sense on the part of faculty members that, 'Jones worked out this, Brown worked out that, so what should I try to work out?' We are trying to take some of that guesswork out of it.

"In Arts and Sciences, in my period as Dean, we did make agreements for half-time appointments only for a fixed duration. There had been earlier appointments that were indefinite, so both of those things are around."

Speaker Pollak: "Thank you Provost Randel. We have the minutes from the November meeting, but we can't approve them without a quorum. We are still two people short of a quorum. So we will move on to the report from the Nominations and Elections Committee."
3. REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS

Professor Kathleen Rasmussen, Nutritional Sciences and Associate Dean and Secretary of the University Faculty: "We have completed the elections for the University Faculty Committee and are pleased to announce the following additions to the UFC:

Sidney Leibovich, Engr.
Vicki Meyers-Wallen, Vet

"We also make the following suggestion for an appointment by the Nominations and Elections Committee. We hope that that will meet with the approval of the faculty when a vote can be taken:

CODES AND JUDICIAL COMMITTEE
Martin Hatch, A&S

"I would also like to let you know about our progress for a search for a slate of candidates for Dean of Faculty. It had been my devout wish that I could present a slate to you today for an open forum to be held early in January. We have two candidates; we must have three. There is another one who is thinking. But I don't have a complete slate of candidates that I can present to you. I assure you that we have considered more than once all of the suggestions that we have received. It is a big job; you have to be at the right stage of your career, and you have to have the interest. If you know of anyone who you think fits this description, please let me or any other member of the Nominations and Elections Committee know. If not, please pray that we have one more candidate who might say 'yes'."

Speaker Pollak: "We have two areas that we need to bring to a resolution. We can't do that today, but we will go through some of the discussion for them. Peter do you want to lay out the background on that?"

4. DISCUSSION ON A MOTION RE: THE 11/11/97 REPORT OF THE PROVOST'S COMMITTEE ON THE TRANSITION OF FACULTY TO EMERITUS STATUS

Dean Stein: "I'm a little bit at a loss as to how to proceed. We do not have a quorum and I think it is doubtful that two or three more people will arrive. We have quite a few people here and we have important issues to settle and we cannot settle them formally. We can either disband now, which I think would be a waste of time for the people who came here; we could discuss them and take a straw vote. Perhaps the UFC will decide whether or not, having done that, we ought to try to formalize whatever straw decisions we make with a meeting next week. I have no idea whether we could achieve a quorum with a meeting next week. Or perhaps the sense of the body, with these two matters, could guide the UFC who acts for this body in emergencies in carrying forth how people feel. If straw votes are very close, then they don't have any validity; but if they are overwhelming, I think they
probably do. I would suggest that we proceed in that matter with the full realization that this is not a legally constituted meeting and cannot bind the body to any decisions that it makes."

Speaker Pollak: "Are there any feelings on that that anyone would like to express?"

Professor Smidt: "It seems to me that because these are important issues, the discussion will have to be repeated for the people who aren't here. I think we are wasting our time having a discussion that will have to be repeated."

Dean Stein: "It will be on the web. That is, whatever discussion we have here will be transcribed and placed on the web."

Colonel Larry Wheeler, ROTC: "Is there any provision for carrying on and then passing this information on to the people who aren't here and then getting a vote from them? Or do they have to be here for the entire meeting to have a valid vote?"

Dean Stein: "We have a tradition that you have to be present in order to vote. The emergency power that we have is that the UFC can act for the body if it has to and I think that it could be guided by the discussion that takes place here."

"Part of the problem with faculty governance is that we have to recognize that we have these big gaps of time that the institution must make decisions and it must move. The Transitions Report has been through some vetting back and forth and I feel myself somewhat awkward asking the administration, having gone through this process, if indeed we have come to something that expresses the overwhelming will of this body, to wait for two months before we do anything."

Speaker Pollak: "Hearing no motion to adjourn, I guess we will just move down the agenda."

Professor Richard Galik, Physics: "I think with 10-15 minutes of discussion on each point, we can lay out the groundwork for these two issues, have at least some idea of what the major points are, and in doing that, I think we will not have wasted our time here today."

Speaker Pollak: "Peter, would you set the context for us then?"

Dean Stein: "A committee called the Transitions Committee put together a report called the Transitions Report. It was brought to this body a few meetings ago. It did not find a lot of favor in that meeting. The body sent it to the Academic Freedom Committee. That committee then brought back to this body proposed extensive revisions to that report and then sent those revisions to the Provost and Vice-President Ehrenberg. The Provost and Vice-President Ehrenberg called together the Transitions Committee and they adopted nearly all of the proposals that the Senate recommended and changed the report to make it conform rather closely to what the
Senate had passed. That report was then brought back to the Academic Freedom Committee. The Academic Freedom Committee then discussed it, debated it, and then came up with a response. Professor Strike, the chairman of that committee will discuss what I guess is the one outstanding issue."

Professor Kenneth Strike, Education: "We have three parts to our resolution (Appendix A, attached). One is essentially to say 'thank you for your cooperative spirit.' The second was simply to note that some of the things we have said about emeritus professors and telecommunications were not mentioned and in our judgment, this is not so much of a disagreement as it was just not mentioned. The real issue, I think, is the status of Option 1 and Option 2. The real difference between Option 1 and Option 2 is that Option 1 allows the arrangement to be indefinite and Option 2 places a time frame on it. It is my feeling that we think the right choice between Option 1 and Option 2 is both. We think that Option 1 provides more flexibility for both faculty and the institution. That is a good thing and a bad thing. It is a good thing because it allows the faculty to go into this without specifying a fixed time for retirement. It allows the institution to keep people in a part-time status who are doing work that they value beyond a fixed limit. So it provides flexibility on both sides. The downside is that it seems to invite large numbers of part-time faculty members hanging on forever and ever. It also may be the case that faculty will feel more comfortable choosing Option 1 over Option 2. That is a good thing if they choose to retire after a reasonable amount of time. It is a bad thing if they hang on forever and ever. We have suggested that the right choice for this is both, partly because we don’t have the experience to make a decision of this sort in light of that experience and perhaps some additional research in understanding faculty decision-making patterns.

Professor Katherine Stone, Law School: “If you have both options, what would ever induce anyone to choose the second?”

Professor Strike: “One might be that they know. The other might be that that is all that their college or department might give them.”

Professor Stone: “So they might be forced, in other words, they really won’t have both options.”

Dean Stein: “Well, the additional advantage to Option 2 is that the amount that is put into retirement is greater and that might be an inducement.”

Speaker Pollak: “Are there other comments on this?”

Professor Galik: “I assume you mean that there is going to be a study done over a short period of time in the near future that would involve all faculty who are within striking distance of making this decision.”
Professor Strike: "I think that could involve two things. One could be a short term ethnography, if you like, about how the faculty tend to think about these things. Another, a longer term monitoring of the process by looking at records to see the kinds of choices and decisions being made in order to determine if they reach a desirable compromise."

Professor Galik: "Studies always have interesting data. I think Provost Randel said during his time as dean, he was usually unsure of overall faculty sentiment about aspects of phased retirement. So I'm not sure that the results of this study will remain static."

Professor Strike: "True, you can only step through the same river once."

Professor Farley, Electrical Engineering: "How do you respond to what Peter said about the difference in the University's contribution to the retirement fund? I thought they would be the same."

Professor Strike: "I think Peter should handle that one."

Dean Stein: "I think it is spelled out in there if you read carefully. With the so-called phased retirement option we have now, a faculty member who chooses to do that goes to 50% pay for 50% work, but the retirement contribution to TIAA-CREF, remains at 10% of the full salary. So it is the full benefit. But the notion in the other option is that the benefits go down proportionally to the salary, except for the health benefit which has to stay at 100% or it doesn't make any sense. It is complicated. But it is assumed in that package, that the retirement benefit will scale down proportionally to the salary, but that the health benefit will, through a combination of Medicare and University payments, remain at 100%.

Professor Farley: "I don't remember that being spelled out anywhere, but I may have missed it."

Professor Lemley: "Is that the same in statutory? Can you do that with the state retirement? Or are we once again subject to what the State of New York decides?"

Dean Stein: "I had a lengthy discussion about this with the people in benefits about how actually we would structure this option. They did not have a real answer to that. They asked if they should study this. It would take a full-scale study, and they went to their consultant, Collis Perin, and they didn't get a full answer to that either."

Professor Lemley: "Did they ask you what tier you wanted to study?" (laughter)

Dean Stein: "It seemed rather premature for me to tell them to do anything, because it was necessary to first see how this body would respond, and then necessary to see..."
how the administration will respond to this arrangement. The benefits obviously have to remain an important part of the arrangement."

Speaker Pollak: "Are there any other comments on this issue? Is there any interest in a straw vote on this issue? The sentiment of the body is in favor of a straw vote. All those in favor raise your hand. All those opposed. If it were an official vote, it would have been somewhat overwhelming in favor of the issue."

5. DISCUSSION ON A MOTION RE: RESEARCH FUTURES TASK FORCE REPORT

Dean Stein: "We talked about this a little bit last time. Professor Drell called me just before the meeting and said she had a child-care problem and couldn't be here and asked the body's forgiveness. This is the report of a committee, the Research Futures Task Force, who worked last summer. The UFC could not think of a very good way to bring this report to you for discussion. That is one of the problems we have when we receive a report for discussion from a half-faculty, half-administration committee, to be discussed by such a large body. So what we decided to do was draft a resolution (Appendix B, attached) that supported the report, and the way the resolution is structured allows you to either support the whole resolution, not support the whole resolution or only support parts of it. The UFC wanted me to emphasize that just because the resolution is drafted in support of the report does not mean that the UFC supports the report. We did not discuss it in any way or make any decisions about it. The resolution is simply set up in a way that allows you to discuss it and come to some sort of a decision.

"Five minutes before the deadline, we received an amendment from the Senators from Mathematics, Cliff Earle and John Smillie, asking to amend essentially bullet number four. They unfortunately framed it in such a way that it made the serial consideration of the five or six points impossible. So what they did, which is not quite legal, but on the other hand, we don't have a meeting, is with unanimous consent of the body, they will change their amendment to eliminate the first paragraph which really wasn't the operative one, to allow you to do seriatim consideration of the five points. O.K., so with that, I will turn this over to Professors Smillie and Earle."

Professor John Smillie, Mathematics: "Before describing our amendment, I would like to describe our view of the report. The Research Futures Task Force Report can be read many different ways. The report expresses many different viewpoints, some of which are contradictory. We do not feel that this means the report should not be taken seriously or that the report has no force. The fact that there are different viewpoints in the report means that we may endorse something that looks like Mom and apple pie, and end up with something that can be used as a justification for a significant reallocation of resources. So, there are two underlying ideas of the report. The first is that in order to be a top University, there are certain fields in which we need to be outstanding, while in other fields we only need to be adequate. This is an interesting idea that we neither support nor oppose, but we feel it needs
further discussion. It is not really discussed in the report. It is taken as a given. The second underlying idea is that there are three very hot areas around that every University wants to get into, and there seems to be a consensus about what these three very hot areas are. The logical leap that follows, which we do not support, is that these three hot areas are the ones in which the University must excel. Our problem here is that just because the areas are trendy does not mean that a University must excel in them in order to be a top University. What follows in the rest of the report is not a discussion of how to allocate scarce University resources, but, rather an impassioned multi-page advertisement for these three trendy fields. I read this advertisement as a call to shift University resources into these three fields.

"If we look at the original motion which is taken directly from the report, item four can be read in two ways. It can be read as an attempt to organize research in these three areas, or it can be read as a call to shift University resources into these three areas. Our amendment resolves this situation in favor of the first interpretation. So, our amendment changes item four to read:

4. Develop a process to focus research efforts. The faculty will determine the actual implementation of the process and the particular foci that will orient research.

So we have removed the discussion of these three particular areas in item four, but we have not removed discussion of these three particular areas from the final resolution of the report. The final resolution of the report is not ambiguous. It suggests that we form joint ad hoc committees to further formulate options and plans in these three areas."

Speaker Pollak: "Are there any comments on the amendment? Seeing none, can we get a sense of how the body feels on this amendment? If you are wondering, fifty-four Senators have come, some have left."

Dean Stein: "I move to consider the remaining items ad seriatim."

Unknown: "Is that one at a time?"

Dean Stein: "Yes, that is one at a time."

Speaker Pollak: "Is there a second to that motion? OK, now we'll take a straw vote to see if that is something that you would be interested in doing. We will discuss the motion ad seriatim."

Dean Stein: "For those of you who do not have a copy, number one reads:

1. Increase emphasis on the recruitment and retention of the very best faculty. All faculty searches should include broad representation from the discipline, including members from outside the academic unit."
Professor Smidt: "I have a question about the second one. The scope of the report covers certain disciplines. But that statement could be read all over the University, and that could have dramatic affect that may or may not be desirable. For example, one time I chaired an inter-disciplinary committee on economics at the University. Broadly interpreted, around a quarter of the faculty could be said to be using applications of economics. Almost every unit of the University had economists in it. So you could imagine that we would need a committee the size of the tenure committee to look at every appointment. I'm just not sure what it means."

Professor Clifford Earle, Mathematics: "I'm senator at-large, by the way, not representing the Mathematics Department. Our other senator is back there. I think one of the ambiguities in this report as a whole is that much of the report, and most of these recommendations, read as though their scope is very broad and covers the whole University. With respect to the faculty searches including people from all over the University, even those outside the academic unit, economics is one example, statistics is another one that I'm familiar with. These things can have implications other than what was intended. The subtitle of the report narrowed the scope to the sciences in a way that was reasonably clearer. But, as you point out, the recommendations seem to be very sweeping."

Dean Stein: "It occurs to me that we have one of the two authors of the report sitting in the rear of the room if you would like to question some of the wording in the report."

Norm Scott, Vice-President for Research and Advanced Studies: "I'm not sure that I want to address every one of the questions. On the other hand, what we attempted to do was set a framework for broad discussion. In the first part of our example, we recognize that whether we are talking about the physical or biological sciences, the advantages we gain from a broad perspective or input on faculty hiring outside the commonly perceived groupings was important, and that was what that was all about.

"On the issue of graduate students, I think that under the present circumstances, the report has been inclined towards the physical sciences and engineering sciences and their relationship with the biological sciences, and should be interpreted within that context. On the other hand, certainly, the perspective of attracting the very best graduate students is something we believe ought to be present throughout the University."

Speaker Pollak: "Are there additional comments on the first part of the resolution? All those in favor of the first point, signify by raising your hand. All those opposed. About eight are opposed, and the remainder are in favor.

"Peter would you like to present the next point?"

Dean Stein: "Here is another controversial one:"
2. Enhance our competitiveness to attract the best graduate students. There is an urgent need to address this lack of competitiveness immediately. We recommend the appointment of a Task Force to develop actions to restore our strong graduate student environment.

Professor Galik: "Just a quick question for Vice-President Scott. Is this task force supposed to investigate graduate programs throughout the University or just in the specific areas mentioned?"

Vice-President Scott: "I think the need exists across the University. On the other hand, the focus of this report is in the present and, just as at Stanford, where a major factor in raising the number of graduate fellowships overall has focused efforts in engineering and the physical sciences. So again, I would say that the response would be in the context of the title of the report in the areas of the physical and biological sciences. On the other hand, I believe, and I think the other members of the group believe, that it ought to be looked at broadly."

Speaker Pollak: "Does anyone else have a comment on the second point? Seeing none, all those in favor, please raise your hand. All those opposed. The sentiment of the body is in favor of the point."

3. Maintain a commitment to basic research in the sciences and continue the current investment strategy of hiring superb faculty and letting them make the strategic choices of what research directions to pursue.

Professor Farley: "I have the feeling that we are voting right down the line for Mom and apple pie here. On the other hand, if we vote for or against any of these things, does it make any difference? Of course that is what we are going to do. I hope that we've been doing this all along. I guess it is nice to put it down, but I'm getting the feeling these votes are a little meaningless. How could we possibly vote 'no' on this? I mean what are we going to do, go out and look for mediocre faculty?"

Professor Douglas Haith, Agricultural and Biological Engineering: "Just an example of when our vote might not be meaningless. In CALS right now, there is a list of fifteen priority faculty positions for hiring. The research directions in those areas are defined incredibly narrowly. To me, that does not seem consistent with this provision which is essentially saying, 'hire good faculty and let them decide research direction'. So I think right there is a key issue of policy. That also brings up another key issue which is that most of the decisions about research direction is made by deans. So, my question is, how binding is some of this stuff going to be on the individual colleges? If it is taken seriously, I think this could have a significant impact on the way we conduct research here at Cornell."

Dean Stein: "I think in answer, again to Don Farley, this report singles out three areas in the physical sciences. What is left out of those areas are three areas of our traditional strengths, namely, Physics, Astronomy, and Mathematics. So, if you don't have number three in it, someone could say well, we can deplete our strengths
in those areas in the physical sciences that don't fall into this classification, in order to increase our strength in the areas that do fall into this classification. Number three should be read as an answer to that particular interpretation of the document. Is that correct, Norm?"

Vice-President Scott: “That is very well stated.”

Professor Farley: “I had no clue of the importance that that point held.”

Associate Professor Joseph Laquatra, Design and Environmental Analysis: “Another area where this point may be contentious is in the current direction of research funds in the statutory colleges. Traditionally, faculty have had a lot of latitude in deciding what research those funds were going to be applied to based on proposals. This year's statewide program committee has been given the charge to decide what research priorities for those funds should be. That arrangement, by the way, is in response to a federal mandate on how those funds are used by universities. So this portion may end up only being enforceable selectively depending on what funds we are talking about.”

Professor Strike: “This is starting to become worrisome. We seem to be voting for something that is apple pie, unless someone wants it to mean something else, and they are able to do that based on whatever phrase or sentence they decide to latch onto, and what context you import. I'm becoming reluctant to vote for things that are desirable only when they're vacuous.”

Speaker Pollak: “Just remember we're not really voting.” (laughter)

Professor Strike: “Well then, I'm becoming reluctant to pretend to vote in favor of this.” (laughter)

Professor Smillie: “To emphasize that, if we are actually to vote up each of these individual points, each of which sounds great, it might be interpreted as support for the report which contains a lot of things that are not really present in these individual recommendations. So there is a danger to considering these fine looking resolutions.”

Speaker Pollak: “Are there any other comments?”

Professor Gordon Teskey, English: “I'd just like Professor Smillie to say a little more about what is coming in the report in the context of basic and fundamental research, and strategic enabling procedures.”

Professor Smillie: “Well, there is a question to what extent the report addresses the balance between what it calls basic research, which I prefer to call 'fundamental research' and what it calls strategic research initiatives, which I prefer to call 'three hot or trendy areas'. I think if you read the report, taken as a whole, it clearly comes
out in favor of the three hot areas. Just in terms of the number of pages devoted to those areas versus the number of paragraphs or lines devoted to fundamental research. Does that address your question?”

Professor Teskey: “It does a little, but if I may address them from the slightly frivolous perspective of an English professor, the two phrases. ‘Basic Research’ sounds boring. It doesn’t sound like something anyone would want to do. But ‘Strategic. . . Enabling. . . Initiatives’, that sounds exciting really much more energy involved. There are times when you need to let your attention slide sideways from what the phrases actually seem to denote, to what they actually sound like. That can really tell something about what to look for.”

Speaker Pollak: “Are there any more comments on number three? Seeing none, I’ll ask how many of you are in favor of the third point? Those opposed, please raise your hand. I see you are starting to rebel against the straw votes. So maybe we will just devote the remainder of the time to quickly considering numbers four, five, and six. Four we considered in the amendment portion, so now, we will move onto number five. Peter?”

5. Improve Cornell’s research infrastructure. Increasing expense of new faculty start-ups and senior faculty appointments, rising costs of state-of-the art instrumentation, and increased demands for matching funds for research equipment proposals require a more comprehensive and unified approach.

Speaker Pollak: “Are there comments or questions on that issue?”

Unknown: “Yes, what does it mean? Does it mean that Norm Scott is going to kick in more start-up money?”

Speaker Pollak: “Well, let’s take advantage of Norm being here. Norm, would you like to field this one?”

Vice-President Scott: “One of the problems that exists now is that it is all ad hoc, and that usually the sources of funds are in various places, in the Provost’s office, my office, in the colleges, the deans, and the department chairs. What really is meant here is that we need to try to develop a more unified approach and identify some funds in a pool, so that these needs can be better addressed and avoid some of the ad hoc relationships that have been going on recently.

Professor Howard Howland, Neurobiology and Behavior: “I wonder about this. On the one hand, one wants to be fair, and I understand how administrators must feel when they are approached by really excited department members and chairs who insist that they have a really hot prospect and that we need to jump on this opportunity right away. I think that is the sort of thing that happens in this ad hoc arrangement. On the other hand, what are we substituting for that? Maybe that is the way this should be done, that we should be responding to enthusiastic, well-made arguments and that what we are substituting for that is some sort of formula
that is going to spread the money around. We are substituting basically an administrative predetermined solution to the problem."

Dean Stein: "I think you have identified a fundamental decision here. There is a theme that runs through these motherhood statements. The theme is that we need to be more focused. We need to make these decisions in a more focused manner. It reminds me when Ernest Lawrence built his first cyclotron in Berkeley, California and he did it by going around to these little companies and getting a thousand dollars here and a thousand dollars there, and managed to put together enough money to build a cyclotron. Anyone could do that, there were a lot of sources. Twenty years later, there were two: the National Science Foundation and the Department of Energy. I think that is what this report is trying to do is to move internally to a more unified and focused outlook. Now, you can say that is a bad idea but, frankly, if you were trying to build a modern accelerator by going around to companies one by one, you would fail, because the scale of the project has just gotten so large."

Associate Professor Kerry Cook, Soil, Crop, and Atmospheric Sciences: "I think there is more being talked about here than whether we should focus our research areas. I think that those three research areas have already been chosen for us. I wonder if I am the only one who feels that we are being led through a series of fairly innocuous statements and that in the end we are going to come out in support of a top-down approach to science in this University. I haven’t talked to any faculty members who are in favor of the Research Futures Report. On the other hand, I feel that a very different thing is going on here in this meeting. And most of the faculty members that I have spoken with feel that we can’t and we shouldn’t define the University’s research future, especially with only a few weeks over the summer."

Professor Barry Carpenter, Chemistry: "I do support that view and it seems to me that there is a fundamental contradiction between saying that the faculty ought to determine the focus of research, and writing a proposal that tells them what their research ought to be. While I’m generally loath to turn to the private sector as an example of anything that I care about, in this particular case, I think there is something worth looking at there, and that is the flexibility that one finds in the smaller start-up companies as opposed to the less flexible IBM-type of company. I’m afraid that this report is moving us more toward an IBM model rather than a small startup model."

Speaker Pollak: "Are there any other comments? Peter would you like to read number six?"

6. Encourage interdisciplinary research. Barriers to interdisciplinary collaboration at Cornell are minimal. Cornell has a strategic advantage of strength in broad areas, but we need to develop new approaches in order to enhance and improve the process to capitalize on Cornell’s inherent advantage in interdisciplinary research in comparison to other institutions.

Speaker Pollak: "Are there any comments."
Professor Richard Quaas, Animal Science: "To me, that epitomizes the report, in that I can't tell the difference whether we pass it or don't pass it. We all agree with that statement and hope it is being done, and so I don't know why we have this report. If we have no barriers, what's the problem?"

Vice-President Scott: "Not just to that, but to the general feeling here. Let me give you a very specific example to illustrate that. The National Science Foundation is ever pressing in the way in which institutions have to contribute to the support of the research that they fund. I think most of you know that there is a major research program, and in that process, they expect 30% of the funding for that effort to come from the institution. It varies from time to time on the percentages, but increasingly, our research institutions are expected to bear a significant part of the cost of research. One of the problems is that we are not able to address all of the particular demands and interests that occur. So, we continue to hear words like, 'if we don't do this, we won't be competitive'. So, what this report has attempted to do is to provide a basic taxonomy for three areas: basic research, interdisciplinary research, and areas that we saw as strategic enabling areas, that we thought would provide a basis and a rationale for the investment that would have to take place by the University. So, in that sense, one of the things that the report tried to accomplish was laying out of three fundamental areas. We suggested three strategic enabling areas, but we opened it and asked for others that would support the basic concept and would have a lasting impact, so that we could more readily enter into a process that would address these pressing problems and make these strategic decisions, because we are not in a position to meet every request."

Speaker Pollak: "For those who don't have it, would you like to read the final paragraph Peter?"

Dean Stein:

Be it further resolved that the Senate together with the administration should further form joint ad hoc committees to further formulate options and plans in biology, information sciences and advanced materials.

"What this is saying is that this centralization of decision-making pervades this whole report. I think this has been correctly identified by several people on the floor; it accepts that notion and says that the Faculty Senate wants an equal partnership in running that particular decision-making process. Namely, that if we accept the view that we need a greater focus as an institution in these broad areas, then at least the faculty should have a full role with the adminsitration in driving this train, and that is essentially what is being said in that last line of the report."

Professor Richard Root, Ecology and Systematics: "I'm a bit concerned that Biology is discussed in this report, yet Ecology and Systematics is the best prepared of the sciences to deal with the new genomic, and it wasn't even mentioned. Even though this was a report on Biology, it left out many of the fields that are actually the fields
in which Cornell is strongest. If you look at the rankings, Ecology and Systematics is ranked very high, and I feel that this is very symptomatic of this top-down process that there can be these oversights and, for that reason, I am opposed to this final point."

Dean Stein: "But then you see if you are opposed to this resolution that it will go on without us. That word 'Biology' was carefully chosen to address what you say. In fact, you are quite right. There were a very small number of Biologists on this committee that developed this report, something like three or four. Biology is a very broad word, and the use of the word 'Biology' in this final paragraph was meant to be inclusive of Ecology and Systematics and Biochemistry and Genetics and Plant Biology, and all of the various forms of Biology on this campus. The use of that word does not necessarily endorse the particular view of Biology taken in that report."

Professor Howland: "With all respect, I don't want the faculty to believe for one minute that the administration would carry out a top-down policy, in the face of what I see as real faculty opposition to it. We have heard these arguments before, 'the bus leaving and either we get on it or it goes on without us.' In this case, that is ridiculous. We are the faculty. We determine the direction of research at this University and it is not going to be put on us by the administration from the top."

Provost Randel: "I should perhaps begin by pointing out that the study of Medieval Liturgical Chant is nowhere pointed out in this report, and I expect Cornell to continue to be the leading University in the English-speaking world of Spanish Liturgical Chant, barring none. Now, should we have an ad hoc committee? This committee was an ad hoc committee, half appointed by the Senate. So what we are pleading for here is in fact what we got. Now the question here is what we are talking about here more or less centralized than what we already have? Part of what we are talking about here is that our current process is ruthlessly and radically centralized. That is, I sit in my office by myself and somebody comes to me and says, 'I need a million bucks for this' or 'I need half a million bucks for that, so I can compete in the next round of something', or 'we'd like to hire this really terrific Assistant Professor, but we've got to have an NMR machine, and she can raise $700,000 of the $1 million we need, but we have to come up with the rest'. Those decisions are being made on a regular basis by me, sitting in my office and acting on whoever comes into my office with a good idea. I was not an author of the report, but what I think the report is groping for is an invitation to make this process somewhat more open to a broader number of people, and to make this process open to more viewpoints rather than only available to those who hustle the best with the Provost. Now I am optimistic that the Senate as a body can debate and resolve all of the many issues that deal with science policy. What we're looking for is some uneasy compromise that opens up the discussion somewhat more, but allows us to have a sense that, as decisions are made, they are made in the context of a discussion by a reasonable number of people, some of whom are faculty, some are chosen because they have some standing in these cases. I hate to see this thing forced into
the mold of being centralization, and different from what we have always done, when in point of fact, there is a great deal of centralization in what we have always done. Unfortunately, it reminds me a little bit of our discussion on tenure. Me, trying to invite the faculty to take part in the process on a broader basis, but in the end, when the chips are down, we're not so certain we wouldn't rather take our chances with the rascal in the Provost's office than have a slightly broader discussion of the matter. We can continue the current system, but it seems to me that once in a while it may be good to get a group of smart people together to talk about this sort of thing. Many of the sciences or other fields of research, including Medieval Chant, don't take anybody's resources and there is no reason to have a big discussion on them. There are some things that require cross-disciplinary work. There are only so many NMR machines we can buy, and there has to be some way to have these conversations."

Professor Carpenter: "As you were talking I made the same analogy you did, but the difference that I would draw is that this report is telling us what the answer is going to be before we even start talking, and I think that is what makes it seem so centralized. So the analogy, I think, would be that you would have a committee to advise you on tenure, but they would tell you who was going to get tenure before any of the files were reviewed."

Unknown: "I also would not like to paint this report as planning in favor of hustling. In this report, I see a great deal of hustling. A couple of people want to get in there really fast and institutionalize a certain direction. I think many more of us are in favor of some sort of planning rather than this particular report."

Dean Stein: "I'd like to tell you what I've taken away from this non-meeting, from a series of non-votes. I've come away from this in complete confidence that it doesn't matter whether or not we had a quorum with respect to the first issue we had in place. The sentiment of the body was nearly unanimous in its treatment of the Academic Freedom Committee's response to the Transitions Report and I don't think that the lack of a quorum by four should inhibit us from expressing that opinion. With regard to the second issue, I've heard no consensus on the floor. I've heard a lot of people arguing in different ways that have changed with time. I have come to no conclusion about how the body feels or how it would have felt with a quorum. My inclination, as with the tenure discussion, is to try to appoint a committee of representative people of about a half dozen or a dozen, to come to develop a resolution to bring to the floor of the Senate. I think it would be a mistake to let it drop for two months."

Unknown: "Peter would you want to talk about this in the broad sense, or just in terms of the Physical Sciences?"

Dean Stein: "I don't know."

Unknown: "I think that is something we need to think about."
Colonel Wheeler: "One of the observations that I was making was that it seems when we have a rider that explains what it is we are trying to say, very often that does not match up with what we have written down. As Don Randel was saying, what we are trying to do is this . . . but what we have written down does not match up with what we are trying to do."

Speaker Pollak: "Since we are not an actual meeting, we will just stop, and I guess that we'll all see each other outside the Provost's office tomorrow morning trying to hustle him."

The meeting was adjourned at 5:50 pm.

Respectfully Submitted,

Kathleen Rasmussen, Associate Dean
and Secretary of the University Faculty
MOTION FROM AFPS CONCERNING THE TRANSITION REPORT OF 11/11/97

BE IT RESOLVED, that the Faculty Senate supports the following recommendations of the 11/11/97 report of the Provost's Committee on the Transition of Faculty to Emeritus Status:

1. **Overall Reactions.** The Faculty Senate is pleased with both the process and substance of the interaction between the AFPS Committee and the Transition Committee. It commends the Transition Committee and its chair, Vice President Ehrenberg, for a job well done and for the respect shown for Senate input and faculty governance, and looks forward to a similarly cooperative relationship as other issues raised by the original transition report receive further attention.

2. **Telecommunications.** The intent of the report (see D.3) concerning office resources for emeritus faculty seems to be to provide equitable office resources (comparable to non-retired faculty) based on an assessment of actual levels of professional activity as well as departmental capacity. However, no explicit mention is made of access to communications resources (e-mail, WWW access, fax access, etc.). The Faculty Senate recommends that an appropriate reference be made to these resources in D.3.

3. **Phased Retirement.** The report describes two options for phased retirement. Option 1 is for indefinite half time retirement with tenure retained. Option 2 is for fixed term phased retirement. Options 1 and 2 are not mutually exclusive. Moreover, arguments for either option tend to make highly conjectural assumptions about how they would effect the transition to full retirement. The Faculty Senate recommends that for the short term the University make both options available, that it engage in a study to determine how faculty are likely to respond to different mixes of options, and that it carefully monitor the consequences of these options.

Rationale for recommendation #3:

1. The argument for Option 1 assumes (a) that it will be more attractive to faculty because it does not specify a point at which one must retire, and (b) that those faculty who choose it will not continue half-time for an undue amount of time. In contrast, Option 2 ensures that those who take it will retire in a timely way, but, because it is less flexible, it may also reduce the number of takers. If both (a) and (b) are true, it is reasonable to believe that Option 1 will be more successful in moving faculty into retirement than Option 2.
2. The basic argument for Option 2 denies (b). Thus it envisions Option 1 proliferating a significant number of long term part time faculty and slowing the transition to emeritus status.

3. The Option 1 plus Option 2 plus a study has the following rationale:

a. We do not know whether assumption (b) is true. Thus, we do not know whether Option 1 or Option 2 is more likely to facilitate transition to emeritus status. We are unlikely to know this if we do not study the matter and if we get no experience on the matter.

b. Option 2 is not only less flexible for the faculty, it is less flexible for departments and colleges. It may be that there will be numerous cases where departments and colleges will benefit by permitting a faculty member to continue in a part time role for an indefinite period.

c. Adverse consequences of including Option 1 in the mix of options can be controlled. None of the proposals under consideration grant faculty any right which they can unilaterally exercise. The effect of any mix of options will be to create a bargaining situation between faculty, departments and colleges. Departments and colleges are not compelled to agree to either Option 1 or Option 2. Thus departments or colleges might choose to limit the number of people who can be on part time status (in either form). Or they might limit the number of people who can be on Option 1.

d. If the Option 1 plus Option 2 plus a study approach proves to generate an unacceptable number of indefinite part time faculty, it is possible for Cornell to eliminate Option 1 leaving only Option 2. Whereas, if we have only Option 1, there is no fall back position, and if we have only Option 2 we will never know whether Option 1 would have been more successful in facilitating the transition to emeritus status. In short, the Option 1 plus Option 2 plus a study allows Cornell to choose between Option 1 and Option 2 (if that should prove necessary) on the basis of evidence and experience rather than on a prior speculation, and it avoids the out of hand rejection of the option (Option 1) that may be better both for Cornell and for the faculty.
MOTION FROM UFC CONCERNING THE RESEARCH FUTURES TASK FORCE REPORT

RESOLVED, that the Senate supports the recommendations of the Research Futures Task Force:

1. Increase emphasis on the recruitment and retention of the very best faculty. All faculty searches should include broad representation from the discipline, including members from outside the academic unit.

2. Enhance our competitiveness to attract the best graduate students. There is an urgent need to address this lack of competitiveness immediately. We recommend the appointment of a Task Force to develop actions to restore our strong graduate student environment.

3. Maintain a commitment to basic research in the sciences and continue the current investment strategy of hiring superb faculty and letting them make the strategic choices of what research directions to pursue.

4. Develop a process to focus research efforts in the key strategic enabling areas of biology, information sciences, and advanced materials, in order to take advantage of Cornell's unique strengths. We have proposed an organizational mechanism to foster this process. The faculty will determine the actual implementation of the process and the particular foci that will orient research initiatives.

5. Improve Cornell's research infrastructure. Increasing expense of new faculty start-ups and senior faculty appointments, rising costs of state-of-the-art instrumentation, and increased demands for matching funds for research equipment proposals require a more comprehensive and unified approach.

6. Encourage interdisciplinary research. Barriers to interdisciplinary collaboration at Cornell are minimal. Cornell has a strategic advantage of strength in broad areas, but we need to develop new approaches in order to enhance and improve the process to capitalize on Cornell's inherent advantage in interdisciplinary research in comparison to other institutions.

BE IT FURTHER RESOLVED, that the Senate together with the Administration should form joint ad hoc committees to further formulate options and plans in biology, information sciences, and advanced materials.
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, February, 11, 1998

The meeting was called to order by the Speaker, Professor John Pollak, Animal Science. He then called on Dean Stein for comments.

I. REMARKS BY THE DEAN

Peter C. Stein, Dean of Faculty: "We have a big agenda today, so I will keep my remarks brief. The only thing I want to do is to mark the death of one of Cornell's great citizens, Alice Cook, who died on Saturday. I've known Alice since I came to Cornell. Alice contributed enormously to the founding and early history of the ILR school. She was the first Ombudsman of the University, and contributed to making that position what it is today. I also knew Alice as a tireless fighter for social justice and I was engaged in a variety of different forums and activities with her.

"As I was thinking about Alice, I thought about three things that to me stand out in her career. In addition to the monumental early work that she did on women in the workplace, that I think was at least a generation ahead of its time, but Alice was a model to women academics. She was a woman academic, and I know many women academics that feel indebted to her as a role model. She was a model, I think, for being able to be loyal to this institution without losing her criticality of it. For practically my whole career, Alice has been an Emeritus member of the faculty, and she participated in the activities in a very vigorous way. At a very advanced age, the faculty nominated her to the Ombudsman Search Committee. As late as six months ago, as far as I know, she carried out that responsibility. The last thing, is that Alice is a model for people like me who are approaching the age when they begin thinking about how much longer they have as a faculty member. Alice was a model for making that transition, how to remain a participating member of the faculty of this University for years and years, even decades after one has severed formal ties with this University. I just want to say that it was an honor for me to have known her for so many years."

Speaker Pollak: "We will now have a question-and-answer session with the Provost."

2. QUESTIONS AND ANSWERS WITH THE PROVOST

Don M. Randel, University Provost: "There are some encouraging signs affecting the statutory colleges, particularly with regards to the capital budget and the plan that is now being advanced for a five-year capital plan. It now seems that some projects we have had in mind for the campus will now move along. One still has to do a certain amount of juggling and so the usual cautions are called for, but we remain optimistic for the future."
"On the endowed side, there have been a number of items in the news that will interest you. One is that Princeton has announced vast new financial aid. I say "vast" because of its financial consequences. This is a new financial aid program that will not ask students from families who earn less than $40,000 per year to take out any loans. Preliminary calculations suggest that it would be fiendishly expensive for us. Just that one piece of it would probably cost us almost $9.5 million per year. Yale has now matched that. On top of that, Princeton announced a tuition increase of 3.7%. Yale announced a tuition increase of 2.9%. We on the endowed side are looking at 4.3%. So the race is on in some respects about lowering the rate of growth in tuition and being more generous with financial aid. Our rich competitors are, in short, wielding their pocket books. I think this will not immediately affect our ability to attract the students we would like. Those students that we would not be attracting as much would probably fall into a category that we tend to lose anyway. In any case, it will have a ripple affect, you can be sure of that. Yale, by only raising its tuition 2.9% for next year, will still be $1,000 more than our endowed tuition, but it narrows the gap. It would be difficult for us to charge more then Yale and Princeton. So, we are probably in for what we said we would like to participate in, but now we will be challenged to keep up.

"On the statutory side, we are only beginning to formulate what statutory tuition policy is going to be in light of what we now know of the Governor’s budget. There, of course, we have similar problems to think about. Who are the competing institutions? How are we going to affect our relationship with SUNY if we raise our tuition rates at a pace that outpaces other SUNY schools? We do have a lot of things to think about since as a state-assisted institution, we are quite high-priced. The competition with Michigan State and similar institutions, is becoming keener, particularly with respect to students from lower- and middle-income families. I don’t wish to preempt your questions, so let’s hear those.”

Associate Professor Randy Wayne, Plant Biology: “Last night, the Biology Task Force met. Monday I read the task force report, and I didn’t read anything in that report that represented me. When I got to the meeting last night (although there will be another meeting tonight), the majority of the people who spoke seemed not to be represented by the task force report. Are you interested in the faculty and the biology faculty’s viewpoint? If you are interested, then I suggest that we have a vote of the biology faculty. It seemed to many of us present last night that there was a hidden agenda in the report either from you, or from the deans or from other people, and it certainly didn’t come from us.”

Provost Randel: “I am well known to be a lily-livered ninny, so that there is an agenda from me I think you can safely discount, or at least hear me deny that I have any agenda in the matter whatever. I am clearly interested in
knowing what all of the relevant faculty members think about what we should do with biology. This is an extraordinarily serious subject for us. If you could only name one set of disciplines that our fortunes are most intimately bound up with as far as range and extent and quality, the Biological Sciences would probably be it, if you only got one vote. So I am certainly interested in what everybody thinks about this. There are serious things to be decided and whether or not they can be decided by a polling of the marketplace remains to be seen and whether it is one person, one vote remains to be seen. At this point, I have not been a party to the task force, they have received no instruction from me about what they might conclude, and I will conclude nothing about the report until I have heard comments from anyone who would wish to comment on it.”

Professor Wayne: “I would suggest to you that you don’t pay any attention to the task force unless it is accompanied by a vote.”

Provost Randel: “That would be unfair, at least, to the members of the task force.”

Professor Wayne: “But the members of the faculty outnumber the members of the task force.”

Provost Randel: “That is true, and who represents who is always a complicated issue.”

Assistant Professor Linda K. Nicholson, Biochemistry, Molecular, and Cell Biology: “I also was at the meeting last night and it was very enlightening in some respects and also very disturbing and sort of related to the resolution we are going to be voting on today. I understand the University’s desire and willingness to put resources into certain targeted areas. I see this as a wave of the future. However, in the resolution, I see no mechanism for any sort of external influence in terms of how those decisions are going to be made and I think that is something that will be crucial. That became clear last night. The politically powerful are going to be the ones who are going to be influencing you. You are going to be the one in the ultimate position of power, in control of the purse strings, but you are going to be vulnerable to the political forces already here on campus. I already have some personal opinions about some of the specific areas that are targeted that leave out some very globally recognized research. I encourage you to consider a mechanism that allows for some outside influence to impact your decision.”

Provost Randel: “You have made your points very well. As an institution, we are embarking on uncharted waters, because we don’t have very much of a history on how to make collective decisions in this way. Many of the decisions that the institution embodies have been, over time, the result of historical accident and, indeed, political forces within the University. How we
became really good in some of the fields we became really good in certainly did not represent the sort of broad consensus building that we really ought to have. I am certainly eager to see us undertake these decisions collectively to the maximum extent possible. Life being what it is, and we being who we know ourselves to be, ultimately implies that not everybody gets their way. I don't know any way around that. Part of the problem is that we have to pick some items and exclude others and that necessarily requires that someone does not get their way. We'll have to try to be as responsible with each other as we can be. We certainly have to make some decisions, and not everybody will get the set of decisions that they would like.”

Professor Nicholson: “I think that is precisely why we need someone who is not going to gain or lose from the decisions that are going to be made to help make those decisions.”

Professor David Wilson, Biochemistry, Molecular, and Cell Biology: “I’m sorry to have all the biologists speaking. This actually has something to do with the research report. I thought that when we discussed this last time, we were told that there would in fact be other reports in other areas. Now I’m hearing that this is it and there will be no other reports.”

Provost Randel: “I certainly didn’t mean to say anything that suggested that I wasn’t telling the truth last time.”

Professor Wilson: “It wasn’t from you it was from other people in the administration that I got this information.”

Provost Randel: “We are already in the process of launching one on the social sciences. We have said right along that biology still requires a lot of attention and that is what we were arguing about. It is manifestly obvious that the report issued last summer is not the last of the reports. We need to review the individual sections, as well as having this discussion about the organization of the division.

"What I hope we don't lose sight of in this discussion about the organization is the underlying academic goals that we need to think about and, beyond goals, reorganizing the way we think about biology. What is at issue here is basically a question about how this science should be carried on and not about what kind of bureaucracy should oversee it. We need to think about how this set of disciplines should be organized. Then we can try to make the money and have the institution support that intellectual activity. We should not argue about who should get the money and how many directors should be in this area and then make biology conform to that structure."

Professor William Lesser, Agricultural Resource and Managerial Economics: "Provost Randel, I'm sorry that this goes back a while, but I'd like to follow
up on a question I asked you back in October about the source of funds for the
President's housing plan. You said first that there would be no special fund-
raising appeal, which is easy to understand. You said that the cost of capital
would be less than for the private sector, which is certainly very likely. But,
even if one charged no cost for capital, that would still mean that the
principal would have to be paid, and if that principal were $30 million, and
was paid over 30 years, that would be $1 million per year that had to paid out.
I am wondering where that money is going to come from. You mentioned
also at that time that the Residence Life budget is separate from the general
budget, but am I incorrect in my understanding that the financial aid package
given to students is based on the total family need and that if housing costs go
up, the total financial aid package goes up? Since, based on some figures
shown us, we know that the financial aid budget is a notable component of
the general university budget, am I misunderstanding that there is a
possibility that the cost of this housing plan may be indirectly reflected in the
general budget?"

Provost Randel: "The housing initiative will be taken up in such a way that it
does not put upward pressure on the rates that students are charged. You are
absolutely right that if what we charge students for dormitory rooms rises
faster than the rest of our costs, that means that additional pressure is put on
financial aid. That is one of the reasons why we sit down every year with
Residence Life and Dining and put downward pressure on what they charge.
They want to raise their prices every year and they think that they can do
things better, but we tell them that they have to hold their rates down because
it comes back to haunt us in financial aid. So in the last couple of years,
tuition has gone up faster than housing and dining; about 4.5% for tuition,
and 4% for dining. This year it will not be possible to hold the lid on to that
extent. We've had to negotiate a new union contract which will have to be
paid for, and since that is an enterprise operation, all those costs stay within
that envelope rather than our directly subsidizing those costs through the
general budget. Those costs have to be paid for by the people who live and eat
there. Some fraction of that does come back to financial aid, of course only
half of our students get that financial aid, but it is a concern and we think
about it steadily.

"In this effort, we are going to increase the number of beds, so we are going to
house more students on campus than we currently do; so that is a new stream
of revenue that comes from all those people who will then rent from us that
used to be renting in Collegetown. The phenomenon that you have to take
into consideration here is the local housing market. We have to be very
careful that housing costs are competitive with a certain class of housing in
the community. It is the additional revenue that we derive from the housing,
combined with very cheap money that will pay for the housing. So there will
be no general fund-raising campaign, no direct draw on the general purpose
budget and no undue pressure on housing rates."
Associate Professor Alan McAdams, Johnson Graduate School of Management: "I wonder if you can tell us what the role for the Chief Information Officer of the University will be in the reorganization of the administration?"

Provost Randel: "I don't expect that there will be a major change in that role from what it has been as we know it. Suffice it to say only that those roles have to be strengthened. The Chief Information Officer will have to play a leading role in all of our academic efforts, in relation to the library, and in relation to the business side of the house. I suspect that CIT and the office of the Vice-President for Information Technologies will remain rather the same and will continue to report to the Provost and will handle both academic and non-academic computing, but must pursue vigorously collaboration with the library and research computing. We have at least two things before us to think about here. One is that we face the next generation of network and what could be a fundamentally different approach to voice and data communication. That will affect everybody and we have to ensure that that infrastructure will be as robust as it needs to be in the future. Then we need to also think broadly about research computing on campus. This has been somewhat fractured, as you know, sometimes for good and sufficient reason, but the social sciences have not been well enough served. I think those are at least a couple of things that the new Information Officer will have to deal with, and there is of course the ongoing issue of Project 2000."

3. APPROVAL OF FACULTY SENATE MINUTES OF MEETINGS OF NOVEMBER 12 AND DECEMBER 10, 1997

Speaker Pollak: "We had no 'Good and Welfare' speaker come up before the meeting, so I will take the 10 minutes and put five more minutes on the next to last item so that will end at 5:50 and the last item will go until 6:00.

"On the web, you had an opportunity to review the minutes of November 12 and December 10, and I would like to know if there are any comments, questions, or corrections regarding those minutes. Seeing none, I will cast the unanimous ballot for the body to accept those minutes."

4. REPORT FROM NOMINATIONS AND ELECTIONS COMMITTEE

Professor Kathleen Rasmussen, Nutritional Sciences and Associate Dean and Secretary of the University Faculty: "I am extremely pleased to be able to bring to you at long last the slate of candidates for the election that we will hold in the next month for the Dean of the Faculty. I would like to thank publicly the members of the Nominations and Elections Committee for their hard work in developing the slate. We most appreciate the suggestions that you and they have made in coming up with this slate. We have flattered a lot of people that you suggested we contact about running. This is our proposed slate and we need your approval to go forward."
SLATE OF CANDIDATES FOR DEAN OF THE UNIVERSITY FACULTY

Joseph M. Ballantyne, Engr.
J. Robert Cooke, CALS
S. Kay Obendorf, CHE
Peter C. Stein, A&S

Speaker Pollak: "Are there any comments about this list? Seeing none, all those in favor of approving this list, please raise your hand. All those opposed, please raise your hand. The slate is approved."

Professor Rasmussen: "To go forward with the slate, the Nominations and Elections Committee would like to recognize the importance of this office and the importance of having you and other members of the faculty involved in making this selection. We are proposing to hold a forum from 4:30-6:00 p.m. next Wednesday in Schwartz Auditorium, so we will have a few more seats. We hope that you will all come and bring your colleagues with you. We will ask each candidate to make a brief statement and then we will open the floor to questions from those who have assembled and Professor Pollak will chair the meeting.

"The Nominations and Elections Committee has been busy making a number of nominations since I last reported to you. The nominations are on these three overheads, which I will let you just look over.

CODES AND JUDICIAL COMMITTEE
   Martin Hatch, A&S

UNIVERSITY BENEFITS COMMITTEE
   Larry Blume, A&S

EDUCATIONAL POLICY COMMITTEE
   Jeff Doyle, CALS

FACULTY ADVISORY COMMITTEE ON ADMISSIONS AND FINANCIAL AID
   Tom Gilovich, A&S

LECTURES
   Toby Berger, Engr.

MUSIC COMMITTEE
   Karl Pillemar, CHE

FACULTY COMMITTEE ON PROGRAM REVIEW
   Jon Clardy, A&S
PROFESSORS-AT-LARGE SELECTION COMMITTEE
Jonathan Culler, A&S
Bruce Lewenstein, CALS

NCAA ACCREDITATION REVIEW
P.C.T. deBoer, Engr.
James Houck, A&S
Francis Kallfelz, Vet
Verne Rockcastle, CALS
Wolfgang Sachse, Engr.
Andrea Simitch, AAP

"The NCAA Accreditation Review are only the faculty appointees to that committee. There are a number of other appointees to that committee, in fact, a very large number of other appointments.

"The Faculty Committee on Tenure Appointments has now been fully completed. The results of the college elections are listed on the top. You all had an opportunity to participate in your individual colleges and this is a summary of the process across the University. The Nominations and Elections Committee, as you recall from the legislation, has the opportunity to appoint five more people to balance college and area expertise and any other factors that ought to be balanced. We need to have approval of these nominations in order for them to be valid."

RESULTS OF COLLEGE ELECTIONS
Gustavo Aguirre, Vet
John Bishop, ILR
W. Keith Bryant, CHE
Elizabeth Earle, CALS
Cathy Enz, Hotel
Sidney Leibovich, Engr.
Vithala Rao, JGSM
Henry Richardson, AAP
Katherine Stone, Law
Ben Widom, A&S

N&E APPOINTMENTS
David Bathrick, A&S
Gary Bergstrom, CALS
Jonathan Culler, A&S
Thomas Gilovich, A&S
Peter Marks, CALS

Speaker Pollak: "Are there any comments, questions or concerns about the nominations."
Professor Terrence Fine, Electrical Engineering: "About the representation of Engineering, vis-à-vis the College of Arts and Sciences, is that a good balance considering the size of the colleges? We have a ratio of about 4:1, when I think a ratio of 3:2 would be more balanced."

Professor Rasmussen: "We considered in detail the size of the colleges and their distributions. If we had six places to fill, we could have put another engineer on; in doing so, we had to choose between Engineering and the College of Arts and Sciences. We actually offered it first to Engineering and were turned down, so we then offered it to Arts & Sciences. I'd just like to remind the faculty that these appointments are relatively short-lived, half of them will turn over in a year. So we will have another opportunity to rebalance in a year and adding another engineer would seem to be one of the things that we would consider very high on our agenda."

Dean Stein: "I think it is an important point. We made a calculation supposing that we were to distribute these fifteen seats according to the size of the faculty in their colleges. We have to realize that large colleges must get less than their representation because there are colleges like Law that get 0.2 representatives, but the representatives are quantized at 1. But if you do the strict proportionality, Arts gets 5, CALS gets 4, Engineering gets 2, Human Ecology and Vet get 1, and the rest get less than one. So there is no way you can do it. Arts is not overrepresented by that count. You can argue that it is less overrepresented than Engineering; if you do it proportionally it is more overrepresented than Engineering."

Speaker Pollak: "OK, any more comments? Seeing none, all those in favor of the nominations please raise your hand. All those opposed. The nominations are approved.

 "We have two items that we are going to try to bring to resolution that were discussed at the December 10 meeting that we did not have a quorum for, so we couldn't have anything other than straw votes. Peter will now tell you a little bit about the first item."

5. DISCUSSION AND VOTE ON MOTION CONCERNING THE 11/11/97 REPORT OF THE PROVOST'S COMMITTEE ON THE TRANSITION OF FACULTY TO EMERITUS STATUS

Dean Stein: "This has been back and forth to the body several times. The final resolution was presented to the December non-meeting that failed to be a meeting by a handful of faculty. When we asked for comments there were a couple of positive comments, no negative comments, and it was unanimously approved by a straw vote. The chair of the committee, Ken Strike, did not feel that it was necessary to present to the group once more. So I present it to you."
BE IT RESOLVED, that the Faculty Senate supports the following recommendations of the 11/11/97 report of the Provost's Committee on the Transition of Faculty to Emeritus Status:

1. **Overall Reactions.** The Faculty Senate is pleased with both the process and substance of the interaction between the AFPS Committee and the Transition Committee. It commends the Transition Committee and its chair, Vice President Ehrenberg, for a job well done and for the respect shown for Senate input and faculty governance, and looks forward to a similarly cooperative relationship as other issues raised by the original transition report receive further attention.

2. **Telecommunications.** The intent of the report (see D.3) concerning office resources for emeritus faculty seems to be to provide equitable office resources (comparable to non-retired faculty) based on an assessment of actual levels of professional activity as well as departmental capacity. However, no explicit mention is made of access to communications resources (e-mail, WWW access, fax access, etc.). The Faculty Senate recommends that an appropriate reference be made to these resources in D.3.

3. **Phased Retirement.** The report describes two options for phased retirement. Option 1 is for indefinite half time retirement with tenure retained. Option 2 is for fixed term phased retirement. Options 1 and 2 are not mutually exclusive. Moreover, arguments for either option tend to make highly conjectural assumptions about how they would affect the transition to full retirement. The Faculty Senate recommends that for the short term the University make both options available, that it engage in a study to determine how faculty are likely to respond to different mixes of options, and that it carefully monitor the consequences of these options.

**Rationale for recommendation #3:**

1. The argument for Option 1 assumes (a) that it will be more attractive to faculty because it does not specify a point at which one must retire, and (b) that those faculty who choose it will not continue half-time for an undue amount of time. In contrast, Option 2 ensures that those who take it will retire in a timely way, but, because it is less flexible, it may also reduce the number of takers. If both (a) and (b) are true, it is reasonable to believe that Option 1 will be more successful in moving faculty into retirement than Option 2.
2. The basic argument for Option 2 denies (b). Thus it envisions Option 1 proliferating a significant number of long term part time faculty and slowing the transition to emeritus status.

3. The Option 1 plus Option 2 plus a study has the following rationale:

a. We do not know whether assumption (b) is true. Thus, we do not know whether Option 1 or Option 2 is more likely to facilitate transition to emeritus status. We are unlikely to know this if we do not study the matter and if we get no experience on the matter.

b. Option 2 is not only less flexible for the faculty, it is less flexible for departments and colleges. It may be that there will be numerous cases where departments and colleges will benefit by permitting a faculty member to continue in a part time role for an indefinite period.

c. Adverse consequences of including Option 1 in the mix of options can be controlled. None of the proposals under consideration grant faculty any right which they can unilaterally exercise. The effect of any mix of options will be to create a bargaining situation between faculty, departments and colleges. Departments and colleges are not compelled to agree to either Option 1 or Option 2. Thus departments or colleges might choose to limit the number of people who can be on part time status (in either form). Or they might limit the number of people who can be on Option 1.

d. If the Option 1 plus Option 2 plus a study approach proves to generate an unacceptable number of indefinite part time faculty, it is possible for Cornell to eliminate Option 1 leaving only Option 2. Whereas, if we have only Option 1, there is no fall back position, and if we have only Option 2 we will never know whether Option 1 would have been more successful in facilitating the transition to emeritus status. In short, the Option 1 plus Option 2 plus a study allows Cornell to choose between Option 1 and Option 2 (if that should prove necessary) on the basis of evidence and experience rather than on a prior speculation, and it avoids the out of hand rejection of the option (Option 1) that may be better both for Cornell and for the faculty.

Professor P.C.T. deBoer, Mechanical and Aerospace Engineering: "Despite what Peter just said, I would like to register my disappointment that this report isn't taking issue with the age discriminatory statement in Item 4 of
Option 2 of the transition report. It seems to me that it is clearly discriminatory in nature and violates the spirit and probably the letter of the age discrimination law."

Professor Judith Reppy, Science and Technology Studies: "My understanding of the federal law is that age discrimination is outlawed. So, can we even do this?"

Dean Stein: "I would like to defer to Vice-President Ehrenberg on this matter."

Vice-President Ron Ehrenberg: "I am hiding here in the back. Cornell counsel will address whether or not that provision is acceptable. It is the belief of people that voluntary programs in which people are not compelled to participate, like voluntary early retirement, are within the spirit of the law as well as the letter of the law. To ensure that this will be securely within the letter of the law, there are academic professional groups that are pushing for Congressional action that will make that explicit."

Professor Locksley Edmondson, Africana Studies and Research Center: "Shouldn't we seek the opinion of University Counsel before we pursue this very delicate issue?"

Vice-President Ehrenberg: "University Counsel would prefer not to make any official judgment on this matter before there is an official proposal that is brought forward, and the Provost cannot bring a formal proposal until the Provost knows what the sense of this body is. However, the sense of the committee was that in the event that the age 70 restriction was seen to be discriminatory, then it would be simply dropped from the proposal."

Assistant Professor Carlo Montemagno, Agricultural and Biological Engineering: "If the faculty approves this and counsel decides that the age 70 restriction is discriminatory, doesn't that establish a paper trail that there is really an underlying tendency in the administration toward discrimination?"

Professor Edmondson: "I am just asking the body what the wise choice would be in this situation. Do we wait and find out later? Or, do we take a position now on something that may be unprincipled? I simply cannot support the latter choice and I hope the rest of the body feels the same way."

Professor David Gries, Computer Science: "I suggest that counsel is not serving us as it is supposed to if it won't answer our question before we vote on it."

Vice-President Ehrenberg: "Just to remind you of the process we agreed to follow. The joint faculty-administrative committee would make a
recommendation to the Provost. The committee has made its recommendation and the Faculty Senate is being asked to give the Provost the sense of what they feel about that resolution, and the desire to take no action will force the Provost to make a decision based upon the evidence that he has. I would advise you to take some position even if the position is that 'we don't want to take this position because we feel this position will back us into a corner.'"

Dean Stein: "I would just like to note that there are only three possible actions that we can take at this meeting. We can refer it back to committee, we can vote it up, or we can vote it down. I recommend that we make a decision about what to do on this matter quickly."

Associate Professor Brad Anton, Chemical Engineering: "I move to refer it back to committee."

The motion was seconded.

Speaker Pollak: "We have a motion on the floor to return this to committee. Is there any discussion on the motion?"

Professor Ken Strike, Education: "I am the chair of the committee. The committee is probably in a reasonable position to take the matter under consideration and think about it. I'm not sure that we are in any position at all to determine its legality without going back to the same sources or finding some sort of legally competent advice."

Dean Stein: "My own experience with this committee is that they are capable of accomplishing the task that we are asking them to accomplish. They are not the Supreme Court of the United States, but they'll return with an opinion which will not be frivolous. I'm confident that a referral to committee would be fruitful."

Speaker Pollak: "I'm going to ask for a vote on this now. All in favor, please raise your hand. All those opposed. This will be referred back to committee.

"We'll now move on to the next item. There is an amendment to that item, and Peter will now provide us with background information."

6. RESOLUTION ON THE REPORT OF RESEARCH FUTURES TASK FORCE 1: PHYSICAL AND BIOLOGICAL SCIENCES AND ENGINEERING

Dean Stein: "At the meeting that didn't take place in December, the motion we are considering now did not have as happy a reception as the previous issue. It was apparent that the people in the room, who were probably most of you, were disturbed by this report and didn't know what to do. There was a
lot of controversy in the room as to what this motion meant. After that meeting, the UFC went back and spoke to three members of the Research Futures Task Force and tried to find out from them what this report was trying to say.

"The report was essentially saying a couple of things. It was saying that these are three hot items: information technologies, material science, and genomics. The group there thought that we should put ourselves in some sort of condition so that the people in these areas ought to be able to advocate for them. We ought to facilitate groups of people making plans for the research future in these areas where areas transcend college and department lines. The second thing they were saying is that there ought to be a committee to advise the Provost on where he should place his bets essentially in research futures.

"The confusion that there was on the report was somewhat bifurcated. The first was that in the report this advocacy and advice-giving function seemed to be combined into one committee. The more we talked about it, the more we felt that was a bad idea. We felt that these were two valid functions, but that they ought to be separated and that the same people who advise the Provost shouldn't be the same people who advocate these areas to invest in, because we have other areas to invest in also.

"So, the UFC came up with a resolution that essentially says that. It very carefully defines these two areas of advocacy and advice, and agrees with the statements that were made in the rest of the report as recommendations, which were characterized by the people in this room as 'motherhood'. They may be 'motherhood', but I think they are important and I think they deserve to be said.

"After circulating this motion around, we were approached by John Smillie of Mathematics and Clifford Earle, Senator At-Large, and they felt that the resolution we had written didn't address another problem, which is that many people believe that the report has come to the conclusion that Cornell should put its best bet in these three areas. If you read through the report, you can find evidence of that, but it does not come through in the recommendations. They felt that it was important to make it clear that an affirmative vote for this resolution did not mean that the body supported the notion that Cornell should put its best bet in these three areas. After talking to Clifford Earle and John Smillie, the UFC drafted this amendment, which is Part D, which says that. So I now present the amendment to you."

D. That the Senate objects to any other administrative action based on this report being undertaken without prior consultation with either the Senate or the faculty committee proposed in Recommendation A. above.
Professor Lesser: 'I would just like to ask a question. I think the amendment is very appropriate, but I wonder about the word 'objects'. Would another, stronger term, like 'prohibits' or 'excludes' or something like that be a better choice? It seems as though we are saying we wouldn't like if they did these things, but they could go ahead and do it anyway.'

Dean Stein: 'There was some discussion about whether 'objects' was too strong or too weak a term to be used in this amendment. It is clear that we do not have the authority to prohibit or preclude or anything like that. In this area, we are only advice-givers and 'objects' was about as strong a word as we could find, given the limitation of the advice-giving function.'

Norm Scott, Vice-President for Research: 'I saw this particular amendment as a bit difficult to understand. Where it says, 'any other administrative action,' I'd just like to illustrate four issues that I am unsure whether they are consistent or inconsistent with that terminology: 1) Should someone in my role not initiate opportunities for discussion? 2) Should not respond to requests from faculty who ask for bringing together some groupings? 3) Should not participate with faculty if asked by faculty in certain kinds of integrated projects? 4) Or even support by letters for certain studies, many of which relate to these particular areas? So, the 'any other administrative action,' seems extremely encompassing. I'd like to get a sense of what it means.'

Dean Stein: 'Some of the things you name, like facilitating these groups, are already mentioned in the report, so we would object to those. Also, we are only an advisory group, we are not legislating. If we were legislating, I think we would have to think about it and define it more clearly. But I'll just tell you what was in the minds of the people who drafted it. We do not want the Senate approval of this document to be interpreted as the Senate endorsing the notion that we should make a shift of resources from some areas of the Physical Sciences to the areas that were named. We do not feel that those decisions should be made until the administration has consulted with the faculty committee that we have asked be formed to advise the Provost on these matters. That is the spirit of this statement.'

Associate Professor Robert Corradino, Physiology: 'Just how much funding is actually going to be provided by the University as opposed to the amount that is funded through research grants to individuals, which is the normal way that these sort of projects are undertaken? In other words, what is the University's financial stake going to be in this?'

Vice-President Scott: 'That is a very difficult question to answer, because when you talk about resources, you're talking about the allocation of very important faculty lines and everything else. In terms of the whole process, I
guess if you want a quantitative answer to that, which is still not as clear as it may sound. You look at the reported numbers on research at Cornell which are compiled like they are at every other institution and submitted to the NSF. In this past year’s $351 million of expenditures on research, there is a number of about $30 million that is ascribed to what is called ‘institutional supported research.’ But, this includes everything such as underrecovered indirect costs. So, that would be the absolute maximum with a rather unclear definition.”

Speaker Pollak: "Are there any other comments on the amendment? Seeing none, we will move to a vote on the amendment. All those in favor, please signify by raising your hand. All those opposed, raise your hand. The amendment carries. Now we will move to the resolution."

WHEREAS, the Research Futures Task Force has issued a report that was “designed to stimulate a discussion”, and

WHEREAS, the future prominence of Cornell as a leader in physical and biological sciences and engineering depends on its ability to attract talented faculty and students, and

WHEREAS, increasing costs of research support coupled with constrained university finances have made it imperative that resource allocation choices be made wisely, and

WHEREAS, wise choices are helped by thoughtful advice from the faculty, and

WHEREAS, the faculty in certain important rapidly developing fields need structures that will support advocacy for and coordination of their efforts,

BE IT RESOLVED

A. That the Senate recommends that the administration and the Senate jointly form a committee of faculty to advise the administration on ways (including resource allocation decisions) to enhance Cornell’s prominence and the quality of both its departmental and interdisciplinary programs in physical and biological sciences and engineering; and

B. That the Senate urges the administration to provide appropriate structures to enable faculty to coordinate and advocate for their efforts in areas that transcend department and college boundaries. Three identified examples are genomics and
integrated molecular biology, information sciences, and advanced materials; and

C. That the Senate recommends that in the area of physical and biological sciences and engineering we at Cornell:

1. Increase emphasis on the recruitment and retention of the very best faculty. All faculty search committees should be broadly representative of the discipline, including, where appropriate, members from outside the academic unit.

2. Enhance, in a decisive and timely fashion, our competitiveness in attracting the best graduate students. The Senate requests the Dean of the Graduate School to report to the Senate annually on Cornell's current success, as well as our future prospects, in enhancing our competitive standing in attracting students.

3. Maintain a commitment to our traditional areas of strength in basic research by hiring the best faculty and let them choose what research to pursue.

4. Improve our research infrastructure. The increasing expense of new faculty start-ups and senior faculty appointments, rising costs of state-of-the-art instrumentation, and increased demands for matching funds for research equipment proposals require a more integrated approach to the use of resources.

5. Encourage interdisciplinary research. Cornell has strategic advantages of strength in broad areas and a tradition of interdisciplinary collaboration, but needs to develop new approaches to capitalize on its advantages.

Professor Nicholson: "I apologize, I am writing a grant proposal and had a lot of things going on and I hadn't gone through this very thoroughly and I hadn't realized that there was the exclusion of an external influence on how allocations will be made. It is a deep concern of mine and it was reinforced by the meeting that I was at last night. It was very evident that certain forces had been acting to determine what five targeted areas would be in Biological Sciences. From my own perspective, protein structure was one of these five areas. I am an NMR spectroscopist, I saw that as a very positive thing; but when I read the description it was all x-ray crystallography, which was a very disappointing thing. I think external opinions are very important to really remain current in a global sense and not just in terms of what people here at Cornell are seeing as the forefront of science. I don't know what mechanism we can at this point build in, but I think it is just something we should consider."
Dean Stein: "Just to quickly answer Professor Nicholson, the motion before you recommends a faculty committee and it is very unstructured. It doesn't say how many, it doesn't say how they will be distributed, it doesn't say how it will operate, it doesn't preclude their seeking an external opinion if they think it is appropriate. If you pass this and the Provost agrees to go along with it, then there will be somebody else who will have to think about how to construct this thing and how to make it right, and I think they'll be back with that."

Professor Barry Carpenter, Chemistry: "I guess I'm having a hard time constructing in my own mind a committee that will simultaneously be knowledgeable enough to inform the Provost and yet free of conflict of interest. Can someone construct such a model for me?"

Professor Nicholson: "I think this would be an external source, someone who was completely unaffected by any allocation of resources, but had the wisdom in a global sense to see what are the emerging areas of science, who would not personally benefit or lose by this decision."

Professor Anton: "I can't imagine that the University would undertake some big expenditure without some external funding involved. Ultimately it is up to the referees to approve those grant funds anyway, so it seems to me that at least some external influence is already built in, almost unfortunately."

Professor Fine: "No good deed goes unpunished. I remember the Provost's rationale for this, which was that when he gets requests for money, he would like some advice on how to disperse it, given that he doesn't have enough to give to everyone who wanted it. That was the good deed, now the punishment. We have this report, which as I read it has a bunch of motherly - no that's a bad choice - I have nothing against motherhood, I have something against this report! In the end, it creates an answer, a committee, another faculty committee, wonderful. Then it binds it with amendment D, that says, 'don't do anything until you talk to the committee.' I think it's awful. I'd rather let the Provost seek advice where he wants to and forget about this."

Professor Clifford Earle, Mathematics: 'I wish my fellow Senator John Smillie were here, but he is in Washington giving advice to the NSF on how to allocate resources for research funding. One thing about the committee envisioned by part A is that its design is to be a joint venture between the faculty and the administration and it occurs to me that those are the people who designed the research futures task force, and we are where we are because of some unhappiness on some of the features of that report. It is, as Senator Carpenter just pointed out, hard to imagine a completely disinterested committee. Nevertheless, I have to say that as a concerned
facult member, I would like the Provost to get the best advice he can and I would like the advising to be very cleanly separated from advocacy. The advocacy portions of the task force futures report are very eloquent, but eloquent things could be written about other research areas as well, and it is dangerous to take the advice of people who are committed to a particular agenda or particular set of research priorities. I think we are in a difficult position. But, I still would like to see the Senate come up with a way to give the Provost advice without having stacked the cards ahead of time and having anointed particular areas for favored treatment. We did succeed after months of floundering with getting a committee together, with giving the Provost advice on tenure appointments, and I think this effort now also deserves some hard work and it is not something that we need to leap into."

Speaker Pollak: "Are we ready for the question? We will attempt a show of hands. All those in favor of the resolution, please raise your hand. All those opposed. It is a little close. It looks like it does not pass, but we should call the roll (attached, Appendix A)."

The resolution was defeated by a vote of 25-48 with 5 abstentions.

7. DISCUSSION AND VOTE ON THE DATA ACCESS POLICY

Speaker Pollak: "We will now move on to the next item on our agenda and John McMurry will come up and give us a little background on that."

Professor John McMurry, Chemistry: "The resolution on the Data Access Policy, which has been under discussion for at least a year, has been previously distributed. It is a very complicated policy. Dean Stein asked the Committee on Educational Policy to look at the three options provided by the committee and simply give faculty input and a faculty viewpoint, so that is what we did. We unanimously agreed that what is called Option 1 in the draft of the Data Access Policy is our recommendation. Basically, we focused on what we thought were likely to be the contentious issues. Those would be salaries and access to student records. With respect to faculty salaries, there were three options. I'm in the Chemistry Department. Who should see my salary? Chair of the Chemistry Department? Yes. Dean of the Arts College? Yes. Central Administrators? Yes. But, should other deans or other department chairs see my salary? Our feeling was that unit-wide data of this sort should be available only to individuals in that unit. Central Administration sees all salaries. Deans see salaries only within their colleges and department chairs, see salary information only for people in their department. That recommendation is part of Option 1. That is what our committee thought was the best choice.

"The second possibly contentious issue has to do with access to student records and again we felt that compartmentalizing these were probably the
best choice. Again, central administration has access to everything. Deans have access to student records within their departments. Department chairs have access to students within their departments and individual advisors have access only to their students. These recommendations were also a part of Option 1, which as I have said, seems to make the most sense to us."

A member of the faculty raised a question of how this policy would affect cross-disciplinary committees like the Academic Integrity Hearing Board.

Speaker Pollak: "We have a guest today, Marjorie Hodges, who was on the drafting committee, and she can probably answer most of you questions on the policy itself."

Marjorie Hodges, Information Technologies: "In answer to the question, if you have a 'need to know', even if you don't fit into any of the categories, you would be able to have access to that information. So, if you don't automatically get that access, all you have to do is demonstrate a 'need to know'. Certainly, the Academic Integrity Hearing Board would have a 'need to know'."

Professor S. Kay Obendorf, Textiles and Apparel: "I would like to know, under this, when you have clearly defined units with chairs, what happens with graduate fields that cross departments? What happens with directors of undergraduate study? For example, Biology and Society is across three colleges. Does the director of undergraduate study get to see all Biology and Society student records?"

Marjorie Hodges: "The intent behind the policy options is that if they need to have access to the records, they will have access."

Professor Obendorf: "Who is the gatekeeper who decides all of this? They are not department chairs, the titles differ across campus, the situations differ. Have you ever tried to get access when they told you you could have access and then you couldn't get access?"

Marjorie Hodges: "Yes, and the answer to the question is that it is going to be difficult to do. But the University is committed to make that happen. The idea is that the University wants those of you who need this kind of information to do your jobs to have this information. It's not possible for everybody now, there are a lot of complaints about access to information. These policy options are designed to provide that access. It probably won't solve all the problems the day we pass the policy because we still have to implement it and the implementation will be difficult, but the goal is that those individuals will have access."
Professor Milton Zaitlin, Plant Pathology: "I have a related question. I'm still not clear who the gatekeeper is, and is there an appeals process if your request is denied?"

Marjorie Hodges: "Hopefully, in 95% of the cases, we will be able to decide in advance. We might not be able to decide before implementation in all of the cases. For those cases, the criteria will be the 'need to know'. For the 95%, the responsibility would fall on the chief academic officer of the University. There will be an appeal process of sorts, we haven't hammered out the implementation of that yet, because it depends on which option we choose."

Associate Professor Risa Lieberwitz, ILR: "It seems to me that there is a real difference between access to information on faculty salaries and information about students. I'm very concerned about keeping student information confidential to protect them, but it seems to me that we should promote increased access to information about faculty salaries. I think secrecy about faculty salary is damaging, often to women and people of color. I wonder if you thought about that."

Professor McMurry: "Before coming to Cornell, I was at the University of California and, at state schools, all faculty salaries are public information. The University of California functions perfectly well. Personally, I think the whole issue of salaries is overblown; I don't really care. Yet, there are people that do care and those feelings ought to be respected and we felt that since we had to make a recommendation, that salary information should be protected."

Professor Lieberwitz: "So you are saying that it was the sense of the committee as a whole?"

Professor McMurry: "Essentially."

Professor Donald Farley, Electrical Engineering: "I have a question regarding the students. Is there a problem we are trying to fix here? This resolution must have risen out of something."

Dean Stein: "The problem is the future. We are now entering an era when all of this information can be put on one little chip someplace. The question is, who has access to the data on that chip. No one is asking the question now, because we don't have the chip, but there is a trade-off here between expense and privacy and the cheapest way is to allow everyone to have access to the system. You don't have to go through the problem of assigning electronic keys to people and you don't have to decide who gets keys to what. The more restrictive you make it, the more expensive it gets and that really is the trade-off that is being discussed."
Professor Fred Ahl, Classics: "The assumption in the resolution is that one is only talking about faculty access to this data. For example, a department chair is certainly not going to be the only person in a department that has access to information on faculty salaries in that department. Who outside of the faculty structure will have access to this information? I have found that it is easy enough to find out information, not by approaching faculty, but by approaching staff, who seem to have access to all sorts of things. I was just wondering what structure is set up as far as access for administrative aids and other staff positions?"

Marjorie Hodges: "Access is limited to the unit. So staff members and faculty members would have access to information in their unit, but not outside of their unit."

Professor Corradino: "I have a concern about the constitutionality of opening up access to student records."

Marjorie Hodges: "We actually raised this point earlier. There is a distinction in all of the policy options that there will be three classifications of data: 1) Confidential, 2) Restricted, 3) Unrestricted. Confidential is all information that we are required by external law to treat in a certain fashion; we will call it confidential and treat it in that fashion. Restricted is information that the University is not required to treat in a certain fashion, but chooses to do so for a policy, business, or moral reason. Unrestricted is information that may be published and available to anyone. We will have greater restrictions surrounding confidential data than we do surrounding restricted data."

Professor Anton: "As to the language, maybe this is just a matter of personal style, while I agreed with most of what this report had to say, I wonder why it couldn't be written in a more precise and assertive way. For example, where it says 'Therefore be it resolved that the Faculty Senate recommends that the administration adopt a policy that includes the following...' So what I am saying is that instead of saying 'should be done' we would say 'will be done,' instead of saying this is the way we would like it to be done, we would say this is the way it will be done."

Professor McMurry: "The simple answer to that is that all we are doing is recommending Option 1 to the Provost. The rest of this is a short summary of what Option 1 is."

Speaker Pollak: "There is a motion to call the question and the motion is seconded. All of those in favor of calling the question, signify by raising your hand. All of those opposed. The question has been called, we will now move to a vote on the resolution. All of those in favor of the resolution, please raise your hand. All of those opposed. The resolution carries."
The resolution as adopted follows:

WHEREAS, the Administration intends to take action on a draft Data Access Policy, and

WHEREAS, the Committee on Educational Policy has reviewed the Data Access Policy draft of November 12, 1997, and has come to a unanimous opinion favoring Option 1 in that draft,

THEREFORE, BE IT RESOLVED, that the Faculty Senate recommends that the policy adopted by the Administration be consistent with the following:

1. Access to restricted university-wide data should be routinely granted only to authorized individuals within the central administration. Furthermore, we urge that legitimate special requests for access to restricted data or custom statistical reports be granted on a case by case basis.

2. Access to unit-wide restricted data should be granted only to authorized individuals within that unit. For example:
   - Department chairs should have access only to data for their department.
   - College deans should have access only to data for their college.

3. Access to restricted data within a functional area should be granted to authorized individuals within that area. For example:
   - Faculty members should have access only to records for their own advisees.
   - Department chairs should have access only to records for students in their department.
   - College deans should have access only to records for students in their college.

4. While agreeing that the above restrictions are needed to preserve the confidentiality of individuals, we also urge that access to anonymous or aggregate data be made widely available so that the flow of information needed for planning or other statistical purposes is not hindered.
"We will now move on to our next item on the agenda and Peter will come up to provide some background on that item."

8. DISCUSSION AND VOTE ON THE MPS IN APPLIED STATISTICS

Dean Stein: "There is a long tradition that the faculty and the FCR and then the Senate have the responsibility of approving new degrees. Any new masters degree needs to be approved by this body."

Professor Montemagno: "The Academic Programs and Policies Committee was asked to review the granting of an MPS degree in Applied Statistics. The committee reviewed it, looking at its possible impact on the Ph.D. program, looking at the possible costs that may be incurred, and we were satisfied that this degree program would fill a vital niche that is not filled by the Master of Science and Ph.D. programs in Statistics. It would be managed in such a way that it would be self-supporting and not incur any additional costs. As a matter of fact, one of the principle issues that was discussed was whether or not this would draw resources away from the Ph.D. program and based upon discussions with a number of people, we feel that this may generate additional revenue that will be able to support more fellowships in the Ph.D. program. Consequently, the committee recommends unanimously to approve this new MPS degree in Applied Statistics."

Professor Howard Howland, Neurobiology and Behavior: "If I heard correctly, some of the money from this professional masters degree is going to go back into the statistics graduate program to help support research initiatives. This has been going on for some time now, that we have been supporting academic programs by filling Ithaca with people who are pursuing professional masters degrees. I just want to call your attention to the rate of masters degrees which has gone up dramatically in the past ten or fifteen years. You can make arguments for and against it, but it seems to me that there is a certain dilution of intellectual climate in a great university doing that."

Professor Seymour Smidt, Nicholas H. Noyes Professor, Johnson Graduate School of Management: "I have a question about the funding. Is it a usual thing that funds generated by professional masters programs go to support the research in those areas?"

Provost Randel: "There is no single rule that applies to anything at Cornell, including professional masters programs. Over time, a variety of deals have been struck, most of which entail turning some of the revenue back to the program itself. I wouldn't necessarily say in support of research as opposed to support of something else."
Professor Smidt: "I am concerned because in my experience, and this is sort of anecdotal, the quality of the students in these programs seems to have gone down over time and the story I heard from colleagues was that it was a profitable program for the school. I have no problem if the Statistics department wants to have a professional degree program in this area, especially if there is a need for it. But I think the University should be concerned that it gets funded in such a way that doesn't dilute the quality. We should decide to do these things based on educational merits and then fund it in the normal way. I would hate to see Cornell's excellent reputation in Statistics decrease because of a lower quality of students in this program."

Professor Peter Schwartz, Textiles and Apparel: "The field of Statistics covers many colleges. Is the tuition that is going to be charged to these students going to be reflected in their choice of advisor? And, if so, has thought been given to the problem that students may choose advisors in the state colleges to get the lower rate of tuition?"

Professor Charles McCulloch, Chair of Statistics: "The department, for administrative reasons, is organized into CALS, so we are restricted on how much we can charge. To ensure that the program raises enough revenue and is of high enough quality, we have aimed for one of the highest statutory tuitions available. So, it won't be as low as in-state statutory tuition, but it will be one of the statutory tuitions and it will be consistent across the board."

Speaker Pollak: "Are there any other comments? Seeing none, we'll take a vote on this. All those in favor of the resolution, please raise your hand. All those opposed. The resolution carries."

The resolution as adopted follows:

We, the Faculty Senate, upon review of the merits of the proposal put forth by the Graduate Field of Statistics herein recommend approval of their request to form a new program leading to an MPS degree in Applied Statistics.

Speaker Pollak: "Since it is before 6:00, do I have a motion to adjourn?"

A motion to adjourn was made and seconded.

The meeting adjourned at 5:57 p.m.

Respectfully submitted,

Kathleen Rasmussen, Associate Dean and Secretary of the University Faculty
<table>
<thead>
<tr>
<th>Dept</th>
<th>Representative</th>
<th>Coll</th>
<th>Y</th>
<th>N</th>
<th>A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Classics</td>
<td>Ahl, Fred</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chem Eng</td>
<td>Anton, Brad</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CompLit</td>
<td>Arroyo, Ciriac M.</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nat Res</td>
<td>Baer, Richard</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Micro/Im</td>
<td>Baines, Joel D.</td>
<td>Vet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FoodSci</td>
<td>Bandler, David K.</td>
<td>Ag</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ClinSci</td>
<td>Barr, Stephen</td>
<td>Vet</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GermStu</td>
<td>Bathrick, David</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Micro/Imrn</td>
<td>Bell, Robin</td>
<td>Vet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soc</td>
<td>Breiger, Ronald L.</td>
<td>AS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chem</td>
<td>Carpenter, Barry</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PA&amp;M</td>
<td>Chi, Peter S.</td>
<td>HE</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physiol</td>
<td>Corradino, Robert A.</td>
<td>Bio</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M&amp;AE</td>
<td>deBoer, P.C.T.</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BailHort</td>
<td>Doyle, Jeffrey J.</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DiagLab</td>
<td>Dubovi, Edward J.</td>
<td>Vet</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Earle, Clifford</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PitBreed</td>
<td>Earle, Elizabeth D.</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AS&amp;RC</td>
<td>Edmondson, Locksley</td>
<td>Afr</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EE</td>
<td>Farley, Donald</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ILR</td>
<td>Farley, Jennie</td>
<td>ILR</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EE</td>
<td>Fine, Terrence L.</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physics</td>
<td>Galik, Richard</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AnSci</td>
<td>Galton, David M.</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arch</td>
<td>Goehner, Werner</td>
<td>AAP</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Theat</td>
<td>Goetz, Kent</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CompSci</td>
<td>Gries, David</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A&amp;BE</td>
<td>Haith, Douglas</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entom</td>
<td>Hajek, Ann</td>
<td>Ag</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fruit/Veg</td>
<td>Halseth, Donald E.</td>
<td>Ag</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arch</td>
<td>Hascup, George</td>
<td>AAP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Math</td>
<td>Hatcher, Allen</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PitPath</td>
<td>Hoch, Harvey C.</td>
<td>Ge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hist</td>
<td>Holquist, Peter</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ClinSci</td>
<td>Hornbuckle, William E.</td>
<td>Vet</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Howland, Howard</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anthro</td>
<td>Isbell, Billie Jean</td>
<td>AS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ModLang</td>
<td>Jongman, Allard</td>
<td>AS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ARME</td>
<td>Kaiser, Harry</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GeoSci</td>
<td>Kay, Robert W.</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NutrSci</td>
<td>Kazarinoff, Michael N.</td>
<td>Nut</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Psych</td>
<td>Keil, Frank C.</td>
<td>AS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Kline, Ronald R.</td>
<td>Ag</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Govt</td>
<td>Kramnick, Isaac</td>
<td>AS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department</td>
<td>Name</td>
<td>Title</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>-------------------</td>
<td>-------</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C&amp;EE</td>
<td>Kulhawy, Fred</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A&amp;EP</td>
<td>Kusse, Bruce</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DEA</td>
<td>Laquatra, Joseph</td>
<td>HE</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Leibovich, Sidney</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ARME</td>
<td>Lesser, William H.</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ILR</td>
<td>Lieberwitz, Risa</td>
<td>ILR</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C&amp;EE</td>
<td>Lion, Leonard</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Lucey, Robert</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>JGSM</td>
<td>McAdams, Alan K.</td>
<td>JS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ling</td>
<td>McConnell-Ginet, Sally</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HistofArt</td>
<td>Meixner, Laura L.</td>
<td>AS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physics</td>
<td>Mermin, David</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anat</td>
<td>Meyers-Wallen, Vicki</td>
<td>Vet</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RomStud</td>
<td>Migiel, Marilyn</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asian St</td>
<td>Minkowski, Christopher</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Montemagno, Carlo D.</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Engl</td>
<td>Morgan, Robert</td>
<td>AS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>T&amp;AM</td>
<td>Mukherjee, Subrata</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Mukherjee, Subrata</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Astron</td>
<td>Nicholson, Philip D.</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hist</td>
<td>Norton, Mary Beth</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Art</td>
<td>Perlus, Barry A.</td>
<td>AAP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NEastSt</td>
<td>Powers, David</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Pritts, Marvin P.</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AnimSci</td>
<td>Quaas, Richard</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FoodSci</td>
<td>Rao, M. Anandha</td>
<td>Ge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>S&amp;TS</td>
<td>Reppy, Judith</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ORIE</td>
<td>Resnick, Sidney I.</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Music</td>
<td>Richards, Annette</td>
<td>AS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>At-Large</td>
<td>Rodriguez, Eunice</td>
<td>HE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ecol/Syst</td>
<td>Root, Richard</td>
<td>Bio</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C&amp;RP</td>
<td>Saltzman, Sidney</td>
<td>AAP</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Biom</td>
<td>Schwartz, Steven</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comm</td>
<td>Schwartz, Donald</td>
<td>Ag</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tex/App</td>
<td>Schwartz, Peter</td>
<td>He</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RussLit</td>
<td>Senderovich, Savel</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>SCAS</td>
<td>Setter, Timothy</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entom</td>
<td>Shelton, Anthony M.</td>
<td>Ge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>Simons, Tony L.</td>
<td>Ho</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JGSM</td>
<td>Smidt, Seymour</td>
<td>JS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Math</td>
<td>Smillie, John D.</td>
<td>AS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Govt</td>
<td>Smith, Anna Marie</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Microb</td>
<td>Stewart, Valley J.</td>
<td>Bio</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotel</td>
<td>Stipanuk, David</td>
<td>Ho</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law</td>
<td>Stone, Katherine</td>
<td>Law</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educ</td>
<td>Strike, Kenneth A.</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department</td>
<td>Name</td>
<td>Title</td>
<td>Number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------</td>
<td>-------</td>
<td>--------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NutrSci</td>
<td>Strupp, Barbara</td>
<td>Nut</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RuralSoc</td>
<td>Stycos, J. Mayone</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Path</td>
<td>Summers, Brian A.</td>
<td>Vet</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HortSci</td>
<td>Taylor, Alan G.</td>
<td>Ge</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F&amp;OH</td>
<td>Tennessen, Daniel J.</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eng</td>
<td>Teskey, Gordon</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MS&amp;E</td>
<td>Thompson, Michael</td>
<td>Eng</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LandArch</td>
<td>Trancik, Roger</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NB&amp;B</td>
<td>Walcott, Charles</td>
<td>Bio</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PittBio</td>
<td>Wayne, Randy O.</td>
<td>Bio</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pharm</td>
<td>Weiland, Gregory A.</td>
<td>Vet</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ROTC</td>
<td>Wheeler, Larry</td>
<td>Ro</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chem</td>
<td>Widom, Benjamin</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Biochem</td>
<td>Wilson, David</td>
<td>Bio</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law</td>
<td>Wippman, David</td>
<td>Law</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PittPath</td>
<td>Zaitlin, Milton</td>
<td>Ag</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Classics</td>
<td>President Rawlings</td>
<td>AS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phys</td>
<td>Dean Stein</td>
<td>AS</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NutrSci</td>
<td>Secretary Rasmussen</td>
<td>HE</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>T&amp;A</td>
<td>Obendorf, S. Kay</td>
<td>HE</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C&amp;EE</td>
<td>Schuler, Richard</td>
<td>Eng</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

25 48 5
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, March 11, 1998

The Speaker, Professor John Pollak, Animal Science: “We don’t quite have a quorum yet; but, we are close. We’ll start off with opening comments by Peter.”

1. REMARKS BY THE DEAN

Peter C. Stein, Dean of the Faculty: “I just would like to report to you on what has been going on with the motion concerning the Research Futures Task Force, that was so handily defeated at the last meeting. After the last meeting, I decided that I didn’t exactly know why it is that you all voted against it, and I decided to find out. And so I called up all of the people that voted against it and actually talked to some forty-four of the forty-eight negative votes. And after talking to people, I have the sense that it wasn’t that people thought we should do nothing in this area; it’s that they thought there were major flaws with the motion that had been presented to you and that it needed a deeper thought.

“So, what I did was, I chose some six members of this body in rough proportion to how they voted, namely four of them who had voted against it and two of them who had voted for it, and asked those people to get together and try to come up with a proposal that would find favor in this body. I asked Linda Nicholson to be the chair, and Barry Carpenter, Milt Zaitlin, and John Smillie, four people who voted against it; and Brad Anton from Chemical Engineering, and Rich Galik from Physics, two people that voted for it. And they have been meeting diligently and I have every confidence that they will present to you a proposal that they think will receive your favor at the next meeting. And that concludes my remarks.”

Speaker Pollak: “Well, we don’t have the Provost. You haven’t got anything else to say? Two minutes more?”

Dean Stein: “I’m rarely at a loss for words (laughter). They can ask me questions if they want.”

Associate Professor Jeremy Rabkin, Government: “I’d like to ask about our Sexual Harassment procedures. The Senate voted a resolution a year ago February, thirteen months, and we’ve gotten no response at all from the Provost. I have basically two questions for Mr. Stein. One is, what are you going to do about this? and the other is do you blame yourself at all for this? I’d like to remind you and everyone here about the following facts. First, this Senate resolution began because the Arts College voted a resolution of protest. Mr. Stein was one of about three people who voted against that resolution. We then
spent a lot of time debating this. Mr. Stein was opposed to a lot of the due process elements in the ultimate resolution. On the floor of this body, he argued against them. He then allowed this thing to be given over to the Provost, and we never actually voted a resolution which said, 'We strongly urge . . . ', 'We insist . . . '. There was no language because Mr. Stein neglected to arrange for that. He sent it over with a covering letter which said, 'Eh, here it is.'

"And for thirteen months we've gotten no action, and when I've inquired of Dean Stein what's going on, he more or less told me, 'Mind your own business. This is for the insiders.' So I'm asking now of the insider: What's going on? What are you going to do about this? And just if I could ask one last question related to this, I assume the likelihood is that after thirteen months, if we get any reply at all, it's not going to be a very favorable one. I don't believe that we've had all this delay so that the Provost can then turn around and say, 'Come to think of it, yes, everything you wanted, I agree to it.' So, I also want you to explain what you're going to do, if after thirteen months, and all of your tepidness, the Provost does what we expect, sort of shrug it off. What are you going to do then?"

Dean Stein: "Well, my problem of course, is that I'm much too tepid a person, so I'm not sure I can raise myself with the necessary energy. I think that your recounting the facts is, in the large, incorrect. The Provost has in fact responded to the community and this body with a memo last May which has been widely interpreted to state that he intends to issue a policy which is in substantial conformity to the recommendation that was passed by the Senate. He has said that, words to that effect, on a number of occasions from this floor, and also has said that to the University Faculty Committee on a number of occasions. Is that a fair statement Lisa, Vicki, Sally? O.K."

Professor Rabkin: "His letter did not say . . ."

Dean Stein: "No, no. Now let me. My interpretation of that is as I said. I have repeatedly apologized for the error that I made, which I realized on a street in New Orleans approximately five days before the meeting, that the UFC had neglected to put on the agenda a motion that said 'We forward this to you and ask you to adopt it.' By our rules, it was impossible to put that on the agenda. I must confess my sin. I frankly thought that nobody would notice, and that the passing of this resolution would be considered to be, effectively, a motion to the Provost asking him to adopt it. I'm sure the Provost saw the unanimous vote of this faculty as telling him very strongly that we wanted him to adopt these procedures. There was no doubt about that in anyone's mind. So, I apologize for the lack of a forwarding motion; but, there it is."
"I have not been a tepid supporter of this, Mr. Rabkin, or Professor Rabkin, as perhaps I might use your full title. I have not. I have been a strong proponent of this. I have been in many, many meetings where various objections were made to this policy, and I have vigorously defended them in all of those meetings. Those meetings were confidential, and I regret the fact that I have not been able to answer your request for discovery, that I give you all the items that other people have submitted at these meetings, report to you all the positions that other people have taken. I believed that I was not able to do that. I can only report to you that I have supported vigorously everything that the Senate passed. I have made arguments for it. I have answered counter arguments that other people have made. I have done what I could to the best of my ability. That’s all I can say. I never sent you a request saying to mind your own business, and that this was only for insiders. I’m sorry. Nothing I said, I think, could be interpreted in that way."

2. QUESTIONS AND ANSWERS WITH THE PROVOST

Speaker Pollak: "We do have the Provost now. You’ve come none too soon." (laughter)

Dean Stein: "Guess what the subject is."

Speaker Pollak: "The question on the floor that I believe would have been addressed to you had this started ..."

Assistant Professor Anna Marie Smith, Government: "I’d like to ask a supplemental question on the same issue."

Speaker Pollak: "All right, we have a supplement to the question you haven’t heard yet."

Professor Smith: "I’m a member of the Academic Freedom and Professional Status Committee. As you know, our committee worked long and hard to produce a new Sexual Harassment Policy. You gave us your assurance last Spring that you would make the resolution of a difference between the policy that we suggested and the policy currently in effect, your top priority. It is now March; we have not seen enough action on this issue.

"The policy that’s currently in effect does not enjoy the support of this body. With all due respect, it’s only achievement seems to have been the formation of the most remarkable coalition of factions who otherwise have very little in common. Now, my questions are the following. First, why have you not made the resolution of this issue your top priority? Second, if the problem seems to be
a difference in the views of staff representatives and the views of this body, why has it been so difficult to resolve those contradictions given the fact that those contradictions must occur on other issues every day? Third, why not give us a chance to defend our work in an open forum, where we can defend our decisions that we made in complex, complicated meetings over several months backed up by a tremendous amount and debated. Why not give us a chance? Sexual harassment is a vicious form of discrimination. It should not be tolerated. But, we cannot eliminate it on this campus without decisive action on your part, and it's long overdue, with all due respect."

Don M. Randel, University Provost: "I subscribe to your view that it is illegal, and vicious, and we should not tolerate it on this campus. I guess I depart from your view that there is a uniform body of opinion, even within the faculty, as to the responsible thing to do as a consequence of this. It is certainly the case that there is not unanimity across the campus. A good deal of the time I have devoted to this subject in the past month has been meeting with staff and with students and with faculty members who, in fact, believe that the procedures adopted by the Senate were inappropriate."

Unknown: "Tell us their names."

Provost Randel: "Well, I don't suppose some of them would mind having their names told. What's interesting about that, of course, is that even the debate within this body has, at moments, been characterized by silence on the part of people who disagreed with what was being said. And, what has a way of happening is that people speak up only when their own most, what shall I say, closely connected digits, are stepped upon. The simple fact is, there are very deep divisions on the campus, I think, even within the faculty, but certainly in the position that was adopted by the Senate and a lot of valuable employees of the institution who are not academics. There is furthermore, a fairly vigorous body of opinion coming from the University Counsel's office and others with some professional standing in these matters which suggest that the Faculty Senate's procedures are not entirely appropriate.

"I have done my level best while trying to serve this University in a variety of other ways to bring about a resolution of that. I have now in fact sent a proposal to the Policy Advisory Group that has been duly constituted to deal with policies in the University in general. There is a meeting tomorrow of the Executive Policy Review Group that will have in hand my proposals for the resolution of this difficulty, and who knows? Maybe by the end of the week there will be some agreement about it. I'm virtually certain—not virtually—certain absolutely certain that it will not be satisfying to everyone; but, I believe that we will have a responsible approach to this."
Professor Rabkin: "I'm disturbed that we seem to have had after the open, public, official faculty debates, a second secret faculty debate. And that's why it bothers me to be told now, contrary I think, to what Dean Stein was telling us. Dean Stein was telling us that he's a representative of the faculty and that he represented to you that this is the faculty's position, and you should adopt it. And now you're telling us, either that Mr. Stein was not telling the truth, or that along with Mr. Stein there were secret representatives of the faculty stating the opposite, and they carried more weight with you than Dean Stein, who's only our elected representative. How did that happen?"

Provost Randel: "Without wishing to analyze the logic of that statement to see if all the connective tissue that you applied is really there, let me say that I did in fact receive communication directly and personally from members of the faculty, a variety of them suggesting that in fact the position taken by the Senate was fundamentally wrong. This was not done in secret so far as I know. But, I have received direct written communications from members of the faculty saying that they thought this was wrong, and that I should please not in fact adopt what the Senate proposed.

"I would be grateful if some of those faculty members would show up at meetings of this body and say those things to the rest of you. They have said them to me, and not in secret so far as I know. Let me say one other thing. I am perfectly glad to go on record as saying that Dean Stein has been a vigorous advocate of the version that was passed by the Senate. I have spent a very great deal of time with him trying to understand precisely the nature of his views and the views of this body. He has, in fact, been a vigorous advocate of your proposal."

Professor Ken Strike, Education, Chair, Academic Freedom and Professional Status of the Faculty Committee: "I don't want to explore the connective tissue of Professor Rabkin's arguments either, but I want to affirm the general sentiment of them. Faculties are always diverse. There will always be people who disagree. It's virtually impossible, I think, if you poll the faculty to get unanimity on the laws of logic. But what you're proposing is that unnamed people have the right to outvote this body, without public argument, when this body has affirmed the collective opinion of the faculty as best it can. I find that quite an untenable position."

Provost Randel: "Well, it has, outvoted this body? No. Nobody has outvoted this body."

Dean Stein: "I want to have in public with you a discussion that we've had in private on a number of occasions about just this point that's been raised by
Professor Rabkin and Professor Strike. I recognize that the faculty is only one constituency in this University and that there are other important constituencies. There are students, there are administration, there are the staff, and they are not represented here at all. And I recognize that when you make University policy, the faculty is only one input.

"But, on the other hand, I believe that this is the appropriate body for you to get faculty input from. It is true that there are people that disagree with how this body interprets the will of the faculty. But, in my belief, when you decide to put together what is the right thing to do, when you think of what the faculty wants, it has to be what this body wants. In fact, this body supported those Sexual Harassment procedures. I can't remember. I think it must have been unanimous, or close to unanimous, when the final vote was accomplished. I think the fundamental issue is not in the end about whether the faculty is absolutely of one voice on this matter, because we are not of one voice about anything. But, let us grant that this body represents the view of the faculty, and when seeking the view of the faculty you should seek it from this body, on this or any other subject."

Provost Randel: "But, the faculty is not the only body that has something at stake here. And part of our difficulty is that the staff and some number of students also have proposals, and also have something at stake, and they see what the faculty has done as fundamentally inimical to their standing in these cases. I mean the end, in the main, the victims of this, over history, have been students, and probably staff victims have outnumbered faculty victims. I don't think we can responsibly say that the people who are in the position of power should legislate about this without some considerable regard for the people who are in the position of lesser power. And after all, that is what sexual harassment is in the main all about: a power relationship that is exploited for reasons that we shouldn't tolerate."

Professor Howard Howland, Neurobiology and Behavior, At Large Member: "On another topic. It's widely known now that the draft report of the Task Force to review the structure of the Division of Biological Sciences has recommended the disbanding of the Division and a conversion of the Division's sections into Departments. And, presumably a slightly revised version of this draft is on its way to you or you have it. It's also true that a response to the draft report has been forwarded to you with the signatures of more than forty members of the Division which recommends retention and strengthening. My question is, what procedures will now be used to decide the fate of the Division of Biological Sciences?"
Provost Randel: "We have a long tradition of responding to reports in this University. One of the great traditions is to respond to them with deafening silence. I propose that we won't adopt that as a strategy. It will be necessary for us to make a response and to decide to do something, there's no question about that. With that in view, even though we have not received the final draft yet we had a discussion just a week ago with the President himself who is keenly interested in the outcome of this. The President, myself, some colleagues in the central administration, Vice President Scott, Vice President Ehrenberg are beginning to imagine how we respond and how we would move in an orderly way to respond.

"I certainly will want to meet with the Task Force face-to-face, so as not to have only the written document, and that I want to be absolutely certain we have a few of these people who may differ with the report from the Task Force. But, I expect that we will have some consultation with colleagues in central administration, the Academic Cabinet, which you have heard described will in fact have a role in trying to reach a conclusion about this. We will certainly, at the moment it happens, have among its members two of the teams who are most directly affected and so we will have a chance to hear what they have to say as well. But we will, let's say the President and I, some of our colleagues in the central administration, after having heard all and sundry, try to move to a resolution of this this Spring."

Speaker Pollak: "We have time maybe for one more? There was a request to know something about the pumpkin."

Provost Randel: "You know I've been asked by a remarkable number of people, three, it turns out, two of them professional journalists, whether this whole pumpkin contest wasn't simply a ruse to smoke out the perpetrator, so as to be able to punish them. For what it's worth, I'm certain that this is not the case, and furthermore, the proof of it is that confession of having done it would not constitute scientific demonstration—such a person couldn't possibly win the contest. Science will decide even if multiple groups get the right answer. The elegance and sophistication of the experiment, and scientific reasoning that go into it will be the criteria on which it's judged. If it turns out to have important theological implications, it is determined to be from other places, other times, as I assured the ABC news reporter, we being a non-sectarian institution, no single theological perspective will dominate."

3. APPROVAL OF MINUTES OF FEBRUARY 11, 1998

Speaker Pollak: "I think he evaded the question. We still don't know if it's real. You all had an opportunity to see the minutes. Are there any comments,
corrections, or otherwise concerns of the minutes from February 11th? O.K. Seeing none, we will accept the minutes and I now call on Kathleen Rasmussen.”

4. REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS

Professor Kathleen Rasmussen, Nutritional Sciences and Associate Dean and Secretary of the University Faculty: “I’d like to report on the actions of the Nominations and Elections Committee. The Social Science Research Task Force will be chaired by Ron Ehrenberg, with a large number of faculty, half of whom were appointed by the administration and half by the faculty. A great deal of thought went in to trying to balance this committee. There are a lot of different ways to balance it. The Faculty Nominations and Elections Committee took the first whack at it and the administration did the final balancing. And Ron’s smiling, so it must be O.K. O.K.

John Abowd, ILR
Stephen Ceci, CHE
David Easley, A&S
*Robert Frank, JGSM
*Sandra Greene, A&S
*Davyyd Greenwood, A&S
Ron Herring, A&S
Michael Macy, A&S
*Phyllis Moen, CHE, A&S
*David Monk, CALS
*Andrew Novakovic, CALS
Richard Schuler, Engr./A&S
William Schulze, CALS
*Elaine Wethington, CHE

*Appointed by N&E

“Our other actions include appointments to:

UNIVERSITY FACULTY COMMITTEE
   David Mermin, A&S

COMMITTEE ON ACADEMIC FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY
   Melissa Hines, A&S

LIBRARY BOARD
   Karen-Edis Barzman, A&S
"It is my pleasure to bring to you the results of the election for Dean of Faculty that was just recently completed. We have a new Dean of Faculty, J. Robert Cooke, who is with us this afternoon. This election was extremely close. It went to the third round of the Hare system; the final candidates, Dean Stein and Professor Cooke were separated by a mere thirty-five votes out of over eight hundred cast. So indeed, we did have a contest this year. The eight hundred and fifty-nine or so votes that were cast were rather fewer than in our last election where almost eleven hundred votes were cast. The number of votes cast represents approximately forty-one percent of the voting faculty. We need to approve the actions of the committee, these three."

Speaker Pollak: "O.K. We have the nominations from the committee to be approved. Are there any comments on the individuals who have been recommended for committees? Yes?"

Associate Professor Risa Lieberwitz, Industrial and Labor Relations: "On the Social Science Research Task Force for the University, it looks like there are so few women there. Am I counting right? Three?"

Professor Rasmussen: "And all three of those came from the faculty, so perhaps you’d like to speak to Vice President Ehrenberg."

Ron Ehrenberg, Vice President Academic Programs, Planning, and Budgeting: "Well the balancing thing is very difficult and when the faculty selected their representatives, it was up to the Provost and myself to balance it including the fields that weren’t already represented. If you look at the names of the faculty that don’t have stars next to them, I would suggest to you that are among the very best and brightest that Cornell has to offer in the social sciences at Cornell, and that was the major criteria that we were looking for."

Professor Lieberwitz: "So you just came up with all men."

Vice President Ehrenberg: "If you look at the names of the people that we have chosen, I assert that they are among the very best and brightest that Cornell has to offer in the Social Sciences. I will tell you that several of the people that were on the faculty list were also on the list of people that we would have selected, but I pledged them to silence on the fact. In fact, I have asked them to give me more degrees of freedom."

Speaker Pollak: "Are there any comments on the recommendations? O.K. Since we did have comments I would like a show of hands from all of those who are in favor of the nomination lists, reply by raising your hands. All those opposed?
O.K. The nominations carry. There was opposition. Peter has asked for a moment."

Dean Stein: "I just would like to take this opportunity to congratulate my colleague, Bob Cooke, who I think will make a fine Dean of the Faculty. I’ve known Bob for years and years and years. I know he has strong analytical skills, a deep commitment to the University, a love for Cornell, and possibly what may be even more important, he doesn’t have a mean or devious bone in his body.

"I would also like to take this opportunity to thank my other colleagues, Joe Ballantyne who is not here, and Kay Obendorf, who is, for agreeing to run for this election. I think this is an important post. I’d also like to thank Kathy Rasmussen, or congratulate, not thank, Kathy Rasmussen and the Nominations and Elections Committee for organizing the election which I think gave an opportunity for the candidates to discuss the issues and present themselves to the faculty in a way that was unprecedented. I think that was healthy, and I hope that we do that sort of thing in the future.

"On a less positive note, I am very disappointed in the turnout. Despite these efforts, which I think made this election more visible than it had been in the past, there are twenty percent less people who voted in this election than in the previous election. This is one of the lower turnouts of the past twenty-five years. My only conclusion is that this is yet one more symptom of the malaise that I think threatens the health of our University and the faculty, that people simply don’t see these University matters as worthwhile to participate in. I think that really does threaten us, and that it is essentially the job of this body and Bob Cooke to change that way of thinking.

"On a more personal note, I’d like to thank a number of people, who during this election, sent me very kind and flattering thoughts. They warmed my heart on a lot of cold winter nights. And finally, I’d like to say that losing is worse than winning. But, I also have a deep and abiding faith in the democratic process. I believe that in the long run, the people know what’s best for them. And so, it is my belief that Bob Cooke is the right person to be Dean of the Faculty at this particular time. I’d like you to join me in congratulating him and telling him that you, as well as I, will help him in every way possible to advance the cause of the faculty, and the health of faculty governance in the years ahead." (Applause)

J. Robert Cooke, Agricultural and Biological Engineering, and Dean of Faculty-elect: "Thank you for your very kind and generous comments, Peter. I look forward to working with you, and I hope Peter’s right that winning is better than losing. Bob Miller just said to me, ‘Are you sure you did the right thing?’"
Speaker Pollak: "For those of you who are wondering, Bob takes over on July 1. We have a comment."

Professor Strike: "I think it would also be appropriate for this body to express our thanks to Peter Stein for his several years of hard work on our behalf." (Applause)

Speaker Pollak: "Now, you know Peter will be here until July, so we'll see him several more times in this role, but I agree with you. We'll move down the agenda to the item where we will get the Faculty Trustees, Richard Schuler and Kay Obendorf, to share a discussion here with us."

5. REPORT FROM THE FACULTY TRUSTEES

Professor Kay Obendorf, Textiles and Apparel, Faculty Trustee: "Losing may be better for me because I get to continue in this post, so for me, losing may be better than winning."

Professor Richard Schuler, Economics and Civil and Environmental Engineering and Faculty Trustee: "I think a unique opportunity that we have at Cornell is for faculty members to be able to serve on the Board of Trustees, and so I think that it's also a responsibility for us to report back to you periodically, and give you a sense of how this august body performs. Since these are the final months of my term, I will give a quick landscape of how the board is constructed and how it functions, so that you might evaluate some of the pronouncements in the context of your views of the University, and then let Kay describe the challenges she proposes to bring before the Board in the future.

"The Board is large by University standards. There are sixty-four members on the Board of Trustees; many of them are appointed by different bodies. There are four ex-officios, two of them being the Governor and the Head of the Assembly. The Governor gets to appoint three more faculty members. Eight are elected by the alumni. The largest group by far are the Board-elected Trustees, and that's forty-odd members, but in addition we have two faculty, two students, and that is truly unique, and one employee elected Trustee, as well as a life member, Ezra Cornell. So, it is a very large Board.

"One might think that that is an unwieldy group, but in fact, most of the Board activity takes place in committees. Most full Board votes are unanimous, and that the real work gets done before any matter comes before the full Board.

"The Board has absolute power over this University. It's a chartered institution in New York State. But in turn, through its bylaws, it turns over virtually all of
its power to the President and to the Provost, and to the administration. So, in many respects the Board acts in an advisory capacity only, except, of course, when it comes to selecting a new President. That is the single most important function, and Kay had the opportunity to serve on the committee that engaged in that.

"The various committees range from the Executive Committee, Buildings and Properties (both Kay and I serve on Buildings and Properties), Finance Committee, Investment Committee, Alumni Affairs and Development, and the Academic Affairs Committee. Those committees, again, range from the advisory to almost line operation. The Investment Committee, for example, is staffed with some of the true professionals in portfolio management, and they are far more than advisory in their interaction in managing Cornell’s endowment.

"I, in my learning phase in being on the Board, decided to sit in on a couple of those meetings to see how they operated and to see whether it was just general everyone coming to common agreement. They fight tooth and nail with each other with differing opinions, and seem to air the widest latitude of opinions. So, I drew great solace from that, that the proper issues were being discussed and talked about and that the right opportunities were being seized for Cornell in those areas.

"What are the Board members concerned about? In a nutshell, they love good news in the media about Cornell, and they’re despondent about bad news. So, they too, since they’re not in Ithaca, New York, respond to press releases. And we know how colored that sometimes can paint a picture of what’s actually here on campus. So I see the real opportunity that Kay and I have is to occasionally educate them about a more balanced perspective of what’s happening on campus, and in particular, to understand the unique nature of this institution, the unique nature of the faculty. How that other fifty percent of the time that we’re not spending in the classroom is spent on productive things, and they do begin to understand that indirectly because they respond positively to Nobel Prizes and whiz bang kinds of articles in the media. But there is occasionally a semi-disconnect. They’re very concerned about teaching, obviously, and residential life.

"What influence can we have other than advisory? Well, it depends upon how hard we’re willing to work on particular issues and whether we have expertise. I was intimately involved with the Lake Source Cooling Project from its very inception. Since that also fringes on my academic expertise, I was able to bring to bear some different perspectives and help that project move along. And occasionally, I’m able to raise issues about strategic planning and balance of attention that may be viewed as a little bit heretical on the one hand, but on the
other hand, have a fresh perspective. But, I think ultimately a real benefit is demonstrating to them that we're just living, breathing human beings with the same hopes and aspirations of other people, who maybe have a better sense of this institution and how the basic missions of the University are served.

"And in that light, Kay had observed that there might be some imbalance of the view of some of the Trustees of spending an inordinate amount of attention on the teaching side and the student side. And she has devised a wonderful proposal to try and begin to demonstrate to the Trustees how the research and scholarship mission of this University is also a very complex and idiosyncratic operation. And . . ."

Unknown: "What is it?"

Professor Obendorf: "Well this came from a discussion after one Faculty Senate meeting and we were talking about the understanding of the research process, not the findings of your research, but how you go about your scholarship, how you go about your research. And so, the proposal is to try and have some more one-on-one between some of the Board members and faculty members to understand the process by which the faculty do research. And we haven't yet launched this, because I think this Spring, when we're here in March, they're going to be meeting some of the newly tenured faculty, and so we didn't want to get too many things started at one time.

"The focus is for the Board members to meet a broader range of faculty and to really understand what we do when we're not working on the teaching side. It isn't so much on the findings of the topic, but in, when the research is upon this topic, how you go about doing it. So we're going to try to work with some of the Board members and have them visit with some of the faculty members. So actually we could use suggestions from you on appropriate people that might like to be such hosts. The Board comes to Ithaca in October and in March, which are probably the best times. They also come at graduation time. So we would do it sometime when they're in Ithaca. So we hope that this might be something of interest to you."

Speaker Pollak: "Do you have questions of these two? Or comments?"

Unknown: "It's striking that you're both on the Buildings and Properties Committee. Is that the best allocation of our faculty?"

Professor Obendorf: "We're on more than one committee. I was on Academic Affairs, but they reduced the size of that Committee, and I think Dick's still on that."
Professor Schuler: "Right."

Professor Obendorf: "Dick is on the Executive Committee, Buildings and Properties, and Public Affairs, and everyone does Development, so we're all on Development. And the I'm on, Statutory and Land Grant, Buildings and Properties, and Development, and this year I chaired the committee. I've had the most interesting experience with student government, because we've just finished the election of the Student Trustee. Katie Dealy was elected, that was announced on Monday, and I chaired that committee. So that's all. I think that the faculty member always chairs this, and every fourth year, there's also election of the staff ..."

Professor Schuler: "The employee member."

Professor Obendorf: "Yes, so we get a variety of committee assignments, and we can attend any of the committee meetings. I attended a sub-committee on Academic Affairs that was discussing financial aid and admissions. I've attended Investment. I quite frequently attend the Executive Committee. So we can attend others on which we're not members."

Professor Schuler: "I have been amazed how inclusive most of the Board members are in activities. You could walk in as a Trustee, any Trustee, to any committee meeting and they'll invite you right up to the main level. The social scientist side of me has tried to understand the workings of this board, and I have finally come to the conclusion that here are a group of people who have one thing in common, they went to Cornell. But they weren't friends by and large as undergrads; they come from very different sections of the University, different classes, some were Greek, some weren't. They've all gone off and made successes of themselves in some arena and then been brought back thirty years later and discovered they like each other. It's remarkable.

"And so when they were talking about restructuring the Board two years ago, I entered into some debate about the optimal size of corporate boards to see whether we could apply this and one of the Board members said, 'Dick, the thing you've got to understand is that's different. This Board is like the Love Boat.' And in a way, that says it all."

Professor Obendorf: "It's amazing how these people work together for the good of this institution and this was definitely true when we participated in the search for the President. And when you see them, like at Buildings and Properties, there are people that run very, very large real estate operations bigger than our campus. These people are sitting and advising and giving comments. So it's
amazing—their dedication and their giving expertise, time, and not to mention, their money."

Speaker Pollak: "Thank you. We should move on to the next item. We'll call upon Ken Strike to make a motion concerning the Transition Report."

6. MOTION FROM THE COMMITTEE ON ACADEMIC FREEDOM AND PROFESSIONAL STATUS CONCERNING THE TRANSITION REPORT OF 11/11/97

Professor Strike, Chair of the Committee on Academic Freedom and Professional Status of the Faculty: "Let's see, I'm not quite sure what I'm supposed to read. I think that I will start in the middle, that is, we had an earlier motion, was adopted unanimously. However, we didn't have a quorum. We were asked to take a look into the legality of age-bracketed phased retirement incentives, and having made a few inquiries to a couple of legal sources and done a little reading on some legal opinion on age bracketed phased retirements, we found the issue essentially indeterminate.

"I guess there was a variety of legal opinion. There are, if I may use an Al Gore-ism, there are no 'controlling opinions', and it also turns out to be the case that we were told several times that it was difficult to assess the legality of something until you have a detailed plan. So that I think our collective judgment with respect to, the legal question we were asked to find out, is that it is unknowable at the present time, and it would be unreasonable for this body to base its opinion on any legal conjectures that the Academic Freedom Committee might make on that.

"We also, although without being requested to do so, took it that probably the intent was to have us look into the merits of age-bracketed phased retirements, and we spent some considerable time discussing them. I think there was a concern on the part of many members of the Academic Freedom Committee; there was some discomfort with using age as a criterion for any retirement incentive. We had a rather robust debate on that. I think that, I must say that I started out in the minority on this and then ended up writing the opinion for the other side, and as I constructed the arguments I found that I was convinced by myself to change my mind.

"I think our collective considered opinion is that phased retirement options without a ceiling age simply are unlikely to serve the purpose that they are intended to serve. They are in fact quite likely to be as much an incentive not to retire as they are an incentive to retire. It's hard to know that. But, as we considered our own sense of how we could think about this, that seemed to be a
quite reasonable opinion to hold. Especially if the alternative to simply having phased retirement turns to an entitlement by putting administrators in the position of making a case-by-case determination of whether or not a particular person ought to be eligible for phased retirement. And given the kind of judgments that are involved in that, that is simply untenable in this case. We cannot make these kinds of decisions on a case-by-case basis. As a consequence, we think that maintaining the current posture with respect to phased retirement, age-bracketing phased retirement, is an acceptable option. Now, do I also have to move the initial report?”

Speaker Pollak: “Resubmitting the report to the body as it is.”

Professor Strike: “Well, I commented on what I think is the salient issue, and I certainly move the initial report.”

Speaker Pollak: ”We do have an amendment to what's been circulated. We call on Tob deBoer.”

Professor Tob deBoer, Mechanical and Aerospace Engineering: "I'd like to move the amendment which has been circulated, which has to do with point three of the motion that was introduced on phased retirement. I'd like to at the end of that append,

_The Faculty Senate further recommends that the words “between the ages of 55 and 70” in item 4 of Option II be replaced by “over the age of 55,” and that point 5 of Option II be deleted._

"Point 5 of Option II logically should be deleted if the first part is accepted. The rationale simply is that restricting the option of phased retirement to faculty members below the age of seventy is against the spirit of the law against discrimination with respect to age. I would like to say a few more words about this.”

Speaker Pollak: “First we need a second.”

Unknown: “Second.”

Professor deBoer: “I would like to say a few more words about it. In the preliminary report on the Provost’s Committee on the Transition of Faculty to Emeritus Status there were five places at which discriminatory statements with respect to age were included. After objections were made at this body, and I'm sure other places, all except for this last one were removed. We believe that this one should be removed also. In fact, at the last meeting, objection was raised at
this point and afterwards I was told that it had been an oversight that this was still in there. And I was very surprised that the committee came back with the report they had.

"We have to be very grateful to the committee for putting a lot of thought into this and coming up with a very thoughtful report; however, upon reading it, I still disagree with their final conclusion. As stated in the report by the committee (Appendix A), the various expectations about these Options I and II are highly conjectural. One of the things that isn't mentioned explicitly is that they take this option of phased retirement away from people who are beyond seventy and those people instead of retiring might stay on full time, whereas otherwise they might have gone on to phased retirement. That would open up a faculty position to a junior faculty member. So, that's one of the many sides of the issue. It isn't clear in other words, at all, that taking away the option of phased retirement for people who are beyond seventy could be good for the University.

"I'd like to note that over the many years of laws against discrimination that in many of them were introduced exceptions. It seems to me this is one of those exceptions and I don't think that Cornell should participate in any discriminatory practices, and certainly shouldn't have on its books any law that is discriminatory in any way, including age."

"I'd like to note that over years, laws against discrimination were introduced exceptions. It seems to me this is one of those exceptions and I don't think that Cornell should participate in any discriminatory practices, and certainly shouldn't have on its books any law that is discriminatory in any way, including age."

Speaker Pollak: "I'd like to focus comments now on the amendment. Are there comments on that? Concerns?"

Unknown: "Is there a possibility of also discussing the report? Because many ...

Speaker Pollak: "Yes, after the amendment."

Unknown: "Will we vote on the amendment before discussing the report?"

Speaker Pollak: "We'll vote on the amendment and then we'll vote on the report."

Unknown: "But may I ask if the two are linked, if there are aspects of the report which relate to that?"
Speaker Pollak: "That's part of the conversation on the amendment, yes."

Professor Locksley Edmondson, Africana Studies and Research Center: "I hope I'm in proper parliamentary order. This recent report—dated February 27—I'm having some difficulty working through aspects of it. It could well be increasing senility and by the end of the session I may even be senile enough to support it. But having said that, I think it would not be unreasonable to seek further clarifications if you agree this is in order; because, I think they relate partly to the amendment which was brought in.

"It's curious to me why the University Counsel, declines comment. I find it curious, perhaps suspicious. It's important to note that there is a fair division of opinion about the legality of it. It has been stated by the committee that the issue has not to date been rejected by the courts, and the question I have to ask is, has it been challenged in the courts? There can't be a rejection unless there's a challenge. So, I really think we should, you know the way it looks as if the courts are neutral about it, but we cannot say that unless has there been a challenge and it has been rejected. If not, that language has to be changed. It's misleading. We agree that we shouldn't base opinions on 'legal' speculation, but it seems to me that in a sense the committee proceeds to do exactly that in its final paragraph.

"And finally there's a clarification I wanted to elicit from the chair of the committee about what he said that having a case by case review by administration was less desirable than having a broad policy statement. But, is the differentiation case by case vs. policy? Is it not really case by case vis-à-vis class or group? And when the word policy is put in it, it implies that a case-by-case thing cannot be based on policy. Whereas I think policy, you can devise a policy based on a case-by-case thing. So it is extremely misleading for any committee, it seems to me, and I'm prepared to reject my criticisms here, to argue that it's policy vs. case-by-case. It should be case-by-case on the one hand, and group/class characteristics on the other. And the argument is very clear that once you include the term 'group characteristics' there is a very discriminatory element involved."

Speaker Pollak: "There was a request for a clarification."

Professor Strike: "I don't know if I can clarify it or not. At least as I see it, if you do not, if you are going to say that some people will be eligible for phased retirement and others not, one is to give a criterion which decides the basis of eligibility, such as age, and the other is to have some sort of administrative decision made on the basis of particular individuals. And I think when, you could look at the kind of reason that is likely to ... imagine a conversation that would take place between the Dean and somebody who is seventy-two about
whether or not that individual is going to be given the option of phased retirement. Why would a Dean not wish to do that? Because the Dean no longer valued that person’s services? Because the Dean wished to push that person’s line? Because the Dean had recently disagreed with that person about a matter of important policy? Those kind of discussions have to be very painful, people will flee from them. I would certainly not wish to be in a position of having to make decisions of that sort.

“I think in fact if you put administrators in that position, you will effectively be saying that phased retirement is going to be treated as an entitlement. And that is something which I think has not been recommended, and I think it’s a likely consequence of putting Deans in the position of making highly subjective and conjectural and painful decisions about people’s lives at this time. That’s why case-by-case seems to not make much sense to me.”

Dean Stein: “I’d like to make a couple of comments in opposition to Tob’s amendment. First about the legal issue, I too, find it curious that we could not get a response from the University Counsel; but, we did get a rather fulsome response from the AAUP counsel, who has been very useful to the Academic Freedom Committee on a number of occasions, and the opinion of that person was that, in fact, these things are legal. Now, that’s not a ‘controlling legal authority’, you’re quite right, it hasn’t been challenged in court. But, it has been used at a number of major institutions and we were even given a legal paper to read, which I couldn’t understand, but the force of the paper was that this is a legal thing to do. So, it did seem to us on the committee that for this body to decide a legal issue was silly. It’s obviously clear that if Counsel comes to the opinion that this is not a legal procedure, then Cornell will not make it as a part of their policy. But, it didn’t seem like this was something for this body to think about.

“With regard to the other issue of discrimination and the similarities between age discrimination and other forms of discrimination. I’ve thought about this for a while, particularly being someone who is close to the upper end of the window than the lower end of the window that’s being discussed, that this is fundamentally different from racial discrimination or gender discrimination because we all say openly that it is important to have people retire so that we can increase the flow of younger people into the academy. One cannot cast that phrase in terms, in a way that would cause us to say the same thing about people of color, or people of gender, or something like that. This is fundamentally different.

“Let me give you a simple example. Suppose we set as an inducement for people to retire, that any time a person decides to retire, that we’ll give them two years’
salary as a parting gift. And there would be no upper age window on that. Would that be an inducement to retire? Clearly not. What everyone would do, what you would do, what I would do, is to decide when they were going to retire, then say, 'I'm going to retire, please give me my two years' salary,' and retire. It would not make me retire earlier. So, to the extent that one thinks that this is a valued policy purpose, namely to induce people to retire to keep the flow of younger people coming into the academy, one must have some kind of inducement which is not available to people at every age. In short, that's really what the committee is saying, in simple words."

Associate Professor Alan McAdams, Johnson Graduate School of Management: "As one of the ancient members of this faculty, approaching the point of seventy years is not too far away. I'm absolutely flabbergasted. If I feel that it's in my interest and the interest of the University to go half time, and I don't want to retire completely, and I don't have that option, I'm very likely to stay full time. Now, I think that if you talk about incentives, if someone of my age and station could make the choice to go half-time, even after seventy, why wouldn't I do it? I'm really flabbergasted by the reasoning. I think it's much more attractive."

Professor Howland: "Well, speaking as a physiologist, I'm very cognizant that we've all been falling apart ever since we reached our peak in the twenties. But, it's a physiological fact that this process occurs at different rates, and there are some of us who are going to be very useful well past the age of seventy. But I think the point here is not so much the legal details, it's what's right. I mean, Peter seems to take it as granted that a) it's a good thing to get young faculty into the University, and I agree with him there, and b) it's anybody over the age of seventy you ought to get out. And I don't agree with him there. I'd rather see maybe some administrators leave before that (laughter). But, it's clearly age discrimination. It's not right, folks, and I think we should vote for Professor deBoer's amendment."

Speaker Pollak: "We are getting to the point where we're going to have to call this question, because we do have another issue."

Professor Obendorf: "I served on the Academic Freedom Committee, and I'd like to remind the body that the report has two Options. Option I has no limit of age. It starts at fifty-five. The difference between Option I and Option II is the time limit in Option II and the payment of benefits. And at least I, as a committee member, believed that by leaving the age limit in Option II makes a broader distinction between Option I and Option II. Option I is available for phased retirement at all ages with no upper limit. We get benefits, but not full benefits."
Professor Lieberwitz: "I want to speak in favor of the motion to amend, to take out the limit for seventy years old, and I want to emphasize something that Tob deBoer said in his motion about the spirit of the law, and I think that's the essence of the comments that we're hearing, which is, you can call this an incentive for people to retire. But, you know, that sounds real nice, but it also could be called a coercive measure to get people to retire at a certain age and to avoid the spirit of the law, and the letter of the law, in fact, if the intention was to get rid of mandatory retirement ages, and this is a way of going in the back door to get it back in, I think, by calling it an incentive.

"Also, it seems to me that, that this is really demeaning to our colleagues. Actually when I was reading it, it reminded me of the commercial where the well-known, well-loved, well-respected person who's recognized in the store, is asked for identification when it comes to trusting the person's right to write a check. Because suddenly our well-loved emeritus and emerita colleagues are suddenly viewed as freeloaders, these wonderful people who will get to this age of retirement and see how they can freeload off the University by stretching out those five years and getting every last penny, and I think that's a demeaning way to look at our colleagues, and I certainly think that this is what the spirit of the comments that are written by the committee put forth. There's some notion that our colleagues will get to this status and just simply get as much as they can out of the University, and I don't think that's true at all. And so it seems to me that we should give our colleagues as much choice as possible. When I get to retirement age, I certainly hope that that's the view that people have of me, as somebody who made the best choices and not just having to squeeze every last penny out of the University."

Speaker Pollak: "If there's not a strong objection I would like to call for a vote on this amendment. Is there an objection to that? All of those in favor of supporting the amendment which is to reduce, or take out the wording relative to the upper limit of age, signify by raising your hand. All of those opposed? There were twenty-two that were opposed, and more than that in favor. So, I'm going to say that the motion has in fact passed.

"So, we will return to the main motion. Were there other comments regarding that, other than those that relate to the motion that was just passed? Seeing none we'll take a vote on this. All of those in favor of the Transition Report, as amended, please signify by raising your hand. All those opposed? The motion will be recorded as accepted.

BE IT RESOLVED, that the Faculty Senate supports the following recommendations of the 11/11/97 report of the Provost's Committee on the Transition of Faculty to Emeritus Status:
1. **Overall Reactions.** The Faculty Senate is pleased with both the process and substance of the interaction between the AFPS Committee and the Transition Committee. It commends the Transition Committee and its chair, Vice President Ehrenberg, for a job well done and for the respect shown for Senate input and faculty governance, and looks forward to a similarly cooperative relationship as other issues raised by the original transition report receive further attention.

2. **Telecommunications.** The intent of the report (see D.3) concerning office resources for emeritus faculty seems to be to provide equitable office resources (comparable to non-retired faculty) based on an assessment of actual levels of professional activity as well as departmental capacity. However, no explicit mention is made of access to communications resources (e-mail, WWW access, fax access, etc.). The Faculty Senate recommends that an appropriate reference be made to these resources in D.3.

3. **Phased Retirement.** The report describes two options for phased retirement. Option 1 is for indefinite half time retirement with tenure retained. Option 2 is for fixed term phased retirement. Options 1 and 2 are not mutually exclusive. Moreover, arguments for either option tend to make highly conjectural assumptions about how they would affect the transition to full retirement. The Faculty Senate recommends that for the short term the University make both options available, that it engage in a study to determine how faculty are likely to respond to different mixes of options, and that it carefully monitor the consequences of these options. The Faculty Senate further recommends that the words "between the ages of 55 and 70" in item 4 of Option II be replaced by "over the age of 55," and that point 5 of Option II be deleted.

Rationale for recommendation #3:

1. The argument for Option 1 assumes (a) that it will be more attractive to faculty because it does not specify a point at which one must retire, and (b) that those faculty who choose it will not continue half-time for an undue amount of time. In contrast, Option 2 ensures that those who take it will retire in a timely way, but, because it is less flexible, it may also reduce the number of takers. If both (a) and (b) are true, it is reasonable to believe that Option 1 will be more successful in moving faculty into retirement than Option 2.

2. The basic argument for Option 2 denies (b). Thus it envisions Option 1 proliferating a significant number of long term part time faculty and slowing the transition to emeritus status.

3. The Option 1 plus Option 2 plus a study has the following rationale:
a. We do not know whether assumption (b) is true. Thus, we do not know whether Option 1 or Option 2 is more likely to facilitate transition to emeritus status. We are unlikely to know this if we do not study the matter and if we get no experience on the matter.

b. Option 2 is not only less flexible for the faculty, it is less flexible for departments and colleges. It may be that there will be numerous cases where departments and colleges will benefit by permitting a faculty member to continue in a part time role for an indefinite period.

c. Adverse consequences of including Option 1 in the mix of options can be controlled. None of the proposals under consideration grant faculty any right which they can unilaterally exercise. The effect of any mix of options will be to create a bargaining situation between faculty, departments and colleges. Departments and colleges are not compelled to agree to either Option 1 or Option 2. Thus departments or colleges might choose to limit the number of people who can be on part time status (in either form). Or they might limit the number of people who can be on Option 1.

d. If the Option 1 plus Option 2 plus a study approach proves to generate an unacceptable number of indefinite part time faculty, it is possible for Cornell to eliminate Option 1 leaving only Option 2. Whereas, if we have only Option 1, there is no fall back position, and if we have only Option 2 we will never know whether Option 1 would have been more successful in facilitating the transition to emeritus status. In short, the Option 1 plus Option 2 plus a study allows Cornell to choose between Option 1 and Option 2 (if that should prove necessary) on the basis of evidence and experience rather than on a prior speculation, and it avoids the out of hand rejection of the option (Option 1) that may be better both for Cornell and for the faculty.

Speaker Pollak: "I'd like to quickly move on to the final item. Nobody approached me regarding Good and Welfare, so we do have until 6:00 for the final item. I ask Paul Sherman to introduce this discussion."

7. REPORT AND RESOLUTION ON FACULTY SALARIES

Professor Paul Sherman, Neurobiology and Behavior, Chair of the Committee on Financial Policies: "Last year at this time the Senate passed a resolution asking us to report back on a yearly basis about the status of University salaries. Members of the committee spent most of the fall meeting, and corresponding on e-mail, and continued to meet through Christmas time and into January to put together a resolution which you have on the web, and which I hope you've had a chance to read, that I want to take you through today."
"This is a report on where we stand and how the policy that's been announced by the President and the Provost has served us in that. Let me start with just taking, briefly, from the resolution. It says:

WHEREAS, the faculty have primary responsibility for executing the teaching, research and extension missions of the University; in essence the faculty are the University, and

WHEREAS, the Financial Policies Committee has compared Cornell faculty salaries over the past decade to those paid by peer (based on published rankings of institutional quality) institutions, and

WHEREAS these comparisons consistently show the following:

1. The salaries of assistant professors in the endowed units at Cornell are below those paid by peer institutions.

2. The salaries of assistant and associate professors in the statutory units and associate professors in the endowed units at Cornell are, at present, roughly comparable to those paid by peer institutions, and

3. Most conspicuously, the salaries of full professors in both the endowed and statutory units at Cornell have been significantly and consistently below those at peer institutions, and this gap is growing.

"Let me support these statements by showing you some data. In 1993 the National Research Council ranked graduate programs across the country in a very broad ratings survey (Table 1). It's the latest ranking. There are many different ways to summarize the data. Dean Mark Brenner of the University of Minnesota summarized them this way. He looked across all of the programs that were ranked above 3.0, the ranking went from one to five. Everything above 3.0 he added up together and came up with a ranking of a number of universities. I think all of us could take great pride, everyone in this room, for contributing to the number three ranking of Cornell University in the 1993 survey. And, you notice we have increased from '82, which was the last previous survey, by five slots under this way of looking at the data.

"Another way to look at the data, this is by a magazine called Change magazine (Table 2). They simply go through and look at the average scores of all the programs ranked and come up with an average mean. And then they ask the question, 'All right, how do the schools rank relative with those programs'.
According to this ranking, Cornell ranked in 1993, ninth, up two places from the eleventh they were previously. The point that the Financial Policies Committee takes from this is great pride, as I say, everyone of you in this room should share in that pride. However you slice it, we’re one of the top ten universities in the country, according to the National Research Council’s rankings.

“The question is, do our salaries, are our salaries commensurate with that rank? The main problem is, how do you develop a peer group to compare your salaries to? One possible way to do it, which is a starting point, is to just take the five schools above us and below us in the ranking, and just see how we compare with those five above and five below (Figure 1). Notice there are public and private institutions in there. Well, we did that, and we see the following pattern. And this is only, I want to emphasize, for full professors. But Cornell ranks, near the bottom compared to these similarly ranked institutions, the five above us and the five below us.

“Now, a hot debate started in our Financial Policies Committee, which continues to this day, about how you determine a peer group for comparison (Figure 2). The problem is that in the United States today, public institutions and private institutions don’t really pay the same salaries. The private ones pay considerably more. And so, the question is, should we lump all the privates and publics together or not? This becomes very important if you’re trying to figure out exactly what percentage increase or decrease in salaries is appropriate. So bear with me in that.

“We decided because the publics and the privates pay such different salaries in the United States today that we should try to come up with peer comparisons for both the privates and the publics separately. And many members of our committee agreed that there had to be some way of adjusting for these pay differences in the private and public institutions’. Also, many members of our statutory colleges said that their college was so different from others that we really had to do something like this. So, we first went to the Deans of the Veterinary School, of CALS, Human Ecology, and asked them who they regarded as their peers, and there was surprising unanimity.

“We were able to come up with ten peer institutions relatively quickly (Figure 3). And then, using published salary data from the AAUP publication Academe, compared Cornell to that. Here are the results of that sort of survey for the last year. Starting with assistant professors at the top, associate professors in the middle, and full professors at the bottom. As you can see the list was Wisconsin, Ohio State, Minnesota, Davis, Michigan State, Georgia, Iowa State, Penn State and Texas A&M.
"If we look at the assistant professor level, Cornell salaries are a little above the mean, but about the middle at least. And there’s not much variation. If you look at associate professors, again, Cornell is above the mean, and a little further from it. So, again, the range is not great. But if you look at full professors, Cornell plummets to the bottom of this peer group, and we’re substantially less."

Unknown: “Paul, you mean statutory, not the ....”

Professor Sherman: “I’m sorry. I mean the statutory. Sorry. This is why the ‘whereas’ was as it was. Another peer comparison group for Cornell might be the other SUNY centers. So let’s look at Cornell compared to the SUNY centers. If we look at assistant professors, Cornell ranks right at the top, although CALS does not, as a subset of Cornell statutory. But the range is not great here. You can see (Figure 4) they’re all about the same. If we look at associate professors, Cornell is just above Binghamton, at the bottom, and CALS is right at the bottom. Again, the range is not great. For full professors, both CALS and Cornell statutory in general rank right at the bottom of all the SUNY centers. Now, we don’t have rankings of the various SUNY centers; but, at least my colleagues in CALS like to think of themselves as the gem of the SUNY system—certainly not ranking themselves below Buffalo and Albany.

"If we look at the endowed (Figure 5), we tried to come up with a peer comparison group for the endowed, the best thing that we could figure out to do was just take the four schools that rank above us and the four schools that rank below us, just using privates. That’s all we did. Just take the same thing I showed you before and use privates. So that private group was Penn, Stanford, Chicago, Northwestern, Duke, Columbia, Cornell, Princeton, and Yale. Here are the latest data that we have on assistant, associate, and full professor salaries. The picture is substantially the same as what you’ve just seen for the statutory colleges. Cornell is, at least above the bottom for the assistant professor salaries. Cornell is just above Yale for associate professors, but ranks eighth, seventh out of nine, near the bottom. And for the full professors Cornell is ranked at the bottom.

“The picture then is substantially the same as what we saw before. This supports the ‘whereas’ that I showed you before, the idea that in the assistant professor roles we’re not doing too badly. Associate professors a little worse. Full professors dreadful compared to these schools which are, as I said, similar in quality, private institutions.

“From this we take another whereas, and the next whereas has many factors including the quality of professional peers, quality of laboratory space, market forces, personal preferences relating to lifestyle, opportunities for spousal
employment, cost of living in the community, etc., etc. All these things influence faculty salaries at Cornell and elsewhere. But we don't see how they can justify or explain the decline of salaries relative to those at peer institutions, particularly in the last decade when our ranking of academic quality has remained the same, or indeed has increased.

"Now, sometimes it's said that it's cheaper to live at Cornell than in other places. But, in order to support some kind of decline, it would have to mean that every place else increased in cost of living and Cornell decreased or didn't change. We have found no meaningful substantive data to support that. But what we have found is data to show what has happened to our salaries relative to our peers over the last decade. The upper graph (Figure 6) shows our percentile ranking with relation to that peer comparison group I showed you for statutory colleges. That is, our ranking out of that ten. We started off in '72. We were the highest paid. We are now, as you have seen, one of the lowest paid. In terms of our ratio to the comparison group, a ratio of 1.0 means that they're paying the same as Cornell. We started off in the early seventies well above the peer comparison group average. We are now below that average substantially.

"If we look at the same kinds of graphs, the very same kind of plots for the private part of Cornell but this time including all private Ph.D. granting institutions, they show the same kind of graph. Substantially the same. We started off doing fairly well in the early seventies, mid-seventies, and there's a substantial decrease. And I think it's important to bring up the issue of cost of living. We spent a great deal of time on this in the committee. We talked back and forth. We argued back and forth, and presented alternative viewpoints. I'm presenting one that seems to me to be the best summary.

"It is sometimes said that, 'Well, actually what universities do is pay according to the cost of living. They don't really pay dollars, so these comparisons are inappropriate. You have to adjust them according to some cost of living.' And there's considerable debate about how to figure that out, but let's say we use a standard measure of cost of living, and we ask, do universities generally pay relative to cost of living, or do they just pay dollars on the barrel head, regardless of how much it costs?

"We looked first, and these two graphs are Peter Stein's collating, or putting together, the data. If we look at the Change magazine's rankings on the x-axis, and the professorial salaries compared with Cornell endowed on the y-axis, is there some relationship, and we find that there is indeed a strong negative relationship which would be described by a linear regression (Figure 7). In other words, as the quality declines, the pay declines. The highest paid places are the highest quality places, and in fact, Cornell is a significant outlier to this graph. A
very significant outlier by any statistical, statistically it is an outlier. On the other hand, if we look at the salaries adjusted for the cost of living, do we similarly see a negative relationship? As the rankings go down, does quality go down? No. The whole thing falls apart (Figure 8). The point is that when you're looking for a job, if someone offers you a job elsewhere, they don't tell you, 'Well, we're going to be paying you $104,000 and we're going to adjust it for the cost of living,' they're going to pay you $104,000. And that's what we seem to be competing with is people paying cash on the barrel head.

"Based on all these comparisons, we think that there are some things that ought to be resolved. And our most important one is right here, so let's just take a second to read it. 'As a general principle, faculty compensation should be commensurate with faculty quality based on published rankings of institutional quality.' This is a principle which has been applied to our administration by the administration. They say, 'We work hard to be competitive in that realm.' We believe that the same principle should apply to the faculty. Another very simple way to say this is, 'If you don't pay 'em, you don't keep 'em.' The whole quality of Cornell University rests on this principle. If we adopt this kind of a strategy, what does this mean that we have to do as a university?

"Well, let's go back and I'm going to just show you full professors now (Figure 9); we could do the same thing for assistant or associate professors. The idea is that we would have to be raising salaries. If we start at the top, we would have to be placing Cornell salaries somewhere between Chicago and Columbia peer comparison group. Cornell would be placed somewhere between Iowa State, Georgia, and Minnesota in the statutory colleges, or if we take the first approach I did, which is combine all the schools public and private, Cornell would have to align somewhere up between Chicago, Yale, Columbia. Now, the point is, in order to achieve, if this is our peer comparison group that we decide on, and we should decide on this as a university together, we've got administration and our faculty. Then we would have to raise our salaries somewhere around eighteen percent to pull this off.

"If we were to adopt in the statutory colleges, that this is our peer comparison group that we've decided upon, we would have to raise our salaries about thirteen percent to be in the middle. If we take this approach which is to say all public and private arrayed together, then we'd have to raise our salaries about fifteen percent to reach our goal of pay commensurate with quality which we on the Financial Policies Committee believe is necessary to maintain the quality of the university in the long run.

"Two years ago, the President made salaries one of his top priorities, and he instituted a policy of raising salaries approximately five percent a year. We now
have one year of good data, that was last year. When I say 'good' data, it's been published. We now have another year which has now come around and with Peter Stein's help have been able to get data to show how we did. How did that five percent raise a year serve us toward achieving this potential goal? Here are data from the '96-'97 year, and I only have Cornell endowed here to show you. Full professor salaries increased 4.2 percent, associate professors increased 5.0 percent and, assistant professors 5.6 percent. That's great. We did very, very well, as individuals, or as a group, I should say. Sorry.

"But, what did peers do? What did everybody else do? Well, it doesn't matter really very much what peer comparison group you pick. All the peer comparison groups see their raises somewhere above four percent. So basically, the full professors had the best year they've had in years and they still lost a tenth of a point to all their peers. Associate professors lost two tenths of a point to peers, and assistant professors lost, or, gained a tenth of a point. We didn't move very much.

"The data are not yet published for this year. It will come out in the April issue of the journal Academe which is the AAUP publication. But Peter has been able to call around and ask several schools, as many as he could get to answer, 'what did you report to Academe?' What will be coming out in April? This is pre-publication information, therefore, which will be confirmed in April. We were only able to gather running in our peer comparisons with the private six schools, and six schools in the statutory comparisons. But these will be augmented soon. But the point is, this is a sense of how we did.

"Full professors salaries at Cornell last year in endowed colleges increased 5.0 percent. Our six peers (Table 3) that we were able to get data on (Duke, Chicago, Columbia, Northwestern, Princeton, and Yale) increased 4.3 percent, it was a net gain of seven tenths of a percent. So, I take that as a very positive point. Associate professors' salaries increased 3.4 percent, but our peers did better: 4.6 percent. We lost ground, 1.2 percent at the associate professor level. At the assistant professor level, the increase was 10.6 percent, and obviously this is due to new faculty hiring. In other words, they were hired at higher salaries, so that's why that's so big. Our peers only increased 4.2. The assistant professors did very well; they picked up 6.4 percent on our competition. Now, I'll stop here just for a second. This is really very good. We're delighted to see at least some increase in the full professors and some increase in assistant professors, but if you remember my earlier points here, the increase of seven tenths of a percent, it would take us about twenty years to get where we need to get, all the time the peers are raising. In the statutory colleges, things did not go as well. The Cornell increase was 1.3 percent, peers 4.6 percent; we lost 3.3 percent."
Vice President Ehrenberg: "Paul, just as a point of information, these were the published salary figures as of September of this year and they do not take into account the 5.5 percent salary increase on average that statutory faculty received in the middle of this year."

Professor Sherman: "My understanding is that this is what will come out in Academe."

Vice President Ehrenberg: "That's because Academe gives the salary that is in effect, as I've explained to Peter, as of September of each year, and it does not take account of the 5.5 percent average salary increase that the statutory faculty received in the middle of this year. That's just a point of fact."

Professor Sherman: "Yes, but I believe that that will be reflected in next year's salary, and next year at this time I'll be visiting you again to give this same presentation at which point we'll see how our peers did next year. In other words, one way or the other, we'll account for it; we'll see how we did next year, right? So it's the same, it doesn't matter which year we put it in."

Vice President Ehrenberg: "Next year's figure will not take into account the salary increase which the statutory faculty will get in the middle of next year. In other words, we are on a deferred schedule. Unfortunately, we're not always on a deferred schedule, so all I'm saying is statutory faculty have not lost ground this year in the manner that this chart purports to indicate that they have."

Professor Sherman: "O.K. I'm unable to say more than, I believe these are the data that will appear."

Vice President Ehrenberg: "Right."

Professor Sherman: "And this year's salary increases will be reflected next year. Let me finish, because our time is drawing nigh. By these data, the associate professors did not increase, they lost 4.2 percent. The assistant professors increased 0.2 percent; our competition 5.2, they lost 5 percent. I believe these data will be borne out by what is published in Academe.

"So what are we going to do? It seems to us that to achieve the goal of faculty compensation commensurate with quality we need a major salary initiative. The initiative should take the form of an immediate raise to begin closing the gap that already exists, as well as a longer-term plan to close this gap. This is going to require a raise pool consistently in excess of that offered by peer institutions, and substantially greater pressure on New York by the central administration
working as a team. Once parity has been achieved, faculty compensation should be maintained.

"The only way to do this is really going to be massive increases. What do we mean by a massive increase? Here’s a possible solution. Suppose our goal is to close the gap over a five year period. We don’t know in advance how large our peer institutions’ raises will be. However, we do know how large they were last year. An appropriate raise pool might be calculated by adding twenty percent of the existing gap, that is 1/5 of the existing gap, to last year’s average raise of the peer group, which is decided upon by us and the administration working together for both endowed and statutory at Cornell.

"The final resolution is as follows. ‘These changes in faculty salaries be achieved by resetting priorities for the use of current and future resources.’ It’s important for you to understand that we spent a great deal of time on this committee discussing the issue of tuition. We felt that that was too easy a solution, and we wanted in particular to have considered, and what we are continuing to work on is ‘consideration of the relative amounts spent on such items such as new construction, support staff, and administration to reflect the need for salary parity with our peers across all professorial ranks rather than by increasing tuition faster than at peer institutions.’

"And the final one, which I assume also has some pepper associated with it: ‘Be it further resolved that the Faculty Senate urges the President and the Provost to meet with the Financial Policies Committee at an early, mutually convenient date to discuss how these changes are to be achieved.’"

Speaker Pollak: “I’m going to ask for questions on this.”

Professor Edmondson: “Is this something we’re going to vote on?”

Speaker Pollak: “Yes.”

Professor Edmondson: “May I introduce a friendly amendment? In the preamble, I believe you had called it.”

Speaker Pollak: “No. It had to be introduced prior to the meeting.”

Professor Edmondson: “Oh, sorry. O.K.”

Professor Obendorf: “I don’t know how Dick views this, having sat on Buildings and Properties. I don’t know which faculty project and which college’s new construction we should vote against, Dick. I think that this is a very, very
facility-driven campus, with many different facility aspects. You name it, we've got it in facilities. And we see more and more new projects which are generated from the faculty. This is not the administration's problem; this is our problem.”

Professor Sherman: “Right. I think that there was a lot of discussion of this and we felt that as the Financial Policies Committee we really ought to be asking. This should be discussed. In other words, this should be something that we would be bringing into a discussion here. For example, there was considerable discussion of the proposal to build a multi-million dollar new dorm. And, the frustration was expressed that no one had talked to the Financial Policies Committee at any point about this.”

Speaker Pollak: “I'm going to call the question now. All those in favor of the resolution by the committee, signify by raising your hand. All of those opposed? The motion carries.”

WHEREAS, the faculty have primary responsibility for executing the teaching, research and extension missions of the University; in essence, the faculty are the University, and

WHEREAS, the Financial Policies Committee has compared Cornell faculty salaries over the past decade to those paid by peer (based on published rankings of institutional quality) institutions, and

WHEREAS, many factors (e.g. quality of professional peers, quality of laboratory space, market forces, personal preferences relating to lifestyle, opportunities for spousal employment, cost of living in the community, etc.) influence faculty salaries at Cornell and elsewhere, they cannot explain or justify the decline in salaries of Cornell faculty relative to those at peer institutions, particularly in the last decade when our ranking of academic quality has remained the same, and

WHEREAS, these comparisons consistently show the following:

1. The salaries of assistant professors in the endowed units at Cornell are below those paid by peer institutions,

2. The salaries of assistant and associate professors in the statutory units and associate professors in the endowed units at Cornell are, at present, roughly comparable to those paid by peer institutions, and

3. Most conspicuously, the salaries of full professors in both the endowed and statutory units at Cornell have been significantly and consistently below those at peer institutions and this gap is growing.
THEREFORE, BE IT RESOLVED that

1. As a general principle, faculty compensation should be commensurate with faculty quality based on published rankings of institutional quality,

2. To achieve the goal of faculty compensation commensurate with faculty quality, a major salary initiative is required covering both the endowed and statutory units,

3. The salary initiative should take the form of an immediate (within the next 12 months) increase in salary to begin to close the gap that already exists as well as a longer-term (3-5 years) plan to close this gap completely and to provide salaries that are comparable to those paid by peer institutions at the end of this period,

4. This will require an annual raise pool consistently in excess of that offered by peer institutions and substantially greater pressure on the State of New York by the central and statutory administration working as a team on behalf of the statutory faculty,

5. Once parity with peer institutions has been achieved, faculty compensation should maintain parity with that at peer institutions.

BE IT FURTHER RESOLVED that these changes in faculty salaries be achieved by resetting priorities for use of current and future resources (including consideration of the relative amounts spent on such items as new construction, support staff and administration) to reflect the need for salary parity with our peers across all professorial ranks rather than by increasing tuition faster than at peer institutions.

BE IT FURTHER RESOLVED that the Faculty Senate urges the President and the Provost to meet with the Financial Policies Committee at an early, mutually convenient date to discuss how these changes are to be achieved.

The meeting was adjourned at 6:07 p.m.

Respectfully submitted,

Kathleen Rasmussen, Associate Dean and Secretary of the University Faculty
REPORT FROM THE AFPS COMMITTEE REGARDING THE TRANSITIONS REPORT MOTION

At its February meeting the University Senate requested that the Academic Freedom and Professional Status of the Faculty Committee consider the legality of an upper age eligibility limit of 70 for phased retirement. We have, in addition, undertaken to discuss the issue on its merits.

Legality: We put the question of the legality of upper age limited or age bracketed eligibility criteria for early retirement incentive plans to three lawyers: the University Counsel, a faculty member from the Law School, and a lawyer for the AAUP. The first declined comment. The second and third provided us with judgments. We also collected some legal materials on the topic.

The result of these inquiries suggest that opinion among knowledgeable people on this matter is divided. The two legal respondents disagreed although both suggested that the matter was unclear. Also, provisions of this sort currently are in effect in some institutions and have not, to date, been rejected by courts. However, legislation has been proposed in Congress that would clarify the matter by making age bracketed early retirement plans legal. It may also be that the legality of any such plan would depend on its details.

Those interested in the details might consult Peter N. Swan, “Early Retirement Incentives with Upper Age Limits Under the Older Workers Benefits Protection Act”, Journal of College and University Law, Vol. 19, No. 2. (1992). (Swan argues that they are legal.)

We conclude that the question of the legality of age bracketed early retirement plans is unclear and that it would be unwise for the Senate to base its opinion of such plans on legal speculation.

Merits:

Background Assumptions:

1. It is both legitimate and desirable for Cornell to put into place plans that provide incentives for earlier retirement.
2. Cornell should do so in a way that respects both the letter and the spirit of the Age Discrimination in Employment Act as amended by the Older Workers Benefits Protection Act. Respecting the spirit of these acts requires Cornell to
avoid age discrimination regardless of whether it is illegal and to avoid age specific policies unless there is good and sufficient justification for them.

3. Neither Option I nor Option II for phased retirement create an entitlement to phased retirement. Rather, since they require agreement between a faculty member, a department chair, and a dean, they structure a bargaining situation. Were age bracketing to be removed, the consequence would be to change the question of eligibility for phased retirement after 70 to one in which eligibility is precluded by policy to one in which the availability of phased retirement is determined on a case by case basis.

The question we address is thus: Is a phased retirement policy in which eligibility is determined by policy more or less desirable than one in which availability is determined on a case by case basis? The AFPS Committee believes that the answer to this question requires that we balance considerations that are in conflict. Arguably, any policy that is age specific is, for that reason, age discriminatory. Moreover, the flexibility inherent in a case by case approach may have some benefits to Cornell. However, we believe that there are good and sufficient reasons to justify an age bracketed phased retirement option. Thus we support retaining the age of 70 as the upper limit on eligibility for phased retirement. Our reasons are:

1. We believe that phased retirement without age bracketing is unlikely to function, on average, as an incentive to earlier retirement. Without age bracketing it is likely that many faculty will identify an age at which they would otherwise retire and then use phased retirement to extend their employment so as to maintain some income and benefits at reduced effort. A variation on this theme is that, as faculty age, the availability of phased retirement may be perceived by those reluctant to retire, but facing diminishing energy or contemplating competing life aspirations, as a means of extending their career rather than as an inducement to retire in a timely way. Thus, apart from age bracketing, phased retirement is as likely to provide incentives that prolong careers as incentives to early retirement.

2. We believe that attempting to determine the availability of phased retirement on a case by case basis is not feasible. If administrators were required to deal with eligibility for phased retirement on a case by case basis, they would need to make judgments both as to how an offer of phased retirement would affect individual decisions to retire as well as decisions as to the current value of a particular individual to Cornell. Such judgments are unavoidably subjective and painful. They are also likely to be contentious, and, possibly, a source of litigation. Moreover, making such subjective decisions on a cases by case basis offers opportunities for capriciousness, unfairness, and violation of academic freedom. These characteristics will cause conscientious and humane administrators to flee from them. A likely
result of these features is that few requests will be rejected and that phased retirement, regardless of whether it promotes or inhibits timely retirement, will come to be viewed as an entitlement. Thus the attempt to determine the availability of phased retirement on a case by case basis is not feasible and runs the significant risk of eroding phased retirement as a retirement incentive.

3. Arguably, a policy based on age is inherently age discriminatory. However, the AFPS Committee believes that such age discrimination as is involved in age bracketed phased retirement is at least mitigated by the fact that election of phased retirement is voluntary, and no one is forced to retire. Moreover, the policy applies to all who reach 70 in their turn. Thus it does not single out any distinct class of persons for invidious treatment.

Members of the Committee

Robert C. Fay
Terrence Fine
Ali Hadi
Melissa Hines
Robert Langhans
Maurice Neufeld
S. Kay Obendorf
Anna Marie Smith
Kenneth Strike, Chair
Graduate faculty
Ranking of universities based upon the scholarly quality of the graduate faculty.

<table>
<thead>
<tr>
<th>University</th>
<th>1993 rank</th>
<th>Change from 1982</th>
</tr>
</thead>
<tbody>
<tr>
<td>University of California-Berkeley</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Stanford University</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Cornell University</td>
<td>3</td>
<td>+5</td>
</tr>
<tr>
<td>University of Michigan</td>
<td>4</td>
<td>+2</td>
</tr>
<tr>
<td>Harvard University</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Princeton University</td>
<td>6</td>
<td>-3</td>
</tr>
<tr>
<td>University of Chicago</td>
<td>7</td>
<td>+2</td>
</tr>
<tr>
<td>University of California-Los Angeles</td>
<td>8</td>
<td>-4</td>
</tr>
<tr>
<td>University of Pennsylvania</td>
<td>9</td>
<td>+5</td>
</tr>
<tr>
<td>Massachusetts Institute of Technology</td>
<td>10</td>
<td>+3</td>
</tr>
<tr>
<td>Yale University</td>
<td>11</td>
<td>-4</td>
</tr>
<tr>
<td>University of Wisconsin-Madison</td>
<td>12</td>
<td>0</td>
</tr>
<tr>
<td>Columbia University</td>
<td>13</td>
<td>-3</td>
</tr>
<tr>
<td>University of Texas at Austin</td>
<td>14</td>
<td>+1</td>
</tr>
<tr>
<td>University of California-San Diego</td>
<td>15</td>
<td>+14</td>
</tr>
<tr>
<td>University of Washington</td>
<td>16</td>
<td>+3</td>
</tr>
<tr>
<td>California Institute of Technology</td>
<td>17</td>
<td>+1</td>
</tr>
<tr>
<td>Johns Hopkins University</td>
<td>18</td>
<td>+5</td>
</tr>
<tr>
<td>Univ. of Illinois at Urbana-Champaign</td>
<td>19</td>
<td>-8</td>
</tr>
<tr>
<td>University of Minnesota</td>
<td>20</td>
<td>-4</td>
</tr>
</tbody>
</table>

Source: Analysis of National Research Council data by Mark Brenner, dean of the University of Minnesota Graduate School.
<table>
<thead>
<tr>
<th>Institution</th>
<th>1993</th>
<th>1982</th>
</tr>
</thead>
<tbody>
<tr>
<td>MIT</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Berkeley</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Harvard</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Cal Tech</td>
<td>4.5</td>
<td></td>
</tr>
<tr>
<td>Princeton</td>
<td>4.5</td>
<td>7</td>
</tr>
<tr>
<td>Stanford</td>
<td>6</td>
<td>4.5</td>
</tr>
<tr>
<td>Chicago</td>
<td>7</td>
<td>4.5</td>
</tr>
<tr>
<td>Yale</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>CORNELL</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>San Diego</td>
<td>10</td>
<td>15.5</td>
</tr>
<tr>
<td>Columbia</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>UCLA</td>
<td>12.5</td>
<td>9</td>
</tr>
<tr>
<td>Michigan</td>
<td>12.5</td>
<td>12</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>14</td>
<td>13</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Texas</td>
<td>16</td>
<td>23</td>
</tr>
<tr>
<td>Washington</td>
<td>17</td>
<td>20</td>
</tr>
<tr>
<td>Northwestern</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>Duke</td>
<td>19</td>
<td>25</td>
</tr>
</tbody>
</table>
Table 3

How Did We Do Last Year?  
(1996-97 to 1997-98)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Endowed</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cornell Increase</td>
<td>5.0%</td>
<td>3.4%</td>
<td>10.6%</td>
</tr>
<tr>
<td>Increases at 6 Peers*</td>
<td>4.3%</td>
<td>4.6%</td>
<td>4.2%</td>
</tr>
<tr>
<td>Change</td>
<td>+ 0.7%</td>
<td>-1.2%</td>
<td>+6.4%</td>
</tr>
</tbody>
</table>

*(Duke, Chicago, Columbia, Northwestern, Princeton, Yale)*

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Statutory</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cornell Increase</td>
<td>1.3%</td>
<td>0.0%</td>
<td>0.2%</td>
</tr>
<tr>
<td>Increases at 6 Peers*</td>
<td>4.6%</td>
<td>4.2%</td>
<td>5.2%</td>
</tr>
<tr>
<td>Change</td>
<td>-3.3%</td>
<td>-4.2%</td>
<td>-5.0%</td>
</tr>
</tbody>
</table>

*(Iowa St, Georgia, Ohio St, Penn St, Texas A&M, Wisconsin)*
Figure 1

Endowed Full Profs. vs. Private & Public Quality Peers

$40K $50K $60K $70K $80K $90K $100K $110K

CalTech Stanford Princeton Yale Chicago Columbia Pennsylvania Michigan UCLA Cornell San Diego
Professorial Salaries Compared to Cornell Endowed Prestige Public and Private Universities

Figure 2
Statutory Peer Group Salaries (1997)

**Assistant Professors**

- Wisconsin
- Ohio State
- Minnesota
- Cornell (Ag)
- UC Davis
- Michigan State
- Georgia
- Iowa State
- Penn State
- Texas A&M

**Associate Professors**

- Ohio State
- Penn State
- Iowa State
- Cornell (Ag)
- Michigan State
- UC Davis
- Wisconsin
- Minnesota
- Georgia
- Texas A&M

**Full Professors**

- Penn State
- Ohio State
- UC Davis
- Minnesota
- Iowa State
- Georgia
- Michigan State
- Wisconsin
- Texas A&M
- Cornell (Ag)
1997 Salaries, SUNY Centers
(9-month Equivalents; 1,000s of Dollars)

### Assistant Professors

<table>
<thead>
<tr>
<th>Institution</th>
<th>Salary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cornell</td>
<td>$0 - 40K</td>
</tr>
<tr>
<td>Buffalo</td>
<td>$20K - 50K</td>
</tr>
<tr>
<td>Binghamton</td>
<td>$30K - 40K</td>
</tr>
<tr>
<td>Albany</td>
<td>$30K - 40K</td>
</tr>
<tr>
<td>Stony Brook</td>
<td>$30K - 40K</td>
</tr>
<tr>
<td>CALS</td>
<td>$30K - 40K</td>
</tr>
</tbody>
</table>

### Associate Professors

<table>
<thead>
<tr>
<th>Institution</th>
<th>Salary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffalo</td>
<td>$0 - 60K</td>
</tr>
<tr>
<td>Stony Brook</td>
<td>$30K - 60K</td>
</tr>
<tr>
<td>Albany</td>
<td>$40K - 60K</td>
</tr>
<tr>
<td>Cornell</td>
<td>$40K - 60K</td>
</tr>
<tr>
<td>Binghamton</td>
<td>$40K - 60K</td>
</tr>
<tr>
<td>CALS</td>
<td>$40K - 60K</td>
</tr>
</tbody>
</table>

### Full Professors

<table>
<thead>
<tr>
<th>Institution</th>
<th>Salary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffalo</td>
<td>$0 - 80K</td>
</tr>
<tr>
<td>Stony Brook</td>
<td>$60K - 80K</td>
</tr>
<tr>
<td>Albany</td>
<td>$70K - 80K</td>
</tr>
<tr>
<td>Cornell</td>
<td>$70K - 80K</td>
</tr>
<tr>
<td>Binghamton</td>
<td>$70K - 80K</td>
</tr>
<tr>
<td>CALS</td>
<td>$70K - 80K</td>
</tr>
</tbody>
</table>
Endowed Peer Group Salaries (1997) (1,000s of Dollars)

### Assistant Professors

- **$40K**
  - Penn
  - Stanford
  - Chicago
  - Northwestern
  - Duke
  - Columbia
- **$50K**
  - Cornell
  - Princeton
  - Yale

### Associate Professors

- **$40K**
  - Stanford
  - Penn
  - Northwestern
- **$50K**
  - Chicago
  - Columbia
  - Duke
- **$60K**
  - Princeton
  - Cornell
  - Yale

### Full Professors

- **$40K**
  - Stanford
  - Princeton
  - Yale
- **$50K**
  - Chicago
  - Columbia
- **$60K**
  - Penn
- **$70K**
  - Northwestern
- **$80K**
  - Duke
- **$90K**
  - Cornell
- **$100K**
  - Yale
- **$110K**
  - Princeton
  - Chicago
  - Columbia
  - Penn
  - Northwestern
  - Duke
  - Cornell

Figure 5
Cornell Endowed Full Professor Salary

Ratio to Private Peer Comparison Group

Cornell Statutory Full Professor Salary

Percentile Ranking - Public Peer Comparison Group
Salary vs. Quality: Private Research Universities

Figure 8

Professional Cost-of-Living Adjusted Salary

Change Magazine Rankings
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, April 8, 1998

The Speaker, John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein for his opening remarks.

1. REMARKS FROM THE DEAN OF FACULTY

Peter C. Stein, Dean of the Faculty: "With the rain today, it is probably going to be touch and go whether we will have a quorum or not; so if anyone hasn't already signed in, please do so now. I just want to start by saying a little bit about faculty committees. First, I'd like to talk about the Faculty Committee on Tenure Appointments, which, after a long discussion, was approved some five or six months ago and has been meeting regularly since the beginning of March. This is not the official report that you will be receiving a year or nine months from now that my successor will give you at that time; this is an informal report. A lot of people raised a lot of concerns about that committee and I didn't have the experience to know whether those concerns were legitimate or not. They were sort of worrisome, but I feel pleased that those concerns that were raised, I have not seen in this committee. Let me tell you about a couple of them.

"It was felt that the work load would be so much that it would drown people. That has not been the case. Having four people look at a file and seeing if there is any issue to discuss has been working out quite well. There was a concern that this would appreciably delay the files from making their way to the Provost and the Board of Trustees. That I am sure has not been the case. We are averaging turnarounds of a week. The previous system had turnarounds that were appreciably longer than that. The files come in on a regular basis and we have managed to achieve a working schedule whereby a file doesn't sit in the office for more than seven days before it is considered by the committee, and the committee has been unusually prompt in getting a response.

"The last one which was hard to say exactly what it was, but there was a feeling in the room that the diversity of Cornell is so broad that it would be impossible for Jonathan Culler, a Professor of English, to be able to read a file on Applied and Engineering Physics and make any kind of judgment on it. That concern was expressed by a number of different people. I feel considerably relieved that that does not, in fact, work out to be a problem. I'm not sure how to say this, but it turns out that all the files are written in English and Jonathan Culler can read an Engineering file and Sid Liebovich can read a file in Romance Studies. They both use the same words, they describe and compare them to people in the field. The outside letters come from places that you recognize or you don't recognize, and I think that the judgments that people can make are not very field dependent when we are dealing at a level this high, where we are evaluating the evaluations that have been previously made. I frankly do not think that that problem has occurred."
"There was a great deal of concern about how we were going to deal with Extension. None of the nine cases that have been handled so far, has been primarily Extension cases, so that has not been answered so far. I am pleased and optimistic. I think it is a good committee, and I think that it has already added some value to the process by which we make tenure decisions.

"I want to spend just a couple of minutes making a few general observations about faculty committees and where I think they work and where they don't work so well. I work with about half a dozen faculty committees. These are committees composed entirely of faculty they have a faculty chairman—committees like the Financial Policies Committee, the Academic Freedom Committee, the Academic Programs and Policies Committee, the Educational Policy Committee, FACTA. Those committees in general seem to work quite well, and they have finite tasks, they focus on; they actually seem to be able to come out with proposals, some of which you like, some of which you don't like. But, the basic work of a committee, to analyze a problem and come up with a solution to the problem, seems to work reasonably well. When we set up the Senate, we put into the document another form of interacting with the administration in faculty governance and that was the notion of the joint administration-faculty committee. We have had a mixed record with those committees; some of those have worked well, others have not worked well. One that has been a disappointment to me has been the joint faculty-administration Committee on Admissions and Financial Aid, which replaced the old faculty committee on that. Behind this structure, it is important to get faculty members to focus on issues that administrators think should be a concern. It is a good idea in theory; it has not worked out well all the time. On that committee, we have not figured out how to couple with the administration on these issues. That committee, after a couple of years, has not felt that it has had the input to help the administration properly on this matter of importance. I think that Bob is going to have to work on this problem in the future to try to figure out how to have the faculty provide its appropriate level of input in various administrative functions that are of interest to it. I think we probably have a quorum by this point."

Speaker Pollak: "We have a quorum, and will now move on to the next item on the agenda which is an opportunity to interact with the Provost. Perhaps he has some opening comments for us."

2. QUESTIONS AND ANSWERS WITH THE PROVOST

Don M. Randel, University Provost: "I'd like to say a couple of things. With respect to the task force on the Division of Biological Sciences, it appears that it may have been thought that a decision would be launched to more precipitously than it was going to be. I expect and I hereby warn Professor Howland that I will ask him to convene a group of his colleagues who participated in the discussion that led to his report, to meet with me and perhaps the President (if the schedule can be made appropriate) so as to have the occasion to hear and talk with colleagues on that side of the issue. We continue to invite your views, I would be glad to meet with the task
force as well and I think before it is all over, we are certain to seek advice from outside the University.

"I would just like to say a word about the positions in the administration that I am now seeking to fill, particularly the two Vice-Provosts. I have invited everyone to send me their ideas and names, and I have received some number. I have been asked if I would give more detail about the nature of the duties. Let me say that I will try to circulate a letter that better describes those duties. The aim here is to have two people from the faculty who are prepared to roll up their sleeves and work very hard on behalf of all of us to give the faculty a stronger academic voice. There will be a greater pool of people who understand the issues involved and will be centrally involved in what we are about. It is my expectation that each of these Vice-Provosts will have a portfolio of colleges and others of the twenty or so units that report to the Provost's office on very many matters of daily business. One of the things that I hope is that the Provost's office will be able to respond much more speedily and efficiently to questions that come up, a process which right now, I think, takes much too long and for that I apologize. Simply a lot of daily business will come before these people, but there will also be the question of the number of initiatives which occasionally arise and one of these people may be asked to follow-up and pursue something. Some of these things will be initiatives having to do with undergraduate education that bridges the college and many of the other collaborations that the President and I have encouraged that I feel are essential to the University's prosperity. We have increasingly interdisciplinary work before us and I think we need to increasingly bring closer collaboration among the several colleges and units on the campus and I would like these people to be able to work on these projects as they arise and to see them through to some outcome. As we all know, many a report has been written at Cornell to which there has been no follow-up and I would like to see us do better in that regard. There are a number of places that needed to be touched in the selection of these two people in addition to the Vice-Provost for Research. This requires a certain amount of juggling on my part, which makes it very hard for me to say who is going to have precisely which duties. It is clear that we have to have distinguished scientists as a part of this effort, and we have to have some representation from the statutory colleges, and I am committed, and I will say it before you now, to bring in at least one woman into the central administration on the academic side of the house. I will strive for diversity in general. We must have a social scientist, because much of what we are about is in the social sciences. By the time I add up all of the bases that I want to cover, I have many more than three bases and I have only three positions to fill. Finding the right combination of people is not going to be straightforwardly easy, but once I identify those three people, then I can better figure out how the various duties will be divided up. I hope to have a happy outcome within about a month or so. Are there questions about anything?"

Professor William Lesser, Agricultural, Resource, and Managerial Economics: "Provost Randel, I wonder if you could help me, please, to understand the charge to the Social Science Research Task Force. The Senate, of course, approved a slate of
appointments to that task force last time. As I compare it to the earlier task force on natural sciences, the goal and charge to that committee was really clear and compelling that you are frequently asked to provide additional funds for research at this University and that you receive requests for more money than you give away. To my knowledge, the University does not put a great deal of money into specific social science research endeavors. Could you further elaborate on this task force then?"

Provost Randel: "There are a number of different ways that I could approach that, many of them, you'll pardon me, are facetious. But I will try to be serious for a moment. By some measures, the University invests much more into social sciences than it does into physical sciences, if by actual count of people on the faculty who hold degrees in social sciences, if by no other. The fact that we have 100 people on the faculty who hold Ph.D.s in Economics, means that we are spending enough on economics and by any count it dwarfs many other fields on this campus. What I have to believe about that is that we are not getting the good out of that investment that we should. The University of Michigan brings in something like $200 million a year in sponsored research in the social sciences, and Cornell brings in less than a tenth of that. I think there is every reason why Cornell with its strength and range of faculty investment in the social sciences should be doing a lot better in that domain. Why we are not doing better is a matter one could speculate about. I think one of the things this committee needs to think about is what our strengths are, how we can make more use of those strengths, and in the end, how we can prosper more with the kind of support that there is for the social sciences. We also have substantial infrastructure investments in some social sciences in the form of library materials. We have available very substantial computing resources, which I think have been underused by social scientists. Some of them would say that isn't their fault. They haven't been given access to this resource. I have steadily insisted that the Theory Center and CIT provide much better support for the social scientist so as to enable them to carry out their work that will be distinguished by the highest level of standards. There is every reason to have a task force, not so much about how to spend new money, but about how to make sure that we get the most out of the very substantial amount of money we are already spending. It will be an effort of collaboration and identifying the areas where we will be able to make our mark as well as to identify those areas where we won't be able to for various reasons."

Associate Professor Randy O. Wayne, Plant Biology: "I guess what you are saying is that the value of a social scientist is based on how much money they bring in?"

Provost Randel: "I just spent an hour with a staffer from a Congressman's office and it was not happy, and it was partially not happy because that is the sort of question you are asked. 'When did you last beat your wife?' or 'Do I understand you to mean that you feel that you should beat your wife more often?' That is manifest nonsense. I am a historian of Medieval Music; I do not judge myself based upon how much money I bring in from the outside. We wouldn't have a Music Department, we wouldn't have a Romance Studies Department, a third of the faculty, and perhaps
the most distinguished third of the faculty. If you want to look at the polls, Philosophy, English, Comparative Literature, and a number of other Humanities departments bring in hardly a nickel in outside money and they are our very great strength. We do not judge people on how much money they bring in. In some fields, however, we can reasonably expect that they will bring in outside money. That is why some of those fields have lower teaching quotas, etc.”

Professor Wayne: “When the president spoke to us last, he responded to a question, I don’t remember the question, but I certainly remember the answer. The answer was, ‘the University was more than a corporation . . . ’ which I interpret to mean that the University is first and foremost a corporation. So I was wondering what your viewpoint is on this issue.”

Provost Randel: “I’m don’t remember how the corporation got in there. Well, let me give my speech on that too. I get asked this all the time too. I’m the wooly-headed Humanist on the rubber-chicken circuit and people want to say, ‘Are you in business or not?’ I say, ‘Of course, we’re in business, but it is important to remember what kind of business we’re in.’ The businesses that have gotten in trouble in this country are those that didn’t remember what kind of business they were. Sure, we are a business in the sense that we have a bottom line, we have to live within our means. But, we exist for academic and intellectual reasons and if you forget that, then you don’t know what kind of business we’re in. We insist on doing certain things as a matter of principle whether they increase the gross national product or not.”

Professor Tob deBoer, Mechanical and Aerospace Engineering: “Could you give us your perspective on the workings of the Faculty Committee on Tenure Appointments?”

Provost Randel: “I had a discussion about this with Dean Stein. My belief, you’ll recall, is that I was a defender and advocate of this system early on. I have read the reports that have been sent to me with considerable interest. My only qualification to add to what has happened so far, and we have talked about ways of addressing that is what I get is an accumulation of the e-mails from the committee members and very often they are very short, ‘I think this is good, go ahead and recommend it to the Provost.’ This doesn’t give me any flavor for the debate or the sentiment of the committee and I sort of say, 4 yes, 0 no, it must be a good package, OK. I would like to see a method by which I can excercise my responsibilites, have a sense of what the case is about, what are the strengths, weaknesses and if there are any reservations, without my reading the entire dossier to see if I agree with it. Among the things that we talked about was whether I would meet with the committee, and whether the committee members would be asked to write more than two sentences.”

Dean Stein: “Let me say, Tob, I don’t consider that a serious problem. This is the first time we have ever discussed with the Provost his feelings on the reports. Neither of
us has any experience in dealing with each other on these matters and it will take a little back and forth before we get it right.”

Provost Randel: “And our conversation this afternoon was wholly productive. I shouldn’t be taken to be casting any doubt on the prospects for this committee.”

Speaker Pollak: “Are there any more questions? If not, we’ll move on to our next item on the agenda.”

3. APPROVAL OF MINUTES OF MARCH 11, 1998 MEETING

Speaker Pollak: “You should have all had the opportunity to look on the web for the minutes of the last meeting. Are there any comments on these? Seeing none, we will accept them unanimously.

“I will now call on Kathleen to give us the report from the Nominations and Elections Committee.”

4. REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS

Professor Kathleen Rasmussen, Nutritional Sciences and Associate Dean and Secretary of the University Faculty: “There are two issues that I would like to bring to your attention before I show you what we have done. The first is that we are working very hard to prepare a slate of candidates for the various elected committees—Nominations and Elections, University Faculty Committee, the At-Large members. We have canvassed the faculty for ideas, and have called a lot of people. We didn’t get all the ‘yesses’ that we needed to present a slate of candidates for your approval today, but I am fairly confident that we will have one for the May meeting and we will proceed to an election at that time.

“Secondly, at the UFC meeting, it was suggested that it might be helpful to see what the Nominations and Elections Committee was going to propose at the meeting in your ‘Call to Meeting’ packets, since the Nominations and Elections report goes by so quickly. We will be working on that for the next meeting.

“This is what we have been up to most recently: ”

**CAMPUS PLANNING COMMITTEE**
Jan Jennings, CHE

**RESIDENTIAL INITIATIVES**
Long-Term West Campus:
Eugene Erickson, CALS
Oversight, North Campus:
Jeff Haugaard, CHE
MINORITY AND THIRD WORLD AFFAIRS
Lorraine Maxwell, CHE

Professor Howard Howland, Neurobiology and Behavior: "These are, for example, the Residential Initiatives Committees, joint faculty-administrative committees, correct?"

Professor Rasmussen: "These two committees have administrators, students, residents, and faculty."

Professor Howland: "When I remember the original plan for the Senate, there was going to be an even balance between administrative and faculty appointments."

Professor Rasmussen: "That is true for certain committees, and it has been true for the social sciences Research Task Force, the Program Review Committee, and the physical sciences Task Force. This is not that particular kind of committee. It is much more flexible and ad hoc and to have faculty members make up half of this committee, I do not think would be appropriate."

Dean Stein: "The general rule is that we appoint half of the faculty members to the committees. Many of the people on these committees are not faculty, they are ex officio, staff and administrators, and also students. So, it is half of the faculty members. In general, our history has been that we more or less adhere to that formula. Sometimes, we may give the Provost ten names as suggestions for a ten-member faculty committee, we tell him to choose five, and he chooses all ten. Who named those members? In that case, it may be said that we appointed 100% of that committee. It is difficult to tell. But, it is of the faculty, not of the whole committee."

Professor Rasmussen: "Indeed there is one other faculty member in each case that was appointed by Vice-President Murphy."

Speaker Pollak: "Are there any comments on the appointments? Seeing none, we will cast the unanimous ballot and move on to the next item on the agenda."

5. RESOLUTION TO ESTABLISH NATURAL SCIENCES RESEARCH ADVISORY COUNCILS

Dean Stein: "I think you already know the context, but I'll set it anyway. The genesis of this proposal was the task force that met last summer on Research Futures in physical and biological sciences and engineering, or some such permutation of those words. This committee came out with its report at the end of the summer and we, on the UFC, felt that this was an important report. It would have an important affect on the future of the natural sciences. I use the term 'natural sciences' to include physical and biological sciences and engineering, so that is the definition of 'natural sciences' for the purpose of this resolution. It would have an important effect on how natural sciences progressed and prospered here at Cornell and we felt that the
Senate should have something to say on this matter and we really didn’t quite know how. The UFC brought a motion to you which was discussed at one meeting which was our attempt to put that issue on the floor of the Senate. It was discussed at one meeting, voted on at the next meeting, and then it was resoundingly voted down at that meeting.

"We then appointed a committee that was representative of the people in the room and representative of the vote. We appointed a committee of seven people to sit down and see if they could craft and bring a proposal to you that would do two things: 1) that it would be useful and make Cornell a better place in natural sciences; and 2) that it would meet with your approval and address at least most of the objections that were raised at that Senate meeting. That committee has been working very hard and they have come up with a proposal that was duly circulated to you. I would now like to call on Professor Linda Nicholson to present that proposal to you.

"As she is walking down, I would just like to say a little bit more. We have a lot of time to discuss this. I think that this is an important issue and we should discuss it thoroughly. Even when we work hard on these matters, it takes us almost an entire year to bring them to a conclusion. We have to come to a conclusion one way or another on this subject and I think we have plenty of time and we ought to try hard to do that today."

Assistant Professor Linda Nicholson, Biochemistry, Molecular, and Cell Biology: "Thank you, Peter. Before we get started, I would just like to take a moment to recognize the other members of the committee: Barry Carpenter, John Smillie, Brad Anton, Rich Galik, and Milt Zaitlin, in addition to Dean Stein and myself. The resolution (Appendix A, attached) before us is a proposal for establishing natural sciences Research Advisory Councils. In the next ten minutes or so, I would like to address three different questions: 1) Why do we need advisory councils? 2) What is the proposed structure and how will it work? 3) What is the probable impact on Cornell in the areas of natural sciences? As Dean Stein pointed out, we are defining ‘natural sciences’ as encompassing physical and biological sciences and engineering.

"First, I want to provide some perspective for those of you who are not in natural sciences and are not familiar with the magnitude of the funding that is involved in these areas. I apologize for the bias to biological sciences here. I am a Biological Scientist and I receive the FASEB newsletter. These are more geared towards the Life Sciences, but I am sure that the physical sciences and engineering fields have similar newsletters and have funding levels that are similar to these levels. The trends we are seeing here are certainly applicable to all of natural sciences and therefore have direct bearing on what we are talking about today. So FASEB stands for the Federation of American Societies for Experimental Biology. There are 14 such societies representing over 52,000 scientists. Representatives from each of these societies meet once a year to discuss the future in life sciences, and emerging areas in
science, and then recommendations to the major funding agencies in the United States. Just to give you some numbers here:

"As you can see (Appendix B, attached), the National Insitutes of Health’s current budget is over $13.6 billion, NSF is over $3.4 billion, and then tens of hundreds of millions of dollars for other funding agencies which include the Department of Agriculture, the Department of Energy, Veterans’ Affairs, and NASA. I would also like to bring your attention to the conclusions that this group came up with:

'We have only begun to exploit the vast potential that stands before us. The time is right for substantial increases in our national investment in basic research in biomedical and related life sciences. The dramatic discoveries of the last two decades have given us new tools and insights into mechanisms of animal and plant life and have created exciting new opportunities for progress in our quest for improved health, agriculture, and environmental quality. To acquire the knowledge that will enable us to achieve the goals that Americans so clearly desire, we must build on our recent progress and extend the efforts that have already yielded so many benefits and promise so many more.'

"In accordance with these conclusions, dramatic increases in the budgets of these various different funding institutions have been recommended. They recommend 15% for NIH and 100% for NASA. The two key points that I’d like you to take from this presentation are: 1) research in life sciences is expensive; and 2) a revolution is upon us, we are on the threshold of extraordinary advancements and now is the time to make the investments.

"I think this has direct parallels to the situation that is faced by the central administration here at Cornell. From the perspective of Cornell’s central administration, in terms of natural sciences, they are seeing that research in the natural sciences is expensive, and this is both in terms of basic and applied, and there are really direct links between these two. In fact, a revolution is upon us. We are on the threshold of extraordinary advancements that Cornell can make incredible contributions to, and now is the time to make those key investments. The questions that they face and will face are: 1) What will Cornell’s key investments be? 2) Who will help make these critical decisions?

"With that perspective, we can now move onto the ‘Whereas’ clauses of the resolution. The first ‘whereas’ simply states that the faculty recognizes and accepts their role in providing advice to the central administration on making investments in the natural sciences. The second ‘whereas’ basically says it is somewhat of an inefficient enterprise in terms of how we invest this money; nothing is ever guaranteed, and we don’t know exactly what the future will hold. It is very critical not just to target specific areas, but to maintain a broad base in research so that we will have a launching pad from which to launch off new research programs in emerging areas. The third ‘whereas’ states that there are different levels of requests
that the University has to deal with. These requests include different monetary levels, as well as different levels of impact. If some proposal is going to launch Cornell off in a completely new area, this is going to have a greater impact that something that is just an expansion of an existing program. The fourth 'whereas' basically states that we need to separate advocacy and evaluation roles in whoever is providing advice to the Provost.

“We have proposed two different advisory councils. I have here a schematic of Cornell University (Appendix C, attached), and you recognize it as Cornell because of the pumpkin on top of the tower:

“We have a central administration here that has in its grasp a certain amount of discretionary resources. We are talking here only about those discretionary resources. I would like to clearly distinguish this from the decisions that the deans are making already. This is simply about the discretionary funds that the central administration controls. We are proposing a local advisory council and an external advisory council that will provide a global perspective. This will be expert advice that will aid the central administration in making its decisions. To illustrate its structure, I'll show you this flow chart (Figure 1, attached).

“Let's just start with a proposal. A proposal is submitted to the central administration and there is a sorting function that goes on here. The central administration decides whether those proposals are small, medium, or large and depending upon that decision, different things happen. Small proposals will be dealt with as they have been in the past. Decisions will be made directly by the central administration. It is their prerogative to obtain additional information and advice.

“Medium proposals would be passed through the Local Advisory Council; these are people who are right here on campus. It will be composed of faculty members. We envision this being a fast kind of process where the Local Advisory Council will evaluate medium proposals. It will also evaluate proposals that may not be appropriate for the External Advisory Council to review due to urgency. Anybody on the Advisory Council that had a direct interest in a proposal would not be allowed to vote on that proposal, so that would hopefully remove any bias.

“Large proposals would be set aside for an annual evaluation. Once a year, the External Advisory Council would meet here are Cornell, to evaluate the proposals that are of larger magnitude in impact and they would provide recommendations on these proposals to central administration in the form of a written report.

“Examples of smaller proposals might be bridging funds to see a researcher through a period between grants. Medium proposals might be start-up costs for rather expensive faculty members that were hired. Large proposals might be new buildings, new institutes or departments that are proposed, or perhaps focusing Cornell's research in science in areas that it has not focused on before.
"So, the External Advisory Council would meet annually and submit a report. This report would be carried by the Local Advisory Council to the Faculty Senate for open discussion. We as a Faculty Senate, representative of the faculty of Cornell, would have an open discussion that the Provost’s ears would hear and so in a worst-case scenario, if you thought that various councils had been stacked against an area that you felt strongly about, you could stand up and have just as loud a voice. Of course it is up to the Provost and the central administration in terms of who they listen to the most.

"The Local Advisory Council would be composed of ten Cornell faculty members appointed jointly by the Faculty Senate and the Provost. You would have a say in who these people are. They would play a strictly advisory and organizational role, and if they had a stake in a matter up for discussion, they wouldn’t have a vote on that proposal. They would evaluate medium and urgent proposals. They would advise the Provost on the selection of the External Advisory Council. They would organize the annual External Advisory Council meeting, they would host the members, organize the presentation of the materials, and provide a local perspective on science and politics to the External Advisory Council and then they would carry the recommendations to the Faculty Senate.

"The External Advisory Council would be composed of five ‘luminaries’. These would be people who have a very broad perspective on science and the impact of science on the world as well as elsewhere. They would be science administrators, science policymakers, and distinguished scientists themselves. They would be appointed by the Provost with advice from the Local Advisory Council. They would provide a broad perspective on science in the world and how Cornell could contribute to that community. They would meet at a specific time each year; you would know that you would need to gear a specific proposal to a specific time of year. They would evaluate proposals at this annual meeting and they would make written recommendations. They would provide outside perspective on questions like: What are the emerging areas in science? Do the proposals represent emerging areas? Would the proposals be likely to raise the eminence of Cornell? Do the proposals make sense for Cornell to pursue? They would also provide unbiased judgment on whether the proposals represent critical areas of science from a global and philosophical perspective.

"The rationale, I apologize, attempts to project the probable impact of this structure on Cornell. The first rationale basically says that these decisions are going to be made anyway. Whether or not we adopt this resolution is going to determine whether or not the Provost has a lot of information at his disposal to make these decisions. The second rationale is stating that there is very little, if any, precedent for this kind of advisory structure at this level in the academic world. We see this as giving Cornell a strategic advantage in launching into emerging areas of science. The External Advisory Council would also give us the opportunity to advertise a little bit and perhaps raise Cornell’s eminence through this advertising. The third rationale is building in checks and balances. The External Advisory Council is great because it
gives a global perspective. The Local Advisory Council is also great and very important for knowing what makes sense for Cornell and what is the likely impact if we make selected investments, and how those investments will that impact the whole of natural sciences at Cornell. Lastly, the presentation of these recommendations to the Faculty Senate will perhaps give us the opportunity to raise issues that perhaps the other advisory councils haven’t thought of, that the broad level of representation here would be very useful in this process.

“We very quickly threw together a list of people who might serve on the External Advisory Council (Appendix A). I’m sure that you can find many, many ways to point out how biased this list is, and I apologize for that; certainly one is that they are all men. This was just tossing out names that popped into people’s heads, people who are Noble Laureates, people who are directors of institutes. But, this is just to point out the level of person that we would be going after for targeting the five members of the External Advisory Council. I also put web pages for some of them so you could look and see what their background is.”

Speaker Pollak: “Are there questions or comments regarding the material being presented.”

Assistant Professor Tony L. Simons, Hotel Administration: “I am curious about the idea of setting down the limits of various categories or should that just be a discretionary decision of whether this is small, medium or large?”

Professor Nicholson: “We certainly discussed this and the bottom line is that the Provost would have the sorting power and we don’t want to tie anybody’s hands. We simply want everything to work and we want it to work well. We sort of said, small means less than a million dollars, etc. . . We decided not to put dollar amounts on that in order to give the Provost the largest amount of freedom possible.”

Professor Richard Galik, Physics: “There is also a trade-off, you have to balance urgency with dollars. Sometimes there may be amounts of money that seem large, but we need to know very soon if we should spend that money, so that advisory power should be given to the local council instead of the external council. If we have a hot faculty member that we would like to attract and we need half a million dollars in order to set her up in a laboratory, we need to know quick. So, sometimes dollar amounts will not be the sole determining factor in whether these proposals are small, medium or large.”

Professor Fred Ahl, Classics: “How will this research council work with already existing research councils at Cornell?”

Professor Nicholson: “Are you talking about the Research Council that Norm Scott has in effect?”
Professor Ahl: “Yes.”

Professor Nicholson: “Dean Stein, since you gave us your perspective on what that Research Council does, maybe you could better tell us about what that is and how it wouldn’t fill the role that this committee will fill.”

Dean Stein: “The Research Council is a rather large group which has not been a decision-making body. It encompasses the natural sciences and the social sciences; it has some humanists, some administrators; the list is probably close to thirty people or so. It really has been a committee of information exchange with the Vice-President for Research and it has really been a creature of the Vice-President for Research, and we are now having a change in that administration.

“It was not clear to us that the people who would want to be on a committee like this would also want to be on that committee. It is clear that if this committee is approved and if the new Vice-President for Research or the new Vice-Provost for Research wants to continue something like the Research Council, it will have to be decided how this committee fits in with that committee. If this committee becomes the nucleus of the natural sciences part of that group, it didn’t seem appropriate to build on an existing part of that committee since it wasn’t formed for that purpose and since it may not have a lifetime that goes beyond this July.”

Assistant Professor Carlo Montemagno, Agricultural and Biological Engineering: “Currently when you have proposals that go to NSF or NIH, the selection of those particular proposals is done in a very ad hoc manner. Would you foresee this committee taking over that role in a more formal way?”

Professor Nicholson: “We did not discuss that issue, but it does seem to me to make good sense to do that. Once a structure like this is in place, it may be able to handle a variety of details like that one you just described. Although this does specifically deal only with natural sciences.”

Professor Terrence Fine, Electrical Engineering: “I wonder why I rise so often in opposition. I think part of it is that there is a real philosophical difference between me, and let me take as an avatar, Dean Stein. I’m not sure if he has ever met a problem to which the answer wasn’t a standing faculty committee. Whereas to me, I think that standing faculty committees ought to be used quite sparingly. Not only do we have standing faculty committees for everything, but we have them at the University level and that is a concern for me because it erodes the department and the college. You have heard me speak to this before on a previous and very similar issue, which is University-wide faculty tenure review.

“I would like to say that not everything that the Provost says that he would like advice on means the creation of a University-wide standing committee, which thereby subtracts from the importance of certain existing areas about research management, which we’ve already mentioned, and of course research managment
at the level of the college, that little box down there in the corner. Overall, I don’t like the idea and I am supposed to believe that this is a particularly good idea. You gave us the motivational material. If I took the information that you gave us on that slide, I could have changed the numbers and put any year on that slide and gave the same presentation. The arguments you make about innovations, about new things happening have been given every year that I have been here; it is always on the horizon. That is how we keep going, we always keep thinking that something important is about to happen in everything that we do. The numbers change, it wouldn’t have been $15 billion twenty years ago, but the arguments would have been the same. I don’t think anything has changed in that respect.

“What about the mechanism itself? There is a belief in here that we can achieve a state which I very much doubt we can achieve. You talked about dispassionate evaluation, separating advocacy from dispassionate evaluation. That is wonderful. Is that something that you can do? I very much doubt it. You talk about two committees, a local and an external committee. We’d like to think that they are independent. But I think that in a working matter, their independence is very much compromised. The local committee suggests names of the external committee, they host them, they schmooze them, they explain problems to them. These are not two independent committees, not by any stretch of human interaction. This is very much a matter of one co-opting the other.

“What is this external committee going to do? You mentioned that many people might think that your list is biased—there were no women—I think that any list you come up with will be biased. No matter who you put on this committee, the committee will still be biased. In Part B, you are asking them to provide unbiased judgment. Do you really think that is possible? I don’t really mean this directly to you; I am looking at you; I should be looking at the chair. Do we really think we are going to find these five marvels who are going to provide unbiased judgment? I don’t think so. We are all really very biased. We are very much conditioned by the work we do. Twice we hear about this committee providing unbiased judgment. Finally, something else that I really take offense at, Part D: provide a frank evaluation of the quality of Cornell’s programs in natural sciences’. Who asked you? Who asked you to propose this? This is research program review. We now have tenure review and next is research program review? This is a wholly new item, that we put at the bottom. We have A, B, C, . . . oh . . . and now here’s D. I think it is a completely different object to evaluate the quality of these programs in natural sciences than it is to make decisions about building a new building over here or not. It is a much broader scope. So for these reasons, I really don’t think there is any hope of making this thing unbiased. I strongly oppose this. I know, judging by past history with Dean Stein, that one ‘no’ vote does not do it. When you vote ‘no’ against something that he is in favor of, we find it coming back in another form. We find that a roll call vote is used by him to call people up and find out why they didn’t vote the way that he thought they should have voted. All of these things I do not think is the role of the Dean of the Faculty.”
Professor Barry Carpenter, Chemistry: "I'm not sure I remember all of Terry's points but I will try to address them. I think he is absolutely right that this will not provide an unbiased set of data that the Provost can use. So, the question really is going to be, how biased is the information going to be? What we are looking for is not something which there is going to be no bias, but something for which there is minimum bias. It is in part related to the fact that the two highest offices in the University are held by non-scientists. They are highly admirable people, but they are not scientists. So they will be looking for advice from somewhere and the fact of the matter is that there are a few people of considerable power, with very persuasive voices, who are currently advising the people who in the end are ultimately making the final decision. I find that undesirable. I think we'd want to have as many people giving as unbiased advice as possible. This was set up to provide the best that we could do for that structure. In fact, if you recall, I was the one who raised the conflict of interest issue when the original Research Futures Task Force Proposal was brought before the Senate and I was against that.

"As far as the external committee is concerned, I would like to think that I as a Cornell faculty member by the power of my persuasion could convince the head of the NIH or the head of the NSF of the absolute splendor of my research. If I could do that, I would probably be heading a much larger research group than I am. These are not dumb people. These are people who are exposed to an awfully large amount of material. I think the likelihood that they would be unduly influenced by what we have to say is not very great. Hopefully, they will be influenced a bit because as Linda mentioned, one of the things that we hope to achieve is a bit of advertising for Cornell. It probably couldn't hurt if on a yearly basis a group of eminent people in the field of natural sciences and in charge of the national funding agencies came to campus to see what we at Cornell are doing."

Professor Galik: "One issue that Terry brought up was the program review aspect. It is important to realize that any group of external advisers will be looking at the big picture and will want to know if we have adequate resources, expertise, or background in order to pursue a critical or emerging area of science, we will have to make some statement about what Cornell is doing presently. I think that at some point, Cornell will have to make some frank judgments as to whether or not Cornell's background or present program will allow it to move into certain areas. I don't think that this committee can make recommendations about Cornell's future without first evaluating Cornell at present."

Professor Nicholson: "One other thing that Professor Fine did bring up is what is the difference between this year and previous years. Of course FASEB would have recommended these increases in science every year because science is moving very rapidly. Whether it is putting someone on the moon or plotting the human genome, science is moving very rapidly and there are some decisions that do need to be made right away. I think it is a very critical time because research is getting very expensive and we have to make these decisions with the best possible information."
"As Barry pointed out, this system will hopefully provide a check on internal political factors so that empire builders won’t dominate. There are a variety of different people who go into science, certainly there are some people with very large egos who do it for the sport. There are also some people who just sit on a high mountain and look. Those certainly are people who are very critical for science and they aren’t always the people with the loudest voices."

Professor S. Kay Obendorf, Textiles and Apparel: "I’m back at the beginning with the definition of ‘natural sciences’. As part of your introduction, you had health and agriculture. I want to know if health relates to nutritional Sciences in the same way as life sciences relates to agriculture in this proposal?"

Dean Stein: "The term, ‘natural sciences’ is, of course, an ancient term first laid out by the Humboldt brothers as one of the three great divisions of knowledge laid out in German academic circles in the 19th century. But life is getting more complicated and now the faculty committee on program review is trying to assemble an inventory of biological sciences at Cornell and it can’t be done by colleges and it can’t be done by departments. In the end it has to be done by individuals. In trying to assemble that inventory, faculty seem to have a general sense of who is in the biological sciences and who is not in the biological sciences. Nutritional sciences has people who do basic biological science, people who do applied biological science and people who do social science. My impression is that not everyone who does nutritional science would be in this envelope, but people who do applied and basic biological sciences would be. I don’t think that it is possible to draw a map by college or even department that would outline all of this for you. It just has to be done on an individual basis."

Professor Obendorf: "What about agriculture?"

Dean Stein: "The parts of agriculture that deal with biological science are certainly a part of it. But, people who do international agriculture, I’m sure get into things like sociology and various other parts of social science."

Professor Obendorf: "Is John Pollak in this?"

Dean Stein: "I don’t know, I think John Pollak will define himself. I think he is in."

Speaker Pollak: "I’m not supposed to comment on the issues."

Professor Richard Baer, Natural Resources: "I’m not a natural scientist and I don’t know if I am for or against this, but I would just like to express a little uneasiness. It seems that part of the real strength of Cornell in recent years has been a certain messiness, a certain entrepreneurship, a lack of planning in some areas. It reminds me of a comment that Victor Perkus makes in his book The Technological Man. He is referring to Teilard de Chardin, and he is referring to Teilard’s impatience with
'the messiness of ordinary human life, the mark of the true totalitarian'. I'm not suggesting totalitarian impulses here, but I think we do have to watch out for a certain bureaucratizing of what is a kind of impulsive genius and unexpected element in science and all academic enterprises, and I think there is some real danger in overrationalizing this. I'm not an economist. I don't much about how the M.I.T.I. (Ministry of International Trade and Industry) functioned in Japan, but my reading suggests that they made almost all of the wrong decisions with their centrally controlled economy and had industrialists followed what they said, it would have been an unmitigated disaster. I do know enough about urban renewal, and planning; I've read enough Hegel and others and Reinhold Niebuhr who remained skeptical of our ability to grasp the big picture.

"I hope at least that if we move in this direction that we don't squelch something that is very precious and very important to Cornell and to American science in general. It is very much a bottom up affair; its genius and insight often come from people without very much prestige, without much status, but they are just 'dumb' enough to think the wrong thoughts, outside of the orthodoxy of science and the accepted way of doing business. I don't know if I am in favor or against it, but I have a little bit of uneasiness. I think we need to be very careful about something like this. Sometimes provosts and deans and department chairs need a great deal of freedom to move quickly without a great deal of bureaucratized formalized procedures that they have to follow. They have to follow their hunch sometimes, or guess, and I am willing to take that risk at least to a large extent in the way we have done it in the past. I think there is some danger here that we have to be careful about."

Associate Professor Brad Anton, Chemical Engineering: "It is important to remember that the Provost writes the checks and he is going to do what he wants to do. This is a structure for giving him advice, a structure to try to try to be sure that he doesn't make a bad investment based on unfortunate information. We want to try to help him be sure that he writes the right check. But, ultimately he does that, this doesn't tie his hands or stop him from doing anything that he otherwise would have done."

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "One of the concerns that I had about the original natural sciences Research Futures Report was that it seems that many of the exciting opportunities we have at the doorstep really span the natural sciences and the social sciences. Yet, while I agreed with the research priorities identified in that report, they were almost predictable based upon the composition of that initial committee. In fact, the research funding agencies that we have accross the country are organized by disciplinary groups and they take care rather well of supporting rather traditional disciplinary organized activities. With the formation of this Research Council, we still haven't resolved this problem. I am well aware that the Provost has put into place a social sciences task force that will undoubtedly lead to recommendations about research polices in the social sciences which will undoubtedly lead to a Senate call for a standing faculty
committee to advise the Provost on those activities. That still doesn't get at the fundamental question that I have which is how do we identify those truly new opportunities that cut across disciplines, even the broadly defined disciplines. My response is that would probably call for a standing committee to cut across the disciplines. My hope is that it would not be a hierarchy of standing committees, but rather a common committee, that would encourage a variety of people to talk amongst themselves about this procedure much like the tenure committee seems to be working.

"I'm not sure what that gets to as far as being for or against, but I am concerned about a very limiting nature of the way in which research gets reviewed given what is on the horizon. I would hope we could move to a broader based committee to provide advice on those opportunities which aren't likely to get outside funding, yet achieve positive long range opportunities for Cornell."

Professor Philip Nicholson, Astronomy: "Most of the points I wanted to make have been made very well by several other people. I think this is a vastly improved report. The things I like most are the 'whereas' clauses. You point out that research is a gamble we really don't know where the most important things might come from. Speaking from the viewpoint of one coming from one of the smaller physical science departments, Astronomy, we tend to favor the entrepreneurial view because we feel that it works. I agree with the previous statements that in practice coming up with an unbiased committee that is going to make recommendations within Cornell on this is almost impossible. In summary, my feeling, along with some other people who spoke before me, is that we very much like the idea of an external committee of distinguished people."

Dean Stein: "I'd like to respond to a couple of things, particularly what Terry said and what Richard Baer said, which is an interesting question. Namely, what's different now? Why has this proposal come now? Is it my love for faculty committees or some other nefarious thing that brings this to us? And I think not. I think there is something fundamentally different, and just to put it in my own perspective, when I was a graduate student, I did my first experiment in particle physics, and the number of people who worked on that were two, me and a junior faculty member. We conceived of an experiment and built the equipment, took the data, and published the results. The last experiment I worked on in particle physics had 200 people working on it. It was a factor of 100. That's a fundamental change. Likewise, when I came to Cornell, it didn't cost $100,000 for start-up costs to bring a faculty member to Cornell. There has been a congealing in the sciences which somehow makes it difficult to carry on the old way that those of us who have been here a long time, have learned to love. Namely, this sort of noisy, disorganized kind of institution that this was. Some flowers would bloom, and some would grow better than others. The fact of the matter is that new efforts in the natural sciences consume ever-increasing proportions of the amount of money that the institution and the amount of resources the institution has to spend on them, which makes each decision more critical than it has ever been in the past. And that,
to me, is the fundamental thing that has changed. The stakes have increased on these various decisions, and therefore one wants to have those decisions made by the Provost, in all his wisdom, with the background of the best possible information. And that's what this structure attempts to do. Maybe the local committee may not add too much, but it may. Maybe the committee of worthies will be too high up in the sky to focus on Cornell's problems, but maybe not. The hope is that the combination and interaction of those two committees will produce the best information that the Provost can have when he makes these critical decisions."

Speaker Pollak: "Terry, do you want to respond to that?"

Professor Fine: "A brief response. As I remember Arecibo and Wilson Accelerator were both large projects many years ago. So I'm not sure I agree with you that there's a new seed change here. We've always had big projects like that. I think university-level faculty standing committees are a serious thing to do. I'm thinking about the legal standard. There's 'proponderance of the evidence', 'clear and convincing', and 'beyond a reasonable doubt'. I don't think you have to be convinced 'beyond a reasonable doubt' to create a standing faculty committee. I don't even think 'preponderance of the evidence' is enough. If you feel that you can reach 'clear and convincing' on the need for such a committee, then create it. But I think if you're just on the edge, say 51%, that's not enough to create something as serious as a standing faculty committee at the university level which interposes itself between the Provost, the colleges, the departments, and the Vice President for Research. Before you do that, at least reach 'clear and convincing'."

Professor Elizabeth Earle, Plant Breeding and Biometry: "I wonder if we could hear from the Provost as to whether he would welcome this kind of structure and whether it would help him in his decision making?"

Provost Randel: "There are several things about this proposal that I think Norm cannot object to here, namely the notion of something like a local council. I think the Vice President now has a Research Council, which I'm not sure if it gives advice, but I can perfectly well imagine that such a body could be asked for advice. It is also the case that there is often a sound purpose served by seeking external council. In principle, there again, some kind of body of distinguished people from outside that could give advice from time to time would be perfectly useful. The hesitation that I may have about this derives primarily from the degree to which it covers all possible situations. I think that life is messier than this apparatus might succeed in dealing with. I don't really know what the debate on the floor of this body about whether we should build a new beamline for CHESS would be like, whether that would be a productive debate, whether one could in fact establish a panel of five or six people from the outside who would be able to give advice on a whole range of things. Something in me thinks that often ad hoc committees serve better. I'm also mindful that we can always sack such a committee. It's not a cure-all. I think a Research Council working with the Vice President for Research could be a valuable
thing, and that issues of this kind might come before that body. And we will always have the need for external advice. Part of the issue here is that competition among ideas is not only within the sciences. There will be occasions in which what has to be weighed is not a matter between one science and another, but between some scientific and some other kind of solution before us. One would have to reckon with that as a possibility to be worked out within this particular organization. But, to have the faculty participate in some way in advice about these matters, I'm on record as saying that's a good idea. And to be able to seek outside advice when that's appropriate, I'm for that as well."

Speaker Pollak: "We have quite a few hands still up. In the interest of coming to a resolution, if we can, today, I'm going to ask you if you would be prepared to vote on this motion. Are there any strong objections to a vote?"

"Yes".

Dean Stein: "We have a very jammed meeting in May. I'm perfectly happy to come back next week and debate this some more, but it can't be pushed to the May meeting. So if we're not ready to vote now, I think we have to come back next week."

Speaker Pollak: "We did have someone request time during the Good and Welfare section, so we will move on to that at this time."

5. GOOD AND WELFARE

Professor Howland: "Thank you very much. I want to give you a little background on the motion that we hope to bring to the floor of the Senate, to explain to you why we, in the Division of Biological Sciences, are so concerned, I have outlined the main points on this handout (Appendix D, attached). The message that I want to bring to you is that the Division of Biological Sciences is a creature of the entire University and a great deal of thought went into its creation. In a surprising chain of events, due to the report of the task force which was appointed by the Provost, suddenly we find ourselves with a proposal before us that essentially says, 'we're going to disband the division.' It was not met with favor, we had only a couple of days to look at it and two meetings to discuss it. I think that the general reaction was shock, dismay, and fear.

"At the last meeting, I asked the Provost what was going to happen, he said that we would meet with the academic council and decide this spring. That really scared me terribly. I tried to outline in this paper, the great effort that went into creating the division. This is rather like making a railroad, a lot of work goes into it, but if you tear up the track, you have destroyed something that you are not going to put back together again. I think it is extremely important that we proceed with great caution, hence my desire to bring a motion in front of the Senate to recognize that this really
is a creature of the whole University. So, we are going to bring a motion before the Senate which I ask for your help in preparing and refining, namely,

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

"Thank you."

The meeting was adjourned at 6:00 pm.

Respectfully submitted,

Kathleen Rasmussen,  
Associate Dean and  
Secretary of the University Faculty
RESOLUTION ESTABLISHING NATURAL SCIENCES RESEARCH ADVISORY COUNCILS

WHEREAS, the Senate recognizes and welcomes the responsibility of the faculty to advise the Provost on the allocation of resources for support of research at Cornell, and

WHEREAS, the Senate nevertheless acknowledges that, when judged by a standard of return on investment, fundamental research is an inherently inefficient enterprise not amenable to a priori selection of successful avenues of investigation, making it important to maintain a broad base of scientific research, and

WHEREAS, the Senate is aware that the various requests from faculty in the Natural Sciences for research-related expenditures of University funds may involve different magnitudes of expenditure and different deadlines for decision, and

WHEREAS, the advisory structure should clearly separate advocacy from dispassionate evaluation,

THEREFORE, BE IT RESOLVED, that the Senate proposes the establishment of the following Natural Sciences Research Advisory Councils for advising the central administration on investments in research in the natural sciences (engineering and biological and physical sciences).

NATURAL SCIENCES RESEARCH ADVISORY COUNCILS

The goal of the Natural Sciences Research Advisory Councils is to provide expert guidance from both global (external) and local perspectives that will help Cornell maintain its reputation as a leading teaching and research institution and ensure that Cornell utilizes its resources effectively and responsibly.

Two councils, a Local Advisory Council and an External Advisory Council, will assist the decision-making process of the central administration. The Local Advisory Council will provide an internal perspective on Cornell’s politics and science, while the External Advisory Council will provide a global perspective on emerging areas of science and on natural sciences as a whole at Cornell.

The procedure for requesting funding from the Central Administration for research in natural sciences will begin with submissions of proposals directly to the administration. The administration will sort proposals into three categories (small, medium, and large) based primarily on the magnitude of the requested funding. Irrespective of their size, proposals that represent a major change of course in
research at Cornell will be considered as "large". The administration will evaluate "small" proposals (e.g., bridging funds for a faculty member, etc.) without involvement of either Advisory Council, consistent with current practice. The administration will send "medium" proposals (e.g., start-up costs for a new faculty member, etc.) to the Local Advisory Council for evaluation, which will recommend action to the Central Administration. The External Advisory Council will evaluate "large" proposals (e.g., construction of a building, new scientific initiatives, a major shift in faculty lines, etc.) at a regularly scheduled annual meeting and recommend action to the administration. The recommendations of the External Advisory Council will be presented for discussion to the Faculty Senate by the Local Advisory Council at the first Senate meeting following receipt of these recommendations. (A flow chart of the proposed advisory structure is shown in Figure 1, attached.)

I. Local Advisory Council

The Local Advisory Council is composed of 10 faculty members appointed jointly by the administration and the Faculty Senate. This council will play strictly advisory and organizational roles. Members who have a direct interest in any proposal being considered will not take part in the voting on that proposal.

The Local Advisory Council would:

A. advise the administration on significant issues and proposals relating to the natural sciences that are not appropriate (either due to scale or urgency) to bring before the annual meeting of the External Council,

B. advise the Provost on selection of External Advisory Council Members,

C. organize the annual visit of the External Advisory Council, which would include hosting these members, organizing the presentation of proposals, and providing the External Advisory Council with perspective on the unique aspects of Cornell,

D. present the recommendations of the External Advisory Council to the Faculty Senate at the first Senate meeting following receipt of such recommendations.

II. External Advisory Council

An External Advisory Council of five individuals from outside of Cornell will be appointed by the Provost with the advice of the Local Advisory Council. The Council will provide a global perspective and informed advice on proposed research initiatives, and on critical and emerging areas of science and technology. Members of the Council will have had high level experience in science administration and/or directing science policy, or be distinguished scientists. As a panel they will:
A. meet at yearly intervals to:
   1. evaluate proposals (based on both oral and written presentations)
   2. make written recommendations to the central administration

B. provide unbiased judgment of whether proposed research initiatives represent *emerging areas of science* in which investments are likely to increase the eminence of Cornell in natural sciences, and whether it makes sense for Cornell to pursue,

C. provide unbiased judgment of whether proposed research initiatives represent *critical areas of science* from a global and philosophical perspective.

D. provide a frank evaluation of the quality of Cornell’s program in natural sciences.

**Rationale**

The aim of the proposed structure is to ensure that the Provost has available the best possible advice when s/he makes the decisions to allocate Cornell’s limited resources in the area of natural sciences. The issue is not whether or not the Provost will make these decisions; it is whether s/he will make them with or without the benefit of informed and considered advice.

This structure has little if any precedent at this level in academic institutions, and should give Cornell a strategic advantage in initiating innovative research critical to current and future global concerns.

The two advisory councils will mutually complement each other, mitigate the conflicts of interest concerns inherent in any internal committee of experts, and insure that both a global perspective and Cornell’s traditions and realities are factored into the decision-making process. The involvement of the Local Advisory Council with the annual visit of the External Advisory Council will help the latter group assess the probable impact of selected investments on other vital components of the Cornell research community, thereby protecting the prosperity of the whole natural sciences enterprise.

Presentation of the recommendations of the External Advisory Council to the Faculty Senate will generate constructive discussion in this diverse body, which may bring to light important issues not considered by either Advisory Council.

**Examples of Possible Members of External Advisory Council**

David Baltimore, Nobel Laureate, President, Caltech, (http://www.caltech.edu/president/index.html).
Tom Cech, Nobel Laureate, National Academy of Sciences member, Department of Chemistry and Biochemistry, University of Colorado at Boulder, and Howard Hughes Medical Institute (http://beagle.colorado.edu/faculty/cech_95.html).

Phillip Griffiths, Director of the Institute for Advanced Study.

Henry Kendall, Nobel Laureate, former President of the Union of Concerned Scientists.

Donald Kennedy, former President, Stanford University, currently Professor in the Department of Biological Sciences, Stanford University (http://www.stanford.edu//home/stanford/history/leader.html#Kennedy).

Jeremy Knowles, Dean of Harvard College, a Fellow of the Royal Society and a member of the National Academy.

Neal Lane, former Director of the National Science Foundation.

Richard Lerner, National Academy of Sciences member, Department of Chemistry, Scripps Research Institute (http://www.scripps.edu).

Harold Varmus, Nobel Laureate, Director, National Institutes of Health (http://www.nih.gov/welcome/director/varbio.htm).

3/30/98
### Biomedical and Related Life Sciences Research

**Budget Summary and FASEB Recommendations**

**Fiscal Years 1998-1999 (Dollars in Millions)**

<table>
<thead>
<tr>
<th>Agency and Program</th>
<th>FY98</th>
<th>FASEB FY99 Recommendation</th>
<th>$ Incr.</th>
<th>% Incr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Institutes of Health (NIH)</td>
<td>$13,647.8</td>
<td>$15,694.9</td>
<td>$2,047.1</td>
<td>15.0%</td>
</tr>
<tr>
<td>National Science Foundation (NSF)</td>
<td>$3,429.0</td>
<td>$3,771.9</td>
<td>$342.9</td>
<td>10.0%</td>
</tr>
<tr>
<td>Department of Agriculture (USDA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• National Research Initiative</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Competitive Grants Program</td>
<td>$97.4</td>
<td>$130.0</td>
<td>$32.6</td>
<td>33.5%</td>
</tr>
<tr>
<td>• National Needs Initiative</td>
<td>$3.0</td>
<td>$4.0</td>
<td>$1.0</td>
<td>33.3%</td>
</tr>
<tr>
<td>Department of Energy (DOE)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• BES Synchrotron funding</td>
<td>$171.0</td>
<td>$209.0</td>
<td>$38.0</td>
<td>22.2%</td>
</tr>
<tr>
<td>• Energy Biosciences Division</td>
<td>$27.0</td>
<td>$28.9</td>
<td>$1.94</td>
<td>7.2%</td>
</tr>
<tr>
<td>• Biol. &amp; Environ. Research (BER)</td>
<td>$406.7</td>
<td>$436.0</td>
<td>$29.3</td>
<td>7.2%</td>
</tr>
<tr>
<td>• BER Opportunities</td>
<td>n/a</td>
<td>$29.0</td>
<td>$29.0</td>
<td>n/a</td>
</tr>
<tr>
<td>Department of Veterans’ Affairs (VA)</td>
<td>$272.0</td>
<td>$300.0</td>
<td>$28.0</td>
<td>10.3%</td>
</tr>
<tr>
<td>NASA — Life Sciences Division, Research &amp; Analysis</td>
<td>$50.0</td>
<td>$100.0</td>
<td>$50.0</td>
<td>100.0%</td>
</tr>
</tbody>
</table>
Natural Sciences Research Advisory Councils
Appendix D

Statement on the Procedures to Decide the Fate of the Division of Biological Sciences

I wish to bring to your attention current discussions surrounding the restructuring of biological sciences at Cornell and the proper role of the faculty and University Senate in these deliberations.

You may know that a Task Force appointed by the Provost has recommended the dissolution of the Division of Biological Sciences into separate departments. On two evenings in February, members of the Division of Biological Sciences discussed the draft Task Force Report, a document they had had in their hands for only a few days prior to the meetings. I think it is fair to say that the recommendations did not find favor with the majority of the Division faculty, although no vote was taken.

At the last meeting of the Senate on March 11th, I asked the Provost: "...what procedures will now be used to decide the fate of the Division of Biological Sciences?" and his reply, abstracted from the minutes of that meeting, was, in essence, that he would want to meet with the Task Force, that the President was very interested in the matter, that it would be considered by the Academic Cabinet, and that he and the President would attempt to resolve the matter by the end of the spring [Rough Draft of Senate Minutes: http://www.cornell.edu/Faculty_senate/FCR1997-8/FCR98-311.html].

Some of our older members may recall that the Division of Biological Sciences was created in response to reports of three separate committees. The first was an internal committee of biologists who recommended to President Malott in 1961 that a Division of Biological Sciences be created at Cornell. President Malott rejected these recommendations, as well as the recommendations of two other committees, and left the task of reorganizing biology to his successor, President Perkins. In October of 1963, President Perkins appointed an outside committee of distinguished biologists, chaired by Robert Morison. Their "Biology at Cornell: Report of the Special Committee", recommending the creation of a Division of Biological Sciences, was circulated to the entire faculty of the University. President Perkins accepted the recommendations of the Morison Report, then appointed another internal committee, chaired by Provost Dale Corson, to plan for the creation of the Division. Their report, submitted to the President in March of 1964, was distributed to the entire University Faculty and discussed extensively. According to the report’s appendix, “Finally the University Faculty was called to a meeting and by formal vote approved the report of the Corson Committee.”

Contrast these very deliberative proceedings with the procedures underway today, which may result in the Division’s demise this spring.
The Task Force Report, one which astonished the vast majority of the Division’s members, was hastily discussed by a largely disapproving audience. Two large groups organized written responses recommending the retention and strengthening of the Division. These together with similar responses from numerous individual Division members are now in the hands of the Administration.

The Division of Biological Sciences is a structure that was created at great expense of time and money after long deliberation by several committees—a structure that is now in danger of being hastily dissolved with comparatively little consideration and consultation of faculty or outside experts.

I submit that if the biological sciences were important enough to demand the attention of the President, the entire faculty, and an outside committee at the creation of the Division in 1964, they require equal attention today when the reorganization or abandonment of the Division is contemplated. Consequently, at the next meeting of the University Senate, I will introduce the following resolution. I would greatly appreciate your advice in perfecting it and your support in passing it.

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

Howard C. Howland, Section of Neurobiology and Behavior, Member at Large  

hch2@cornell.edu
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, April 15, 1998

The Speaker, Professor John Pollak, Animal Science, called the meeting to order. He then called on Dean Stein to set the context of this meeting.

Peter C. Stein, Dean of Faculty: "According to our rules, we are only allowed to discuss the item that was on the agenda last week, the Resolution to Establish Natural Sciences Research Advisory Councils. We will turn to that discussion now, and we will continue this meeting until we dispose of that."

DISCUSSION ON THE ESTABLISHMENT OF NATURAL SCIENCES RESEARCH ADVISORY COUNCILS

Speaker Pollak: "We'll start that discussion right away. You have before you the resolution that we began discussing last week. There have been several amendments to that resolution that were duly submitted; we will discuss the amendments first and then turn our discussion to the main resolution."

Assistant Professor Linda Nicholson, Biochemistry, Molecular and Cell Biology: "There were a number of concerns that were voiced last week during the discussion of this resolution. We, the drafting committee, have constructed a set of amendments (Appendix A, attached) that we hope will address these concerns and we ask now for unanimous consent so that we might proceed on with a better resolution."

Speaker Pollak: "There is a motion from the drafting committee to unanimously accept their set of amendments. Is there anyone who wants to debate those amendments? Seeing no one, we will accept those amendments unanimously."

Professor Nicholson: "One of the concerns that was expressed last week was the concern that the proposed structure would create a top-down bureaucracy that would jeopardize the entrepreneurial approach that has worked so well and jeopardize creative genius. I would like to read through some recent history that, I think, illustrates that the structure would do the opposite; that it is more of a bottom-up approach than a top-down approach. After last week's meeting, I received the annual report from the Vice-President for Research, Norm Scott. After reading through that report again last night, it refreshed my memory on the motivations for this resolution. I'd like to go over some of those motivations now.

"The growth of research is judged by two general indicators. One is the total research expenditures in a fiscal year; another is the total federal research funding for a given year. If you compare FY 1996 to FY 1997 numbers for Cornell, the total research expenditures increased only 3%; the total federal
research funding increased only 2%. These are very small increases that caused a great deal of concern in the central administration. Therefore, in the summer of 1997, the Research Futures Task Force was created to advise the central administration on how to approach strategies for developing new research. This task force came up with three basic areas of strategic investment. These are: 1) continue investing in basic science; 2) interdisciplinary science research; and 3) research in key strategic enabling areas. This task force went even further in identifying three key strategic enabling areas. These three areas are: 1) genomic and integrative molecular biology; 2) information studies; and 3) advanced materials. This is an excellent example of a top-down approach to research initiatives. This task force was actually asked to provide areas of strategic investment in research. I feel that this is a process that is happening now, that is a top-down structure.

"The proposed structure, I feel, is a better, more bottom-up type of structure, in which the proposed advisory councils would not generate ideas for areas of research initiatives, they would simply provide advice. They would not have check-writing or veto power. They would advise the Provost and the central administration on research proposals that would have a significant impact on the financial resources or the direction of research at Cornell. These people would not be generating research initiatives. Research initiatives would be generated by scientists, and they would submit their proposals to the Provost. The Provost's office would filter the proposals to be sent to the appropriate council. So, my argument is that this is really a bottom-up procedure. Also, any member of the council who has a direct interest in any proposal would not be able to vote on that proposal. This would actually eliminate bias, but it would take a step in the right direction toward eliminating bias. I think this statement really hits the heart of why we do this kind of advisory council. This is a quote from Norm Scott in the 1996-97 annual report: 'Because we cannot do everything, the research community must set these priorities.' The bottom line is that these priorities are going to be set. The question that we have to address is, will the people setting these priorities have the best possible information, have dispassionate advice from these research councils, or will we continue with the top-down direction of research strategies that we have seen happening lately?

"Another concern was, what is the relationship between the proposed Local Advisory Council, and the current Cornell Research Council? In order to address this, we have what is called the second amendment to this resolution. We are going to insert the statement, in the Local Advisory Council paragraph, 'nominations will be solicited from faculty in the natural sciences and from the Research Council.' So, in fact, there could be an overlap between the Local Advisory Council and the Research Council. There was also a letter from the Research Council, which I believe was circulated via e-mail to everybody, about this issue. In fact, with their power of nomination, they could, in fact, nominate themselves, and then the Faculty Senate would
then decide who belongs on the Local Advisory Council. The drafting committee felt that limiting membership on the Local Advisory Council to members of the Research Council would be a bit restrictive, and we wanted to optimize the breadth on the Local Advisory Council.

"Another important idea that was brought up was the question of whether these advisory councils should have a broader scope. The example that Richard Schuler brought up was the upcoming task force on social sciences. While we feel this is a very important question, there is so much up in the air right now that we really can't make a firm structure at this point. What we have done is to offer two amendments. One states, 'After a period of two years, the Faculty Senate will evaluate the effectiveness of this advisory structure and decide whether to continue, modify, or discontinue the Natural Sciences Research Advisory Councils.' This is saying that after a period of two years, we must evaluate. This is not saying that after two months, we cannot make a modification. If, another advisory council were to come up, the relationship between these advisory councils and this new council could be defined.

"The other amendment, the fourth amendment, is simply a rationale statement, it says that the formation of these advisory councils really should be thought of as an evolutionary step that hopefully will advance our progress in this area and we will reevaluate our progress as things develop.

"Finally, we also added a statement, in the paragraph describing the External Advisory Council. We added the phrase, 'broadly representative of the areas of natural sciences that exist at Cornell.' This is describing the representation on the External Advisory Council. We thought this would optimize the breadth of the External Advisory Council. The additional amendments are changing, 'inefficient' to 'unpredictable' in the second 'Whereas' paragraph and adding 'mathematics' to the definitions of natural sciences in the 'Therefore, be it resolved... ' paragraph.

"Just to summarize things, we feel that the proposed advisory structure will aid Cornell's clearly stated research goals. This is another quote from Norm Scott's annual report: 'This research goal is to establish Cornell as a preeminent institution in research and education in new areas that emerge from the diversity of intellectual disciplines, and to maintain our acknowledged strength in core disciplines.'"

Speaker Pollak: "We now have a resolution, as amended by the drafting committee. Now, I will call on Professor Fine to present his amendment to this resolution."

Professor Terrence Fine, Electrical Engineering: "I move to strike II. D. (provide a frank evaluation of the quality of Cornell's program in natural
now, obviously like to David Professor amended. "amendment carries. favor in Pollak: "Are there a second to this amendment?"

The amendment was seconded.

Professor Fine: "I don't agree with the resolution, but there was a rationale. The Provost asked for advice on how to allocate the University's scarce resources. The discussion about small grants, medium grants, large grants, bridging funds, makes a certain amount of sense in terms of the function of assisting him making decisions when there is a competition for resources. It is a completely different matter to arrogate unto itself a judgment of all of Cornell's research. That is a very serious activity, it is equivalent to Program Review. That is not the sort of task that you undertake with one small sentence tacked on to a document, which has a purpose, which I disagree with, but otherwise has a purpose. I do not think that it fits with it and I think it should be struck from it."

Professor Richard Galik, Physics: "Independent of whether or not the sentence remains in the document, I think it is fair to say that the External Advisory Committee would, in making advisory statements about the areas that Cornell should undertake or expand research initiatives, evaluate whether or not those areas are capable or competent to go into or expand into new areas."

Professor Donald Farley, Electrical Engineering: "Does this mean that we will have to make presentations every year, in every program, to this External Advisory Council? That's what it seems to imply. Otherwise, how could they know what is going on in these departments? I, for one, think that we have better things to do than to prepare for these reviews every year."

Professor Nicholson: "The motivation behind that comment was, as Rich said, that it would be inherent in the nature of the process of coming to Cornell and looking at what research projects were being put forth. I think it does extend the actual scope of the intent of the resolution and I don't oppose the amendment."

Speaker Pollak: "Are there any other comments on the amendment? Those in favor of the amendment, signify by raising your hand. Those opposed. The amendment carries. We will now move on to discussing the main motion as amended."

Professor David Wilson, Biochemistry, Molecular and Cell Biology: "I would like to speak in favor of the motion. It takes a process that is going on right now, obviously the Provost or whomever else makes the decision, gets advice
from people who are experts in the field. It makes that process more explicit. I think that one of the most severe problems that Cornell has is that there is far too much secrecy and under-the-table dealings and suspicion of under-the-table dealings. We can't totally eliminate the problems. But, it makes it very clear who the people are who talk to the Provost. It makes conflicts of interest obvious. For that reason, I don't think about this as adding a new layer. I think about this as formalizing a process that is already happening now."

Professor Peter Schwartz, Textiles and Apparel: "I voted against this issue in its last incarnation and I don't see any reason to change my vote. This is a new layer of bureaucracy that is being added. I am also concerned about what this will do to people who are doing good natural sciences at the boundaries between the tectonic plates of these great initiatives. I think that they are one of the great strengths of this University and I fear that this will be detrimental to those areas."

Professor John Smillie, Mathematics: "When you talk about this previous incarnation, what are you talking about?"

Professor Schwartz: "I'm talking about the Research Futures resolution."

Professor Smillie: "I was a member of the drafting committee, and many members of the drafting committee, although not all, agree with you that the Research Futures proposal was a problem and this is our attempt to create a solution. In particular, we are not imposing a certain agenda on the University. Rather, we are saying that anyone who has a particular research agenda to impose will have to go through a series of steps, including convincing some people who are not already believers, and it will also involve making a case to a standing committee, to faculty members, and to some extent bring it out into the open. So, I would like to make a strong distinction between this proposal and the Research Futures Task Force report."

Professor Fine: "I have objections to this proposal, which I won't go into at the moment; I went into them last week. I am particularly concerned now about the e-mail that I think we all received from Professor Olbricht, about the Cornell Research Council and the 'Venn' diagram as it was correctly referred to, and the fourth amendment which tries to address it and talks about a trial period which will allow clarification with respect to the relationship.

"If I were for this general idea -- I'll admit I'm not -- but if I were for the general idea, I would like to see this clarified before hand. There is not an emergency matter here. I don't think the responsibilities of the Cornell Research Council were known to me before this meeting, I suspect they were not widely known in the Senate. It is something that I think was an oversight
of the committee, although I cannot speak for them. The responsibilities of the CRC, which Professor Olbricht points out in his letter, read very closely to the charge of the advisory committees being proposed here."

"In talking about breadth, the CRC is 21 members, the committee you propose is 10 members. It is not at all clear that this is a step in the right direction, even if you want to move in the direction that you want to move in. I really hope that the committee withdraws this proposal and then thinks about integrating their proposal with the CRC, perhaps creating a totally new entity. There is no reason why it has to exist in the form it exists. If it has not been effective in some measure, then let's create a new body that will be able to perform the functions that need performing. I'm not sure I would agree with that, but I think you should. I would think that you would want to do this properly, and if you want to do it properly, you have to take account of the CRC, not by a Venn diagram and not by this sentence, 'let's go now and figure it out later'."

Professor Howard Howland, Neurobiology and Behavior: "I find myself in agreement with Professor Wilson. I see this as a very different proposal from the Research Futures report. I understand what Professor Fine is saying. But, I think I see the problem that this proposal is trying to solve. The problem is that the CRC is really the Vice-President's Research Council. We have permission to put faculty members on that committee. As we heard the other day, we only get a portion of the faculty. There are many other administrators on that council. The problem with that composition is that it is really not in a position to give independent advice to the Provost. The beauty of this committee is that it is able to give independent, above-board advice to the Provost in a way that the CRC is not able to do."

Professor William Olbricht, Chemical Engineering and Co-Chair of the Cornell Research Council: "I take exception to some of the comments that Professor Howland made. Since 1996, the Faculty Senate has appointed six members of the CRC. It has appointed a Co-Chair of the CRC and I have served in the capacity since 1996. During that time, the membership appointed by the Vice-President has shrunk in size to give the Faculty Senate nominees a larger role in the Council. I think that Faculty Senate members, some of whom are here, would say that they feel very able to present independent ideas, and that was one of the reasons for having Faculty Senate members—so that any faculty member could bring to the agenda any item that he or she feels is important.

"We first learned about this resolution in reading the 'Call to Meeting' last week. At our regularly scheduled meeting, the members of the Research Council asked me to write to you about our activities. Most of the sentiments expressed at that meeting were that we would like to work with the Senate. If there is to be an integration of these councils, one should be dissolved in
favor of the other. We are eager to work with the Senate, but we are upset with the lack of contemplation that led to the proposed resolution."

Dean Stein: "I would like to talk a little bit about why I think this is a good proposal. I would like to respond to something that Professor Fine said at the last meeting, after having a week to think about it. It was a nicely turned phrase that 'I had never seen a faculty committee that I didn't love'. In fact, last week, I talked about a committee that I didn't love, because I didn't think it was effective. Closer to the mark is the statement that I have never seen a way that the faculty can increase its ability to run things at this University that I didn't love. That is why I think this proposal is such a good idea. You always have to think about the alternatives. You can't think about this Research Council in terms of an idyllic period of thirty years ago when there was great expansion and the only thing that you could think about this Research Council doing is limiting someone's ability to do something. That is not the age that we live in. The age that we live in is an age of scarcity, an age of choice, everybody is saying that again and again, an age when we make decisions which are very important and the affects of which will determine the future greatness of this University. The question is not whether or not Cornell will make those decisions; there is no way to avoid making those decisions. The question is, who will make those decisions. We all know the example, the Provost will make those decisions. This proposal does not question that. When the Provost makes those decisions, will he have the best advice he can have, both nationally and locally? Who will decide who the Provost asks for information? Will the Provost decide or will the Faculty decide? Somebody is going to advise the Provost. Is that going to be determined by us or is that going to be determined by the Provost? We have a long history of cronyism, I don't know what you want to call it, of favoritism.

"Professor Fine talked about the fact that this is in opposition to the departments. The question is, there is only a certain amount of influence to go around, and if this committee has more influence, then the departments have less influence. I think that is the wrong way to look at the problem. Of course, some departments will be favored, and some departments will not be favored, because there is scarcity. The question is, do you want to have the Provost seek advice from a publicly known group of people? You know who they are; you can approach them. Or do you want that advice to come from backchannels of advice, from people who are favored? Is that the way the decision should be made?

"I don't want to talk about the interaction with the CRC. Perhaps the drafting committee made a mistake in not consulting the CRC earlier. Obviously they did. I don't think that is fundamental to this particular proposal. The time to do this is now because this process is going on now. The Provost is now seeking advice, he will seek advice soon, and will continue to seek advice.
The Provost will be seeking advice about decisions that have to be made. If we want to run this University in the way that I think we want to run it, we have to make decisions like that to have ourselves represented in the place where these decisions are made."

Professor Richard Schuler, Economics, and Civil and Environmental Engineering: "Let me try to do my own summing up, to see whether it resonates in some sense with the body. What I see in the proposal before us is an attempt to broaden and have a truly faculty generated perspective of setting research priorities, and it adds the dimension of having the External Research Council, which I think incorporates into it, a more formalistic way of doing faculty oversight. On the other hand, I see the CRC already in place and it certainly accomplishes one of my other ultimate objectives of a broad interdisciplinary representation on whatever activity is setting these priorities. There are monumental and far more expensive proposals before the administration dealing with natural sciences, but there are also many in the social sciences as well. I applaud the natural sciences for getting on the horse first and I think they deserve some kind of reward for being there firstest with the mostest. On the other hand, it seems to me that there are tremendous opportunities that are already before us, that I think might not get the proper airing, if the committee we are voting for is not more broadly based. The question I am rhetorically asking is, why can't we, as the Senate, get out ahead of the game and put in place a more broadly constituted committee? I do feel a bit badly about the apparent lack of coordination with the CRC, but I also recognize that choices have to be made. So, I just express that view, although I recognize that I cannot propose an amendment. I think that this committee may be beneficial to the Senate and the University as a whole and establish the faculty in a true leadership position."

Associate Professor Alan McAdams, Johnson Graduate School of Management: "What's that? I don't know where you've come out."

Professor Schuler: "Unfortunately, I'm saying send it back to the committee, but with a charge to come forth with a similar proposal that is more broadly based and call it, 'The Faculty Research Committee,' not just the Natural Sciences Research Committee."

Professor McAdams: "So, you are saying add the Social Sciences...?"

Professor Schuler: "And the other activities. What is motivating me is that there are natural constituencies that deal with many of the sciences individually. I think the real opportunities are those that cut across or are bending the disciplines in new and different directions. Those are the ones that require investment on the part of the University because it is less likely to come from the funding source. This is the real value that this committee could add to the University."
Professor McAdams: "You are saying vote 'no' now?"

Professor Schuler: "I'm saying vote 'no' now. Rather, vote to recommit, and consider this interdisciplinary group as an option now."

Professor Nicholson: "Well, I agree. We have to look at this as if it can all be linked to the Research Futures Task Force report. Hence the natural sciences focus. We saw that as our task and we were completely remiss in communicating with the CRC, and I take full responsibility for that as chair of the committee. I think our concern about the CRC was that its representation was not just placed there by the Senate, but it was also placed there by the administration. I'm not sure what we can or cannot do. We can either vote on it or send it back to the committee, I guess."

Professor Richard Root, Ecology and Systematics: "I'd like to know how you arrived at five members for that External Advisory Council? It seems a little small to me, for such important decisions."

Professor Nicholson: "Five members was what we thought would be a realistic number in the type of person, the type of luminary, we were hoping to bring here. We figured that would be a realistic number. We would contact many and perhaps we could get five. That was the rationale."

Professor Smillie: "I don't completely agree with my fellow committee member, Linda, that we made a mistake in setting up this committee. I think it is an excellent objective to have something that is broadly based and deals with a variety of research questions. Research is going on all over the University in all areas, not just involving large amounts of dollars. But, we wanted something that was actually going to be effective. One of the models which influenced our deliberation was the group that comes in to advise, I believe it is LNS, the Laboratory for Nuclear Studies. A group of outsiders comes in and basically chooses from among a variety of different proposals for the laboratory. Apparently, this is a group that works very well. No one, if their proposal is turned down, seems to complain that the deck was stacked. They simply go back and write a better proposal for next year. That was a nice model. What seemed to us to make that work, was that it was not such a big committee. It was a small group. It was a group that talks to each other. There can be, I imagine, lively discussions, and there is a certain narrowness to their focus. In a sense, these people are speaking the same language. If our motion passes, and it is effective, then we could see how to scale it up and incorporate other groups, in terms of our modifications in two years.

"This was also reflected in our view of the CRC. We were told that it had 35 members and not 21. I guess, if you look at ex officio members, the total is 35, which seems to be a very large group to discuss pertinent and contentious
issues. We thought that a small group would be much better suited for that role. It is an easier problem to tackle to start small and scale it up, than to start big and scale it down."

Professor Judith Reppy, Science and Technology Studies: "I'm impressed by the fact that there is also some urgency. We have a major rethink of the way that the Division of Biological Sciences and biology, more generally, is organized. I think it would be very nice, if we are going to have faculty input through this mechanism, that it come sooner, rather than later. I would oppose sending it back to committee, I would be in favor of trusting them, when they say that it is evolutionary, and we could come out with a better or broader reiteration in a year or two. But do something today in response to all the hard work this committee has done in preparing this motion."

Associate Professor Robert Corradino, Physiology: "Since you brought up the issue of the Division of Biological Sciences, I wonder if I could inquire of anyone if the Provost has solicited from anyone outside of Cornell what to do about the division?"

Dean Stein: "I was the one who brought that up. I do not know of anyone he has contacted. But, I have heard it stated in many different quarters that he intends to do that."

Professor Corradino: "Does the faculty want to advise him on who should be advising him?"

Dean Stein: "I would imagine that if this proposal passes, then that would be the case. That is what we are talking about here. The abolition of the Division of Biological Sciences is clearly a major step in a new direction for this University."

Professor Corradino: "The Provost has said, and I am almost quoting him, that regardless of your interest, he will seek advice from anyone he so chooses. With that attitude, I'm not so sure he is amenable to the advice of any council. I would just as soon stay with the Council we have. Perhaps have it rethink its charter, perhaps have it expand its membership to include more Senators."

Professor Farley: "I have a couple of things. I was astounded to read this e-mail, that this council we had for a long time, we never even consulted. Then, reading farther down, the charges are almost identical to the main charges of the committee we are considering. Who is going to decide who should really be doing this? We have two identical charges."

"Regarding the biology question, we are going to get this nice unbiased, external advice, but there are only five people on this committee. Presumably,
one of those people is going to be a biologist, maybe two. You are granting this entire decision, which affects the entire University to one person who visits the University for a day or two and says, 'well you ought to ask this and build up that, I have a Nobel Prize, so my advice counts'. I think the Provost is quite right that he will seek advice from whoever he wants. He will probably go out and ask quite a few people and not pay any attention to this guy. If you are only going to get five people, you are probably only going to have one person who is going to know anything about a given subject, maybe there is an outside chance of having two people. I just don't think it is going to work for a huge broad issue. If the Provost wants advice from an external source on some subject, he is perfectly free to go get it.

"The Local Council that we discussed, the Arecibo project, has a council like this. All of these people know quite a lot about Arecibo, and the LNS people I presume know a lot about LNS, so they know the issue, they know what is going on. If you get a small group of people to give advice on such a broad subject, it seems to me not to be a good idea. It seems that it is better to get together an ad hoc committee."

Associate Professor Brad Anton, Chemical Engineering: "I just want to make sure that I understand what you are both saying. It sounds to me that you are saying that the Provost is empowered to make these decisions, so why bother questioning his decisions. We should just shut up and let it happen."

Speaker Pollak: "Do you want to respond to that very quickly?"

Professor Fine: "The quickest response is that he didn't understand what was said."

Speaker Pollak: "Maybe, but it wasn't your comment." (laughter)

Professor Farley: "I am perfectly content to let Terry speak for me."

Professor Smillie: "The question of which committee will decide, we did ask the Provost. The drafting committee met with the Provost and we talked to him about the CRC and one of the points is that the CRC is a creature of the Vice-President for Research, who will soon be replaced by a Vice-Provost for Research. It is not clear exactly who will listen to what and what exactly the Vice-Provost for Research will do or listen to. I don't think it is a bad idea to have this committee set up as a choice. We were not empowered to decide anything about the future. The only thing we can do is set this up and hope that it plays a role after the shift in administration is complete."

Professor Wilson: "I think that two things have come up that seem to be somewhat confusing. First, I think that the decision regarding the future of the Division of Biological Sciences is already governed by the process already
in place for doing faculty reviews of programs. This committee I don't think will play a role in that.

"The second has to do with the problem of finding people with very broad expertise to make a decision. To me, it is a choice between two things. If you go on an ad hoc basis, you get the best expertise for the specific thing, but you don't get advice based on the breadth of activities or the context here at Cornell. How can they really give advice since they are in this area and they do it and they love it? So, of course, we should too. The whole idea of having a broader group that sits for a couple of years will bring a little more balance to the decision making process. If people know more about the issue and local affairs, we may be able to get better decisions."

Professor Fine: "I agree in part with Professor Wilson, but I also agree far more with Professor Farley. I think having a fixed small group of external advisors can't work on this basis very well. For example, right now in our department, we just received approval to build a $40 million building. We could have used advice on this, but not from a committee like this. We needed to create an ad hoc committee. Obviously, Professor Wilson is right. If you have a committee with five microelectronics people on it, they'd all say build it, of course they would. You certainly need to have somebody like that to represent microelectronics on that committee. I think in the end, if this were to work, it needs to have ad hoc committees for large proposals. That doesn't mean a committee only of people who work in the field of that proposal. We need some means of judging that proposal against a competing proposal.

"I would like to address Professor Reppy's concern. My hearing is getting worse as I get older: I do not hear the barbarians at the gate; I do not hear the great rush that we must decide today or else all sorts of wonderful things will escape us. I think we have the time to make a reasonable decision. This is not yet at that point, this is not yet mature. It should have been; they had an extra week to figure things out. We had some amendments that make some sense, but it is not ready yet for prime time. We have been called to a special session on it. It does need to be voted. I think if it is voted down, it will come back again in some other manifestation. But, maybe that will be a better manifestation. We have time to make a reasoned response, this is not yet a reasoned response."

Professor Nicholson: "In response to the concern about the External Advisory Council, if you look carefully at the description of the members of the External Research Advisory Council, they are people who would be well versed in making science policy, not just in one particular area, but in a broad sense in science administration. They are people who would have heard of microelectronic fabrication and issues, and having this external council in place would not preclude the Provost from seeking additional advice, from
forming his own ad hoc advisory committee. I stand here in firm belief that I think this broad perspective is very important.

"The second part that you spoke about are the barbarians at the gate. In the flow chart, you see the detail of the Research Futures Task Force. The Provost has before him now a proposal for a genomic initiative. There are additional proposals on his desk right now that I happen to know about, for a new department, for new research initiatives. These are probably things that in general, most people don't know about. I do think that this is an imperative time and I do think that there is a very strong need for this now."

Professor McAdams: "As decoded, I think Dick Schuler has made a very powerful point. (laughter) No offense Dick." (laughter)

Professor Schuler: "It's the language." (laughter)

Professor McAdams: "The point is that there is a certain narrowness. What I hear in this proposal is that there is a certain narrowness in this broad group. It does leave out all the social sciences and as I read this whole thing, I see a number of issues that these people are asked to respond to that are really social sciences issues. Economics, management, resource allocation, all these areas would benefit from having additional input. I agree with Dick; we really ought to vote it down now, bring it back when we can broaden its scope. I think the idea in general is a good one. I believe in faculty governance, but I don't think this is the right thing at the right time."

Professor Galik: "There are a couple of things I want to point out. One is the strength I want to put behind Professor Nicholson and Professor Wilson. Global experts are people, we hope by their choice, able to see the truly big picture. When you mentioned the new Engineering building, I do not think that that is within the purview of a group of electrical engineers. The key competition for the $40 million was not purely engineering. There may be very large amount of competition from biology or from other areas for the $40 million. We need some group of people who have the broader perspective of science administration to make those large decisions. I think that the CRC, while this committee is getting its feet wet, seems to address some of the issues that Professor Schuler brought up. It is broadly based, it has a larger number of people to be involved in advising the Provost, and the Vice-President or Vice-Provost for Research.

"The areas right now that command the largest demand and the most competition for the most amount of research dollars, whether that be in buildings or equipment or in faculty lines, are indeed natural sciences. It is therefore, I think, incumbent that we have a group of people who can act in that area. I think that it would be just fine if all the natural resources departments and all the members of the CRC became members of this
council. That would be great. It would help with hosting the External Advisory Council and preparing reports and all of the other duties that this council is responsible for. This local group, however, has to make fast turnaround decisions. We have to know by next week if we can spend half a million dollars to bring in some new assistant professor and put her in a large lab setup; and she is being courted by Harvard, Princeton, and Stanford. We need to know if this person's expertise really fits in with what we are doing. We need the local advisory people to help the Provost make that decision and the CRC is just too big and too broad to handle that type of decision."

Professor Milton Zaitlin, Plant Pathology: "I agree with Professor Schuler that the issue of the meld between social sciences and natural sciences is the real issue here. We are really dealing with resources that come from one pie. I disagree with him in the sense that I think that we should vote for this procedure and then when this deliberative body later talks about the social sciences, there is no reason that we couldn't then meld these two together to divide up this single pie."

Professor Olbricht: "One of the things you learn by serving on the Research Council is that the way research is carried out across the campus is very different from college to college and across departments. One of the things that the Research Council has done routinely is recommend proposals for submission to the various funding programs, such as NSF. It has been very effective at providing feedback to improve their proposals, much of which has been adopted. That is part of the reason that Cornell has enjoyed phenomenal success in that area. I argue on behalf of the University. I would just ask a question of Professor Nicholson. We have six members of the CRC that serve at the pleasure of this body. They are not members of the Senate. You said in your earlier remarks that the ten members of the Local Advisory Council would by appointed by the faculty, but I was curious, because the proposal that I have says that half would be appointed by the faculty and half by the administration."

Professor Nicholson: "They would be appointed jointly by the Faculty Senate and the administration."

Professor Seymour Smidt, Nicholas H. Noyes Professor of Economics and Finance, JGSM: "We seem to have two groups of people who are proposing that we vote against the resolution. Professor Fine, who doesn't like the idea of the resolution and Professor Schuler, who wants to enlarge it. If we send it back to committee, then they won't know what we want. I suggest that if you agree with Professor Fine, vote against this; and if you agree with Professor Schuler, vote in favor of it, and at the next meeting bring up the possibility of amending it."
Professor Schuler: "I just want a clarification about the timing issue. I don't know whether this is a conflict of interest. I am a member of the Social Science Advisory Task Force. Our time line is to come forth with a report by this fall. I'd like to see an ability to integrate, if there is something coherent that comes out of our review, more rapidly than a year and half later."

Professor Nicholson: "The time line that is currently in place says that we must evaluate in two years, but that is not saying that we can't evaluate earlier. If you find that you have a very concrete thing that you would like to apply here, you would be free to do so."

Dean Stein: "It seems to me that if you start off with the charge to design a system on how to give advice on how Cornell should place its bets on research in the natural sciences, what one would first think of is a committee of natural scientists to make that decision. That is the simple straightforward way to do it. There may be some advantage to having some broader representation, I don't see what it is. But I would see, in an evolutionary way, you would start with the simplest, most natural way of doing that and then, in time, we could think about how to add, link, or maybe make cross-representations. It doesn't seem to me to be the most proper way to start."

Speaker Pollak: "The question has been called. We will do this by a roll call vote, because I think it will be a contentious issue and I don't want to count this one.

The resolution, as amended, carried 39-22. (Appendix B, attached)

The meeting was adjourned at 5:43.

Respectfully submitted,

Kathleen Rasmussen,
Associate Dean and
Secretary of the University Faculty
DRAFTING COMMITTEE'S PROPOSED AMENDMENTS TO RESOLUTION ESTABLISHING NATURAL SCIENCES RESEARCH ADVISORY COUNCILS

First Amendment

Add the following new paragraph after the last introductory paragraph:

After a period of two years, the Faculty Senate will evaluate the effectiveness of this advisory structure and decide whether to continue, modify, or discontinue the Natural Sciences Research Advisory Councils.

Second Amendment

Insert the following sentence after the first sentence in Section I:

Nominations will be solicited from faculty in the Natural Sciences and from the Research Council.

Change the first word of the next sentence, “this” to “The”, and add “Local Advisory”, and capitalize the next word “council”.

Third Amendment

Insert in the first sentence of Section II, after “An External Advisory Council . . . outside of Cornell”, the following:

broadly representative of the areas of natural sciences that exist at Cornell.

Fourth Amendment

Add the following paragraph after the last Rationale paragraph:

Establishment of Natural Sciences Research Advisory Councils for a two-year trial period may be a step in an evolutionary process. The trial period will allow clarification of issues such as the relationships between these advisory councils and other current or future committees or councils, as well as an evaluation of whether this advisory structure fulfills its intended purpose.

4/13/98
WHEREAS, the Senate recognizes and welcomes the responsibility of the faculty to advise the Provost on the allocation of resources for support of research at Cornell, and

WHEREAS, the Senate nevertheless acknowledges that, when judged by a standard of return on investment, fundamental research is an inherently unpredictable enterprise not amenable to a priori selection of successful avenues of investigation, making it important to maintain a broad base of scientific research, and

WHEREAS, the Senate is aware that the various requests from faculty in the Natural Sciences for research-related expenditures of University funds may involve different magnitudes of expenditure and different deadlines for decision, and

WHEREAS, the advisory structure should clearly separate advocacy from dispassionate evaluation,

THEREFORE, BE IT RESOLVED, that the Senate proposes the establishment of the following Natural Sciences Research Advisory Councils for advising the central administration on investments in research in the natural sciences (engineering, mathematics, biological and physical sciences).

The goal of the Natural Sciences Research Advisory Councils is to provide expert guidance from both global (external) and local perspectives that will help Cornell maintain its reputation as a leading teaching and research institution and ensure that Cornell utilizes its resources effectively and responsibly.

Two councils, a Local Advisory Council and an External Advisory Council, will assist the decision-making process of the central administration. The Local Advisory Council will provide an internal perspective on Cornell's politics and science, while the External Advisory Council will provide a global perspective on emerging areas of science and on natural sciences as a whole at Cornell.

The procedure for requesting funding from the Central Administration for research in natural sciences will begin with submissions of proposals directly to the administration. The administration will sort proposals into three categories (small, medium, and large) based primarily on the magnitude of the requested funding. Irrespective of their size, proposals that represent a major change of course in research at Cornell will be considered as "large". The administration will evaluate
"small" proposals (e.g., bridging funds for a faculty member, etc.) without involvement of either Advisory Council, consistent with current practice. The administration will send "medium" proposals (e.g., start-up costs for a new faculty member, etc.) to the Local Advisory Council for evaluation, which will recommend action to the Central Administration. The External Advisory Council will evaluate "large" proposals (e.g., construction of a building, new scientific initiatives, a major shift in faculty lines, etc.) at a regularly scheduled annual meeting and recommend action to the administration. The recommendations of the External Advisory Council will be presented for discussion to the Faculty Senate by the Local Advisory Council at the first Senate meeting following receipt of these recommendations. (A flow chart of the proposed advisory structure is shown in Figure 1, attached.)

After a period of two years, the Faculty Senate will evaluate the effectiveness of this advisory structure and decide whether to continue, modify, or discontinue the Natural Sciences Research Advisory Councils.

I. Local Advisory Council

The Local Advisory Council is composed of 10 faculty members appointed jointly by the administration and the Faculty Senate. Nominations will be solicited from faculty in the natural sciences and from the Research Council. The Local Advisory Council will play strictly advisory and organizational roles. Members who have a direct interest in any proposal being considered will not take part in the voting on that proposal.

The Local Advisory Council would:

A. advise the administration on significant issues and proposals relating to the natural sciences that are not appropriate (either due to scale or urgency) to bring before the annual meeting of the External Council,

B. advise the Provost on selection of External Advisory Council Members,

C. organize the annual visit of the External Advisory Council, which would include hosting these members, organizing the presentation of proposals, and providing the External Advisory Council with perspective on the unique aspects of Cornell,

D. present the recommendations of the External Advisory Council to the Faculty Senate at the first Senate meeting following receipt of such recommendations.

II. External Advisory Council

An External Advisory Council of five individuals from outside of Cornell broadly representative of the areas of natural sciences that exist at Cornell will be appointed
by the Provost with the advice of the Local Advisory Council. The Council will provide a **global perspective** and **informed advice** on proposed research initiatives, and on critical and emerging areas of science and technology. Members of the Council will have had high level experience in science administration and/or directing science policy, or be distinguished scientists. As a panel they will:

A. meet at yearly intervals to:

   1. evaluate proposals (based on both oral and written presentations)
   2. make written recommendations to the central administration

B. provide unbiased judgment of whether proposed research initiatives represent *emerging areas of science* in which investments are likely to increase the eminence of Cornell in natural sciences, and whether it makes sense for Cornell to pursue,

C. provide unbiased judgment of whether proposed research initiatives represent *critical areas of science* from a global and philosophical perspective.
Rationale

The aim of the proposed structure is to ensure that the Provost has available the best possible advice when s/he makes the decisions to allocate Cornell’s limited resources in the area of natural sciences. The issue is not whether or not the Provost will make these decisions; it is whether s/he will make them with or without the benefit of informed and considered advice.

This structure has little if any precedent at this level in academic institutions, and should give Cornell a strategic advantage in initiating innovative research critical to current and future global concerns.

The two advisory councils will mutually complement each other, mitigate the conflicts of interest concerns inherent in any internal committee of experts, and insure that both a global perspective and Cornell’s traditions and realities are factored into the decision-making process. The involvement of the Local Advisory Council with the annual visit of the External Advisory Council will help the latter group assess the probable impact of selected investments on other vital components of the Cornell research community, thereby protecting the prosperity of the whole natural sciences enterprise.

Presentation of the recommendations of the External Advisory Council to the Faculty Senate will generate constructive discussion in this diverse body, which may bring to light important issues not considered by either Advisory Council.

Establishment of Natural Sciences Research Advisory Councils for a two-year trial period may be a step in an evolutionary process. The trial period will allow clarification of issues such as the relationships between these Advisory Councils and other current or future committees or councils, as well as an evaluation of whether this advisory structure fulfills its intended purpose.

Examples of Possible Members of External Advisory Council

David Baltimore, Nobel Laureate, President, Caltech, (http://www.caltech.edu/president/index.html).

Tom Cech, Nobel Laureate, National Academy of Sciences member, Department of Chemistry and Biochemistry, University of Colorado at Boulder, and Howard Hughes Medical Institute (http://beagle.colorado.edu/faculty/cech_95.html).

Phillip Griffiths, Director of the Institute for Advanced Study.

Henry Kendall, Nobel Laureate, former President of the Union of Concerned Scientists.
**Donald Kennedy**, former President, Stanford University, currently Professor in the Department of Biological Sciences, Stanford University (http://www.stanford.edu//home/stanford/history/leader.html#Kennedy).

**Jeremy Knowles**, Dean of Harvard College, a Fellow of the Royal Society and a member of the National Academy.

**Neal Lane**, former Director of the National Science Foundation.


**Harold Varmus**, Nobel Laureate, Director, National Institutes of Health (http://www.nih.gov/welcome/director/varbio.htm).

---

Adopted as amended by the Faculty Senate, April 15, 1998.
MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, May 13, 1998

The Speaker, Professor John Pollak, Animal Science, called the meeting to order.

Speaker Pollak: "We are going to be doing things a little differently today. Rather than making some introductory comments as he typically does, Dean Stein will give closing remarks. So, we will go right into Questions and Answers with the Provost."

1. QUESTIONS AND ANSWERS WITH THE PROVOST

Don M. Randel, University Provost: "I have on my serious 'go to Albany' suit today because I just came back from Albany. It was a meeting called on very short notice to talk about the new resource allocation mechanism that they propose to adopt as the basis for the budget for next year and years to come. There is still more to be learned about this. But what one can see now is not ideal in any sense. It is a method of allocating resources based on formulas that do not do anything to reward excellence. The likely effect of it in the coming years is to allocate away from the best that there is in the SUNY system, namely Cornell, to some of what is the weakest that there is in the SUNY system. There are other rearrangements that are made, appropriately some of them enrollment driven. This will at least have the virtue of dealing with some of the state-operated campuses that are seriously under-enrolled and probably should have been closed, and probably would have been if there was the political willpower to do so. Although there are certain aspects of it that are perfectly okay, it really does not have built into it the kind of things one would like to see if they were serious about rewarding the kind of excellent programs we have here.

"The SUNY Provost, in a private conversation that I had with him this morning, assures us that he believes in the high quality of our programs, et cetera, et cetera; but I still fear that we are going to be locked in an arm-wrestling match with them. The method could be looked upon more favorably, if one thought that the resources available to SUNY were going to be increasing in the coming years. The fact is that one cannot be in any way confident that there will be increased resources available to SUNY in the coming years. This year, the SUNY Trustees were persuaded to request $19 million over and above their steady-state allocation adjusted for inflation. In previous years, they were unwilling to even make a request of the governor for more money. This year they were willing to ask for slightly over one percent of their budget. The governor then vetoed all $19 million of that request. That does not argue for the ability of the administration to pursue the legislature for significant or even modest increases to their budget, although the Provost does feel that the new allocation mechanism will create a basis that will make it easier for the administration to successfully pursue increases in the future. I have probably said more about this than I should have. This is not to distribute gloom and doom, it is just to let you know that not much has changed in our relationship with the SUNY system, and that we still have to think long and hard about what we expect from that relationship."

Assistant Professor Carlo Montemagno, Agricultural and Biological Engineering: "Has the issue of withdrawing from SUNY and being a stand-alone institution been shelved?"
Provost Randel: "It is hard to say whether that is a viable option. The only thing I can say right now is that we are still thinking about all of the options. We are not threatening to bolt in any sense, but anything is still a possibility."

Professor Mary Beth Norton, Mary Donlon Alger Professor of American History: "I have a question along the same lines. In this new formula, is there any provision for Extension?"

Provost Randel: "Yes, there is. They are separately itemized; after you go through all of the formulas that are basically enrollment driven, then there is a set of adjustments that have to do with the mission of the University. One of the categories there is overwhelmingly ours and is a fairly big ticket item is the Land Grant mission. The thing one would have to wonder about is if there are declining resources going to SUNY, how would this work? The enrollment formulas are independently driven. One would have to think that in the face of declining resources, it would be these other arbitrary methods that aren't driven by any formula that would be the first to go."

Associate Professor Jeremy Rabkin, Government: "You probably want to know that I want to ask you about Sexual Harassment. Last May, you said that you were within days of having a completed policy document, but you didn't want to distribute it in May because we were on the eve of graduation and everyone was dispersing and you wanted to give everyone an opportunity to respond. If, last year you were within days, how come it has taken an entire year to get to this point? And, if you were unwilling to release this policy at this time last year, what has changed to prompt you to release it at this time this year?"

Provost Randel: "About my being within a few days of it last year, I was manifestly wrong. That has to do with a long series of discussions that I have had with many people on this campus, some of whom are members of this body. What has prompted me to release it at this time now is, in fact, a year of discussions in which many people have been consulted. The matter has been discussed back and forth at some considerable length. There was even a more recent exchange with the University Faculty Committee and the Committee on Academic Freedom and Professional Status of the Faculty. We still have this meeting remaining, at which I could take my public flogging. So, on that basis, I chose to proceed in this way."

Professor Elizabeth Earle, Plant Breeding and Biometry: "Several major components of Project 2000 have either been delayed or been on hold. Can you comment on that? Did we rush into this inappropriately? Have we spent a lot of money to no effect? What are your thoughts on this?"

Provost Randel: "Spending a lot of money is never to 'no effect'; the question is if the effect is a good one. I believe that Project 2000 is taking a prudent approach to it, which is to say that we now understand that we cannot have all that we aspire to with the amount of money that we were and have been prepared to devote to it. We have not at this time committed any more money from University resources than was imagined three years ago when it was launched. But, it has become clear that we cannot complete all of the things that were embarked upon for the amount of money that we have been spending up until now. That has led us to believe that certain things should be delayed."
As these systems are being developed, we are only now learning what it takes to actually deliver one. Some of these projects are only being developed and designed by PeopleSoft itself. The design of those products is not even complete. In addition, the expenses of trying to do all of these things simultaneously would require us to spend much more money than we anticipated. Now, we are stepping back and trying to figure out how much money it is going to take over how many years to complete all of the things that we hope to complete. Essentially, we are doing the same things that any other university is doing that has taken on a project of this sort."

Associate Professor Randy Wayne, Plant Biology: "A couple of months ago, I mentioned how upset I was about how the Biology Task Force report was handled and asked for a vote. My personal feeling is that your office has a desire for the Division to die some sort of death and have the genomic initiative take its place. I just wonder if I am right."

Provost Randel: "You're wrong. I could expatiate on that if you wish, but I wonder on what earthly evidence you are basing that claim. If you could advance that kind of evidence, then it would be worth talking about. I think you ought to talk to a lot of your colleagues in Biology, including the Section of Biochemistry, a number of whom I met with a couple of days ago. I have steadily said the only objective we have in any changes to the way Biology is done at Cornell is to make Biology better at Cornell. We have an enormous amount of resources invested in Biology. We have enough invested to make us better than anybody. The only question is how do we make sure that we maximize our return on that investment so that Biology can become steadily better."

Speaker Pollak: "That is all the time we have for questions today. Provost Randel, between Albany and here, I hope you enjoyed your day."

2. APPROVAL OF MINUTES OF APRIL 8 AND APRIL 15, 1998

Speaker Pollak: "You've all had a chance to read the minutes from the last two meetings. Are there questions, comments, or changes to those minutes as they appear on the web? Seeing none, I will cast the unanimous ballot on your behalf in favor of them.

"Now, we will move on to the Report from the Nominations and Elections Committee."

3. REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS

Professor Kathleen Rasmussen, Nutritional Sciences, and Associate Dean and Secretary of the University Faculty: "I think the Nominations and Elections Committee is starting to think that this is the year that will never end. We are still filling positions, we still have quite a few more to go.

POSITIONS TO BE FILLED BY APPOINTMENT:

Academic Freedom and Professional Status Committee
Melissa Hines, A&S (Chair)
S. Kay Obendorf, CHE
University Assembly
Yrjo Grohn, Vet.
Marvin Pritts, CALS

POSITIONS TO BE FILLED BY ELECTION:

Faculty Trustee - 1 vacancy
David B. Collum, A&S
William E. Fry, CALS
Francis C. Moon, Engr.
Mary Beth Norton, A&S

Nominations and Elections Committee - 2 vacancies
Geoffrey Chester, A&S
Jennie T. Farley, ILR
Paul Houston, A&S
Richard Polenberg, A&S

University Faculty Committee - 3 vacancies
Barry Carpenter, A&S
Richard S. Galik, A&S
Risa Lieberwitz, ILR
Christopher Minkowski, A&S
Peter Schwartz, CHE
Seymour Smidt, JGSM

Faculty Senate At-Large, Tenured - 2 vacancies
Rosemary J. Avery, CHE
Joseph M. Ballantyne, Engr.
Dan L. Brown, CALS
Robert A. Milligan, CALS
Alice Pell, CALS

Faculty Senate At-Large, Non-tenured - 1 vacancy
Rebecca Schneider, A&S
David Yearsley, A&S

"If you approve this slate of candidates, you will receive a ballot shortly in the mail. Are there any questions or comments?"

Speaker Pollak: "Seeing no comments or questions, we will accept those on behalf of the body.

"The next issue is the Parental Leave Policy, and I will call on Professor Montemagno, Chair, Academic Programs and Policies Committee, to introduce it to you."
4. RESOLUTION CONCERNING PARENTAL LEAVE POLICY

Professor Montemagno: "I can almost guarantee that there will be discussion on this issue. Before I begin, I would like to stress that the resolution that we are putting before the Senate is not something that was just thrown together. We have worked on it since last October. We have had numerous meetings and consultations with the University Counsel, senior administrators, and Human Resources at the University and College level. What we are presenting is a resolution that will best serve Cornell given the financial and other constraints that we are facing. So, when you review this proposal, you will see that it is not the ideal proposal from many different perspectives, but we believe that it is the best compromise for the given situation at Cornell at this time.

"Our principal goal in preparing this is to create uniformity in the application of parental leave benefits to faculty members throughout the University. There was wide disparity in liberalness or lack of liberalness depending upon departments and colleges. These variations ranged from a woman who just had a child and was expected to come back to work in a couple of weeks, to having the whole semester off. This is unfair and we felt it placed women in a position where they were forced to negotiate with regards to having a family. The second issue was the fact that now there are many families in which natural childbirth is not the only option and adoption is becoming more and more common. There is no real mechanism aside from the Family Leave Act. We felt that this is unfair and that adoption is sometimes more stressful and requires more attention than natural childbirth and we felt that adopting parents deserved the same amount of latitude and freedom as parents who acquire a child through natural childbirth. The final thing that we were trying to achieve here was that we wanted to make Cornell more friendly for women; in particular, to encourage women to see Cornell as a place where they wouldn't have to make significant sacrifices in terms of deciding whether or not to raise a family or be a faculty member. With that little prelude, I'd like to read the resolution for you:

WHEREAS, tenure track faculty members undergo great stress during their entire non-tenured probationary period, and

WHEREAS, the care of a newborn or newly adopted child always requires considerable time and effort, and

WHEREAS, Cornell University desires to create an environment in which non-tenured tenure track faculty do not have to choose between their career and parenthood, and

WHEREAS, the law does not allow Cornell to distinguish between the gender of parents and between newborn and newly adopted children in the granting of childcare leave benefits,

THEREFORE, BE IT RESOLVED, that the Senate recommends that Cornell adopt the following policy for non-tenured tenure track faculty members who are the primary care-giving parent\(^1\) of newborn or newly adopted children less than five years old.

\(^1\) A “primary care-giving parent” is defined as one who has primary responsibility for the care of a child, and is either a single parent or one whose partner is employed.
Eligible faculty members\(^2\) may receive a work load reduction (at full salary) for a single semester to care for a newborn or adopted child. They may choose any semester that overlaps with the first year following the child's arrival. During that semester, the eligible faculty members will be excused from teaching, administrative, and extension assignments. They will be, however, expected to make themselves available for consultation with students and continue with their research. Eligible faculty members may, with the permission of their chair, elect instead to take two sequential semesters of partial work load reduction by agreeing to teach half of their normal course load and making themselves available for half of the administrative assignments they normally perform.

The work load relief provision will supplement any disability coverage associated with childbirth if applicable.

The tenure clock will be delayed for one semester for any faculty member electing to take one semester of work load relief or two semesters of partial work load relief.

BE IT FURTHER RESOLVED, that the appropriate officers of the administration take steps (1) to ensure that all other members of the Cornell faculty and staff are made aware of their rights and responsibilities under the Family and Medical Leave Act and under the relevant provisions of Cornell's disability policy, and (2) to urge supervisors to exercise appropriate levels of flexibility in work assignments and other arrangements for primary care parents.

"One of the problems with the current policy is that if you have a baby, you have to have a doctor's note explaining that you are unable to perform your regular duties. They treat childbirth as a disabling illness. Unless you have a real medical complication, it is very difficult to say that you can't come back for medical reasons. While it can be done, we feel that we put the faculty member in an awkward situation. Second, some policies require a person who is having a newborn to petition to have the clock stopped. We feel that the tenure clock should stop automatically and there should be no petition required. We feel that if a woman petitions to have her tenure clock stopped, it could be perceived adversely, so we feel that it should be stopped automatically for everyone."

Speaker Pollak: "Are there any questions or comments?"

Professor Judith Reppy, Science and Technology Studies: "In the case of two non-tenured faculty members who both work for Cornell, would this force them to choose a primary care-giver?"

Professor Montemagno: "Yes, but if they did a coordinated effort, they would probably be able to both get half-time."

\(^2\) "Eligible faculty member" in this document means a full-time non-tenured tenure track faculty member who is the primary care-giving parent of a newborn or newly adopted child less than five years old.
Associate Professor Allard Jongman, Modern Languages: "How did you go about defining 'primary care-giving parent'? The footnote now seems rather circular. It basically says that the primary care-giving parent is the parent that gives primary care."

Professor Montemagno: "We assume that one parent will be taking off to care for the child. The issue of self-policing is there and it is consistent with our financial analysis that if everyone who had this option available to them took advantage of it, we could afford it."

Professor Leonard Lion, Civil and Environmental Engineering: "I plead ignorance. Is there any comparable policy for tenured faculty members? If not, is the assumption that they don't have stress? If not, why aren't they entitled to leave for these reasons?"

Professor Montemagno: "When we formulated this policy, we had this policy for all tenured and tenure-line faculty. Peter researched the policies at a number of other peer institutions and we found that the policy was consistent with a new policy just put in place at Columbia and I believe, MIT. We felt, at that point, that that was how we wanted to pursue this issue.

"In further discussions, we found that there would be a considerable amount of resistance to this, not so much for the additional reduction of workforce, but because of what they called 'mission creep'. They were afraid that if this benefit were accorded to tenured faculty that then it would creep down to staff and hourly people and, during contract negotiations, that would constitute real money. The sense that we had at that point from the administration was then, 'we don't want to give this to everyone, so we won't give it to the faculty.' We felt that non-tenured, tenure-line faculty were a box that we could fence off and prevent the 'mission-creep' that they feared. Again, it is not the ideal situation, but it is a reasonable first measure. When you look at non-tenure line faculty, most of them are paid less than tenured faculty members. They tend to be younger, and at that time in life, there is a greater propensity for a desire to increase family size. They also have the additional issue of having the tenure window which forces many people to make decisions not to expand their family because they are worried about it impacting their research and their long-term career. We felt that this provided them with a better safety blanket than they have right now.

"What they have right now are the provisions of the Family Medical Leave Act which allows people to take unpaid leave or for natural childbirth. The medical disability time could be negotiated with the department chair. That is what we meant by that blue section, 'we hope that discretion will be exercised by department chairs or division directors in applying a comparable policy to tenured faculty members'."

Professor David Mermin, Physics: "If more than one child is born or adopted during the pre-tenure period, will this apply to both?"

Professor Montemagno: "Yes. That was the subject of a long discussion. We thought that someone could prolong the tenure review three or four years; they could just keep on having children and before you know it, the person has been here ten years, and heck, after they've been here ten years, how can you not give them tenure? We considered that a kind of an aberration. We tried to base this procedure on more
reasonable circumstances. Columbia limits it to two for the lifetime, we decided not to specify a number and leave it at that.”

Professor Locksley Edmondson, Africana Studies and Research Center: “I would like a clarification about the language. In the preamble, paragraph four, it says ‘the law does not allow Cornell. . .’ Is that a statement that if the law allowed, Cornell would want to distinguish between the gender of the parents?”

Professor Montemagno: “Actually, there are people who would like to distinguish between the gender on this issue. There are some senior administrators who would like this to only apply to women. We didn’t feel that, and that is the reason why it is placed there.”

Professor Edmondson: “I understand that, but it doesn’t seem like a Cornell commitment. It just seems that we are doing it because the law requires it, is that right?”

Professor Montemagno: “I’m an engineer and it seems fine to me. (laughter) I don’t see the problem, but I’m sure that there is if you say there is.”

Professor Richard Galik, Physics: “I think that that really makes it clear to someone, perhaps an administrator, that they cannot make a proposal to restrict this policy only to women.”

Associate Professor Risa Lieberwitz, Industrial and Labor Relations: “I was wondering if you have spoken to Vice-Provost Winnie Taylor about this, because I understand that her office was in the process of looking into this question and I wonder if she was one of the people you spoke with.”

Professor Montemagno: “I didn’t. Peter, maybe you did?”

Dean Stein: “We had extensive discussions with Winnie about this. She has seen and commented on all of the drafts back and forth.”

Professor Lieberwitz: “Do you think that this is consistent with the work coming out of her office? Is this parallel with it? Are we working in conjunction with her office?”

Peter Stein, Dean of Faculty: “I honestly don’t know what her office is doing. She certainly never volunteered any other policy. She made a couple of suggestions. I forgot what they were, but they were incorporated into this policy.”

Professor Richard Baer, Natural Resources: “I want to raise a question of equity. It seems to me that if both husband and wife are working outside the home, they may be short on time, but not necessarily money. I know of cases where the wife stays at home, there is a baby, and they may be short of money and not so short on time. I am wondering why there should be a salary compensation in the one case and not some kind of financial compensation in the other? It seems to me that you can make a very strong case where the wife is not working outside the home and they may be short on money instead of time, that you ought to give time to the people in the one case and
money to the people in the other. This seems to me to be a kind of double discrimination."

Professor Montemagno: "I'm not sure how you could administer something like that. When you are trying to legislate a benefit, which is what we are doing right here, if you make it such that you take into account every situation. . . ."

Professor Baer: "No, it is not. It is simply taking into account that you have some people working at Cornell who are not tenured, who have spouses who are full-time homemakers and mothers and they have financial needs that are in excess of the financial needs of a couple where both spouses are professionals. I don't think that we should discriminate against them financially when the cause in both cases is the arrival of a child."

Professor Montemagno: "I don't see how we discriminate against them financially, they both get the same financial. . . ."

Professor Baer: "Because we receive a work load reduction at full salary. That means that there is compensation financially in that case. There is no compensation in the other case."

Professor Montemagno: "If my wife doesn't work, she is a homemaker and we adopt a newborn. I can designate myself as the primary care-giver. There is no problem with that unless both parents are non-tenured faculty members at Cornell."

Professor Baer: "So there is a kind of fiction then that the primary care-giver would be. . . ."

Professor Montemagno: "Part of this was done to, first, prevent two faculty members from taking off for the whole time with the idea that you want to have some family time. Second, when you have new additions to a family, you like to be home as a family unit. That was the intent behind this policy. There is no intent to discriminate against a faculty member whose spouse does not work."

Professor Baer: "Then I'd like to be very clear that that is the case. Because in the case where the wife is not working outside the home, she would be considered by most reasonable people, the primary care-giver. I would like to make an amendment to clearly make that the case in the legislation."

Speaker Pollak: "You can't bring that amendment up on the floor at this time."

Professor David Gries, Computer Science: "The footnote says that 'a primary care-giving parent is defined as one who has primary responsibility for the care of a child, and is either a single parent or one whose partner is employed'. So if your wife is not working, you may not claim yourself as the primary care-giver. That is what the footnote says."
Professor Sally McConnell-Ginet, Linguistics: “My understanding of it is that this is not designed to address financial issues, but rather career implications for Cornell faculty, and that is what it essentially does.”

Professor Montemagno: “The focus of it is to allow a man or a woman who has new additions to a family to be home for the child, and not to feel that you have to make a choice between raising a family or pursuing a career. This fits into the goal of becoming a more family-friendly institution in order to help us be more competitive in attracting qualified women and retaining them, and to make Cornell a better place to work. We have been discussing for two years the salary inequities compared to peer institutions, but this is one of the ways of compensating for that in balancing the overall quality of employment. If we want to attract top-quality faculty and we cannot offer them the same amount of money that they will get somewhere else, maybe we can balance out the package with benefits like this one.”

Speaker Pollak: “We are at the time when we are supposed to move on to the next item. There is a motion to call the question. The motion has been seconded and we will now move to a vote on calling the question. All those in favor of calling the question, please raise your hand. All those opposed. The question has been called and we will now move on to a vote on the resolution. All those in favor of the resolution, please raise your hand. All those opposed. The resolution carries.

“Peter, will you introduce the next item?”

5. RESOLUTION FROM THE ACADEMIC FREEDOM AND PROFESSIONAL STATUS COMMITTEE REGARDING THE PROVOST’S PROPOSED SEXUAL HARASSMENT POLICY

Dean Stein: “I cannot recall the number of times I have stood before you to give the context on Sexual Harassment Procedures. This is complicated and a little bit hard to follow, so let me once again proceed. As of yesterday, we had a Sexual Harassment Policy that was put in place about a year and a half ago. Then, following that, this body submitted to the Provost an extensive set of proposed revisions to that policy. It has taken a year and half for the Provost to decide what to do with those suggestions that this body submitted to him. He proposed to modify those Senate recommendations in what many people on the Academic Freedom Committee felt was a very substantial way. The response to that intention was sent around to you in a motion from the Academic Freedom Committee. Then after that motion was sent around, there were subsequent discussions between the Provost and the Academic Freedom Committee that caused them to change what they and the UFC are bringing to you today. So according to Roberts’, what is before you is their original motion, which they intend to ask you to modify and then there is an additional amendment on the floor from Professor Norton which will ask for a further modification.”

Speaker Pollak: “The order will be that Professor Strike will come down and present his original resolution and then the AFPS/UFC amendment and then Professor Norton will present her amendment.”
Professor Ken Strike, Education, and Chair of the Committee on Academic Freedom and Professional Status of the Faculty: "I am apparently going to be the agent of the public flogging. But, I only brought my cat-of-two-tails along."

The original motion follows:

WHEREAS, a just and well-governed community must strive to eliminate all forms of unlawful discrimination and at the same time provide adjudicatory procedures that satisfy reasonable standards of process and fairness, and

WHEREAS, the Provost has shared with AFPS the sexual harassment policy he proposed to adopt, and has, after discussion with the AFPS, stated his intention to modify this policy in some measure in accordance with the proposals below, and

WHEREAS, the Senate finds that by narrowing the jurisdiction of the AFPS adjudicatory hearing, the Provost's proposed policy -- which does not guarantee the charged the right to confront his or her accuser(s), the right to know and rebut the evidence for the charges brought, or the right to present evidence on his or her behalf -- does not guarantee fairness or process to a faculty member accused of sexual harassment, and

WHEREAS, the proposed policy affords significantly less fairness and process to a faculty member accused of sexual harassment than the July 1996 policy that it is proposed to replace, and

WHEREAS, the Senate understands and is sympathetic to the Provost's desire to reduce inappropriate asymmetries between the fairness and process afforded to different segments of our community, and

WHEREAS, both subordinate-supervisory academic relationships and issues of academic freedom are unique to the academic staff, and

WHEREAS, the February 1997 Senate adopted recommendations were triggered by strong dissatisfaction with the current (July 1996) Sexual Harassment Policy expressed by the faculties of the College of Arts and Sciences and the Law School,

THEREFORE, BE IT RESOLVED THAT THE SENATE RESPECTFULLY REQUESTS THAT the procedures in the Provost's proposed policy be redrafted to expand the fairness and process afforded to both academic and non-academic staff and to reduce the asymmetry between the two parallel procedures. The changes made should minimally provide every charged individual with a right to confront his or her accuser(s), a right to know and rebut the evidence for the charges brought, and a right to present evidence on his or her own behalf and,

THAT the jurisdiction of the AFPS adjudicatory hearing be broadened to include all allegations that arise out of the context of subordinate-supervisory academic relationships (e.g., teaching, advising, research, thesis, or dissertation
supervision) as well as issues of academic freedom (a jurisdictional scope that is a compromise between the narrow definition in the Provost’s proposed policy and the wide definition in the Senate’s February 1997 recommendation), and

THAT, the current (July 1996) policy remain in place until these changes are made, since it is preferable to the Provost’s proposed policy.

Professor Strike then introduced the substitute amendment:

WHEREAS, a just and well-governed community must strive to eliminate all forms of unlawful discrimination and at the same time provide adjudicatory procedures that satisfy reasonable standards of process and fairness,

THEREFORE, BE IT RESOLVED THAT THE SENATE RESPECTFULLY REQUESTS THAT the procedures in the policy be redrafted to expand the fairness and process afforded to both academic and non-academic staff. The changes made should provide every charged individual with a right to confront his or her accuser(s) and a right to know and rebut the evidence for the charges brought.

"The history of this is that about three weeks ago, Provost Randel was good enough to share with the AFPS a proposed draft of the Sexual Harassment Policy. That draft in our judgment made one quite substantial change. In the policy that the Senate passed last year, every case in which faculty were charged with sexual harassment came before the AFPS for adjudication. Under the proposed cases, only those cases involving issues of academic freedom would come before the AFPS Committee. That is a fairly significant change considering the following three kinds of cases. One might be a case where a faculty member is accused of sexual harassment because of something that a faculty member says in a class where a faculty member is in the academic line of duty that is a quite controversial issue. Case two, might be a case where a faculty member is accused of harassing a student in the faculty member’s office. Case three might be the case where a faculty member is accused of harassing a secretary or other employee.

"Under the procedure the Senate passed last year, all three of those cases would end up before the AFPS Committee. Under the proposed policy, only the first of those would come before AFPS for adjudication. It is important to remember the alternative to coming before the AFPS Committee is that the adjudication of the event is conducted by the OEO. The procedure for the AFPS has a very high level of due process, whereas the OEO has a very low level of due process. The AFPS response to that which is the essence of the initial resolution was to ask for two things: first, we ask that cases involving what is referred to as subordinate-supervisory academic relationships come before the AFPS Committee. The second thing we ask is that the OEO procedures, which apply to everyone, be expanded to include three things: 1) the right to confront one’s accusers; 2) the right to know and rebut the evidence with respect to the charges brought; and 3) the right to present evidence on one’s behalf. None of those things was clearly provided for by the procedure at the OEO.

"Having introduced that resolution on May 8, a Sexual Harassment Procedure was promulgated by the University which includes two changes from the proposed policy.
The first is that the adjudicatory jurisdiction of the AFPS Committee is expanded to include subordinate-supervisory academic relationships. The second change was that the OEO process was expanded to include the right to present evidence. We now have two changes that were made as a result of discussions that occurred between the proposed policy and the May 8 policy. However, there are two things that we asked for that we did not get. The first is the right to confront one's accusers and the second is the right to know and rebut the evidence against one. After some discussion, the AFPS Committee is not of a single mind about the right to confront. We have included it in the resolution because we have a motion to amend and that will give the Senate the opportunity to discuss and decide. We are of a single mind about the right to know and rebut evidence presented against one. We believe that is a significant omission in the May 8 policy."

Speaker Pollak: "We have motion on the floor and an amendment and we will begin discussion of that."

Dean Stein: "I was just wondering if we could ask the body for unanimous consent to substitute the amended motion for the original motion since the situation has changed."

Speaker Pollak: "Is there any objection to that? Seeing none, so be it. Now we will discuss the motion."

Associate Professor David Wippman, Law School: "I have several concerns about the proposal and the policy we are being asked to follow. First, the policy was just issued on Friday and most people have not had a chance to read it, never mind even see it. Nonetheless, we are being asked to vote on a resolution that would change a policy that we haven't even seen. That leads me to think that what maybe we ought to do is table this, but before I recommend that, I want to ask a clarification on two points. One is with respect to what you described about the inclusion of case two back into the jurisdiction of the AFPS Committee. That depends on how you read the language, 'arising out of the nature of the supervisory relationship'. If you read that literally, no sexual harassment arises out of the nature of the relationship; it may arise out of the context, but not out of the nature. If you read it narrowly, nothing is included. If you read it broadly, it is not clear what is explicit. So I have a question about how it is likely to be interpreted, what procedure is to be followed and what the understanding of the Committee is as to what the meaning of that phrase is. My third set of concerns relates to the OEO process. It seems to me that that process, or anything that does not fall within the jurisdiction of your Committee, is deficient in a number of respects, but perhaps the most important one is that it is entirely up to the discretion of the dean what the final outcome is. If the dean is a friend of the accused faculty member, he can go against the accuser on that ground alone. Conversely, if the dean is hostile to that faculty member, I wouldn't be very comforted that the dean would make these decisions. There are no guidelines, no standards, no review of the dean's decision. It seems to be entirely up to the dean. I have a problem with the policy as a whole and with the procedure."

Professor Strike: "The first time I saw this was, I believe, Monday, so none of us had a great deal of time to consider this. With respect to the language concerning the supervisory relationship, the original motion that the AFPS Committee proposed had, I
believe, 'context,' and that was changed to 'nature'. We had a debate over what that meant, whether that was any clearer than 'context' and produced a reasonable range of possible interpretations. A view that was commonly voiced was that the word 'nature' was neither any more nor any less clear than the word 'context' was. What seemed to be significant was that it is the AFPS committee that gets to decide the meaning of the phrase. Because AFPS is first asked to decide whether or not the charged behavior falls under either academic freedom or an academic supervisory relationship, it seems that an essential principle is that the judgment of these matters belongs to the faculty. It seems that bringing this matter before the Academic Freedom Committee in a way that allows us to decide what this means preserves the essence of faculty control over this matter. Since both academic freedom and the phrase 'the nature of' is interpretable by the AFPS Committee. It is certainly possible that a subsequent Committee would define either of these phrases narrower than this Committee intended. That is certainly a possibility.

"On your third concern, I will speak only for myself, because we did not have extensive discussions about this as a Committee. But, we feel that this is a compromise. It is no one's ideal Sexual Harassment Policy, and in my view, we are reasonably close to a compromise that nobody likes but everybody can accept."

Speaker Pollak: "Before we go on with this discussion, we have an amendment to this resolution that needs to be discussed before we discuss the resolution.

"Professor Norton has asked for unanimous consent to apply this amendment to the new resolution. We had a resolution and the AFPS Committee proposed an amendment which the body unanimously consented to amend and replace the original resolution with the amended resolution. Professor Norton is now asking for unanimous consent to apply her amendment, which applies to the original resolution, to the new amended resolution."

Professor Mary Beth Norton: "If you look at the second motion, my amendment will remove the words, 'the right to confront his or her accusers' from essentially the penultimate line."

Speaker Pollak: "Is there a second to this amendment? The amendment is seconded."

Professor Norton: "As I considered this issue of confrontation in the light of my own experience with sexual harassment procedures, I thought to myself that the idea of a right to confront his or her accusers sounds pretty good, but is probably not going to be too good in practice. I move to delete those words from the resolution. Now I remind you that as Professor Strike just said, the language in this resolution only applies to the OEO procedure. It does not apply to the AFPS procedures, but rather to the earlier phase of sexual harassment investigations that happen at the OEO. The way that that is conducted is through the OEO with a faculty co-investigator that is appointed by the Nominations and Elections Committee.

"I think that the goal of a Sexual Harassment Procedure is to ultimately reduce the number of sexual harassments that occur at Cornell. In order to accomplish that goal, we need to have fair procedures, but we don't have to act like a court of law in order to
be fair. I agree with the AFPS Committee that the charged party should be able to see a statement prepared by his or her accuser and should have the right to respond to whatever is said by the accuser. But, that does not necessarily mean that you have to respond in person. I think that the demands of fairness can be fulfilled by following a procedure that occurs in writing rather than a face-to-face confrontation. A confrontation would seem to me to require a mini-hearing, not just an inquiry by the OEO with a faculty co-investigator. The accused faculty member, in the academic setting as Professor Strike has just described, will indeed have the right to a full hearing before AFPS with lawyers, which is a part of this process that I oppose.

“What is to be gained by a confrontation at the level of the OEO investigation? My perception is that there is nothing to be gained and there is a lot to be lost. For one thing, one of the things that can be lost is the ability to resolve simple misunderstandings in a low-key fashion without the possibility of either side taking a position or saying things that they might later regret. If all of the exchanges take place in writing or through the vehicle of an OEO investigator, then you don’t have the possibility of things escalating out of control at an early stage. Also, without possibility of a face-to-face confrontation, this makes the process of filing a complaint far less emotionally fraught for a potential complainant. It does us no good and lays us open to multiple law suits if we design a procedure that appears to be designed to prevent complaints. I think that if we say that you can’t file a complaint without a face-to-face complaint, a lot of young people may be intimidated. I think that there is a prospect, with use of the OEO procedure, of complaints being successfully resolved confidentially and without publicity. Confrontation, to me, implies not only the presence of the accused and accuser, a hearing office, but also witnesses. In at least one of the sexual harassment cases that occurred under the Arts College procedures, multiple witnesses create a greater possibility of the charges being publicized because there are so many people involved.

“I arrived at this conclusion from my own personal experiences. As many of you know, I was involved in the Arts College procedures in a variety of ways. In one instance, a friend of mine was accused of racial harassment by a student and was very nervous about this and asked me to attend the interview by the OEO. In fact, the charge was based on a series of misunderstandings with a particular student. The OEO sorted it all out and cleared my friend. There was absolutely no confrontation necessary, and I think in that case, a confrontation would have detracted from resolving that issue.

“I would also like to say something about my own personal experience with sexual harassment. When I was an assistant professor, one of my senior colleagues in my department created what we today call a ‘hostile-working environment’ for me. There was no definition of sexual harassment at that time, there was no such term, and there was no procedure. I had no way to deal with this experience, except, to confront him directly, which is something I never did. I was in a position where I had a department chair whom I thought would be unsympathetic to any complaint that I raised about this senior colleague of mine. Eventually he stopped harassing me and then started on the second woman who was hired in the department, and he did the same thing. He created a hostile working environment for her, and subjected her to continuous sexual innuendo in her presence. She consulted me about what to do. I didn’t have a clue because I didn’t successfully deal with it either. Had this procedure, without a
confrontation, been available to me, I might well have taken advantage of such a procedure. I know that I would not have wanted to confront him directly. To this day, I have not confronted him directly. He is still in the department, he is still my colleague, but he doesn't do this to me anymore.”

Dean Stein: “I don't see how we can resolve this issue today in any kind of a sensible way. I don't see any reason why this needs to be settled today. We can settle this next September, there is something more urgent, namely the resolution on the Division of Biological Sciences.”

Speaker Pollak: “There is a motion to postpone this discussion until the September meeting. Is there any discussion on postponement.”

Professor Rabkin: “I just want to say that I believe that the Provost has deliberately put this off so that it will die a thousand deaths. By next fall, everyone will be saying, 'wait a minute, what was that sexual harassment issue three years ago, four years ago?' At this point, we just have to accept it; there is nothing we can do about it now. I think it is really outrageous to have these continuous delaying tactics.”

Professor Earle: “What about the possibility of having a special meeting next week?”

Dean Stein: “There are many options. I have given you one. This is a very complex issue. People are going to want to think about this and many other things. In my mind the best thing to do is to postpone it until September.”

Speaker Pollak: “We have had a motion to call the question on postponement, and the motion has been seconded. We will now vote on calling the question. All those in favor, raise your hand. All those opposed. The question has been called. All those in favor of the postponement, signify by raising your hand. All those opposed. The motion has carried and we will resume this discussion in September.

“The next resolution will be presented by Professor Wilson. Professor Howland is unable to attend today.”

6. RESOLUTION ON THE DIVISION OF BIOLOGICAL SCIENCES

Professor David Wilson, Biochemistry, Molecular and Cell Biology: “The resolution is very straightforward and short. It is very simple and I don't even think I need to speak about it. If anyone objects to it, I would like to know.”

Professor Peter Schwartz, Textiles and Apparel: “I actually don't oppose it. I find it extremely vague as to when enough is enough. Having spent a year on the Senate where enough never seems to be enough, I'd like to try to get some specificity about when enough is enough or when a decision is made, whichever way it goes, you'll consider it a final decision.”

Professor Wilson: “A process has started where we have outside experts coming in to review the Division. We'd like to make sure that is completed before a decision is made and that is the main impetus behind this motion. The Provost has already committed to
that. So, in some ways, this is unnecessary, but I think it would still be useful and important to have the Senate’s endorsement of this.”

Speaker Pollak: “Are their any other comments? The question has been called and seconded. Let’s now take a vote on calling the question. All those in favor, please raise your hands. All those opposed. The question has been called. All those in favor of the resolution, please raise your hand. All those opposed.”

The resolution carried as follows:

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

Speaker Pollak: “We will now move on to the next item on the agenda - the closing remarks by Dean Stein.”

7. REMARKS BY THE DEAN

Dean Stein: “When Franklin Roosevelt first entered the White House in the depths of the great depression, one of his first appointments was with John L. Lewis, the head of the United Mineworkers’ Union. Lewis opened the conversation with a simple and stark image that summed up the desperate situation facing American working men and women: ‘Mr. President,’ he said, ‘the miners are feeding their families out of garbage pails’.

“Soon after I became Dean five years ago, I had a brief conversation with the Dean of the Law School that was, relative to the responsibilities I had assumed, nearly as ominous as John L. Lewis’ words. Dean Osgood told me that he had canvassed the entire faculty of the Law School, and was unable to find a single one who was willing to serve on the FCR.

“Faculty governance had fallen onto hard times. Arts and CALS could not find enough candidates to stand for vacant seats. Regular meetings were routinely canceled for lack of business, and quorum counts hung like the sword of Damocles over those that were scheduled. Reports, rather than resolutions, dominated the agendas. When advice was given to the administration, it was more likely to be politely acknowledged and then ignored than it was to influence policy in any substantial way. In short, it was hard to argue that the faculty governance structure was an effective vehicle for the faculty to influence decision making at a level appropriate to a great university.

“I decided early in my tenure that the overriding challenge facing the Dean of the Faculty was the declining health of faculty governance. Some have argued that faculty governance is, in itself, a false goal; that we are here to work, not to govern; that committees, bureaucracy, and meetings at best waste time, and at worst strew obstacles under the feet of hard-working faculty. There are surely dangers in rampant bureaucracy, whether promoted by faculty or administrators. However, it seems
almost axiomatic to me that healthy faculty governance firmly coupled to university priority-setting and decision-making is important for two reasons. First, the decisions will usually be better (it would be nice for a faculty advocate to say always, but honesty obliges me to make more modest claims). Secondly, any society, and particularly a university, cannot reach its full potential if its citizens do not feel the loyalty and personal responsibility for its well-being that comes with the sense of full participation in its affairs.

"That said, building responsible, functioning faculty governance is easier said than done. Both the faculty and the administration must take it seriously. For that to happen, it must address issues of substance. It must deal with those issues in a comprehensive and realistic way. Lastly, the administration must learn to regard that structure as the authoritative voice of the faculty, which is the linchpin of the many constituencies that make up Cornell.

"These conditions are all interrelated, and actuality is dependent on perception. It is the classic chicken-and-egg dilemma. If the administration does not take the deliberations and recommendations of faculty governance seriously, neither will the faculty, and vice versa. But one thing is clear; without a steady diet of issues of substance, faculty interest will drift away, and even a robust structure will eventually wither.

"Over the past five years, I have worked hard with the leadership and committees of the Senate, and its predecessor, the FCR, to present a meaningful set of issues to these representative bodies for action. We debated and passed motions recommending changes in the status of lecturers, the distribution of patent royalties, a graduate tuition policy, and the establishment of a Latino Living Center. We crafted and passed a major change in the faculty governance structure that established the Senate and the partnership with the administration in appointing faculty to policy and search committees. We passed policies regarding romantic relationships between students and faculty, the form of transcripts (i.e., the median grade policy), and academic program review. We modified the Code of Academic Integrity. We recommended a substantial increase in funding for graduate fellowships in the sciences, and asked for other changes in University financial priorities. We devoted a great deal of time to debating procedures to adjudicate sexual harassment. We devoted even more time to devising a process for faculty involvement in granting of tenure, resulting in the establishment of the Faculty Advisory Committee on Tenure Appointments. We substantially modified the administration’s ‘Transition to Retirement’ report. Last month, we established the Natural Sciences Research Advisory Councils, and just now, in keeping with our torrid pace, we recommended a Parental Leave Policy to the administration.

"While we certainly did not achieve unanimity on many of these items, few would dispute the importance of each of them, and their centrality to what we do as faculty members. The faculty responded with renewed interest and involvement. All departments were represented in the initial and subsequent Senates. Agendas have been overflowing, and Hollis Cornell has resounded with spirited and intelligent debate. As far back as our office records go, each year at least one of the eight regular meetings had been canceled for lack of an agenda, and at least one of those meetings that were scheduled failed to attract a quorum. That pattern has been stunningly reversed. For the past five years, not a single regular meeting was canceled, and of the
44 meetings that were called, only one, the snowed-out meeting of last December, failed to attract a quorum.

"But while an engaged faculty, vigorous debate, and a meaningful agenda is a necessary condition for healthy faculty governance, it is not sufficient. Indeed, it is the easiest of the three conditions to satisfy. A second condition is the willingness on the part of the administration to look to the Senate as the definitive voice of the faculty, and the third is the willingness of the Senate to provide advice that is thoughtful, considered, and in the best long-term interests of Cornell. Neither of the latter two conditions is easily accomplished. They can only be built on a solid foundation of patience, experience, and mutual respect."

"We must realize that it is always difficult for the chief executive of any organization to look to an elected, representative body as the authoritative voice of the larger constituency. It is the same dynamic that commonly plays out between mayors and city councils, presidents and congresses, and university provosts or presidents and faculty senates.

"Chief executives are chosen because of their wide perspective, their sense of judgment, their broad experience, and their leadership capabilities. They devote their waking hours to solving the problems of the institution they govern, to arbitrating between an ever-increasing assortment of legitimate and illegitimate conflicting claims, and to developing a realistic vision for the future.

"Democracy is a messy business. The members of representative bodies often, and perhaps always, lack the perspective, experience, knowledge, and dedication to the business at hand that the chief executive brings to the table. They have other interests and other obligations. Their primary loyalty to those whom they represent often results in a vision that is narrowed in space and time. Is there any wonder that the chief executive rolls her eyes with disbelief, in private if not in public, when the quick judgments of the representative body differ with her own reflective and considered opinion?

"But, you will be quick to point out, Cornell is not a democracy. Mayors, governors, and presidents can hardly ignore their representative bodies, since these bodies enjoy parity with them in the decision-making process. In universities, the role of faculty representative bodies is almost exclusively advisory. Of the fifteen previously mentioned motions passed by the Senate or FCR, thirteen started with '...The Senate (or FCR) recommends that the administration ....'. The Senate proposes, and the administration disposes. When the Senate supports administration decisions, there is no problem. The administration welcomes, and is appreciative of the Senate's support. But when there is a disagreement, the administration is faced with the disagreeable choice of acting against its own better judgment or ignoring the will of the faculty.

"This lack of shared authority creates a very serious obstacle to healthy faculty governance. If the Senate is consistently ignored, it has no function. Neither the faculty whom it represents nor the Senate itself will take the Senate seriously. On the other hand, an administration that totally cedes its authority is not acting responsibly. The only stable solution to this dilemma is for the administration to maintain a healthy
respect for the views of the faculty, even when the administration disagrees with those views, simply because they are the views of the faculty. The administration must adopt a mode of decision-making that allows a reflective tempering of its conclusions by the views of the faculty. Its timetables and channels of information must learn to adapt to the traditions and rhythms of the faculty.

"Which brings me to the last condition, in some ways the most difficult of the three to achieve. The Senate must learn to give reflective, considered advice. It sounds easy, but for a body of 100 people that meets for only an hour and a half a month, it is a major undertaking. The Senate must avoid the temptation to shoot from the hip, to act as a least common denominator of short-term faculty interests. It must learn to take seriously the deliberations of its committees, and to spend the time to read reports and raise concerns in a clear and timely manner. Furthermore, it must exercise restraint. It must learn to distinguish between our self-interests as individuals and the interests of Cornell. They are often, but not always, aligned. Charlie Wilson's half-century-old aphorism, 'What's good for General Motors is good for the country', adapted to our context (i.e., 'What's good for us is good for Cornell') contains a lot of truth, but sweeps in a healthy modicum of error as well. If the Senate never sees a faculty perk that it doesn't like, if it adopts a strategy that asks for the moon in the hopes of at least getting a piece of cheese, if, in short, its responses are totally predictable, how can we expect the administration to give the full measure of serious consideration and deference to faculty viewpoints that I referred to previously? We must not shirk from our obligation to forcefully give our best advice and perspective, but we must be ever vigilant to the pervasive human failing of equating one's own self-interest with the common good.

"I deeply believe that it is in Cornell's best interest that faculty governance become firmly established as a vibrant forum for faculty participation in decision-making. Faculty governance will not make us a great university, but its absence will impede our pursuit of this noble goal. It cannot succeed without serious effort on all our parts. It will now be Bob Cooke's primary responsibility to ensure a steady flow of meaty issues for the Senate to chew on. But it will require more than his efforts. It will take the hard work, restraint, consultation, mutual respect, and dedication to faculty governance on the part of both the administration and all of you.

"Now it's come time for me to say good-bye. It has been an exciting five years. It would take me too long to acknowledge the help of all of the good people I have worked with, but I do want to especially recognize the advice and support of my colleagues and friends Kay Obendorf and Dick Schuler, chairs of the FCR Executive Committee, and Bob Lucey and Kathy Rasmussen, the Associate Deans of the Faculty. I also want to thank all of you, those with whom I have agreed, and those with whom I have disagreed. All of us, in the broadest sense, have been working the same side of the street. It has been a singular honor for me to have been able to represent you, to work on your behalf, and to advocate for you in the pursuit of an important goal in which I deeply believe." (Applause)
8. GOOD AND WELFARE

Professor J. Robert Cooke, Agricultural and Biological Engineering, and Dean-elect of the University Faculty requested permission to read a brief letter from the Dean-elect to the outgoing Dean of the Faculty.

Professor Peter Stein  
Dean of the University Faculty  
Cornell University

Dear Peter:

Today’s Faculty Senate meeting brings this semester to closure, but today’s meeting also represents the culmination, or near culmination, of your term as Dean of the Faculty. We wish to recognize this milestone and to salute you for your considerable and sustained leadership contributions as Dean of the Faculty.

Your abiding belief that the University’s welfare is enhanced by an energized and active faculty governance apparatus has been manifested in many ways. This restructured and revitalized Faculty Senate is surely one of the enduring parts of your Deanship legacy.

As a symbolic reminder of your leadership and energy as Dean, I’ve attached a copy of the enabling legislation for the Faculty Senate with this note.

We thank you for your tireless devotion on our behalf.

Sincerely,

J. Robert Cooke  
Dean-elect University Faculty

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Kathleen Rasmussen, Associate Dean and Secretary of the University Faculty
INDEX
FACULTY SENATE
1996-1998

Academic Integrity Code
Academic Program Review, Committee on Applied Statistics, M.P.S. degree
Biological Sciences, Division of Budget, Discussion with Provost
Data Access Policy
Dean of Faculty, Election of
Death of Faculty Members
Emeritus Status Transition, Report on
Faculty Trustees, Report from
Library Board, Report from
Natural Sciences Research Advisory Councils, Resolution to establish
Nominations and Elections Committee Reports
Parental Leave Policy
President Rawlings, Remarks & Discussion
Principle of Community Discussion of Student Assembly
Provost, Questions and Answers

Research Futures Task Force Report

Residence Requirement
Residential Community Steering Committee, Report

Salaries, Faculty
Dean’s Report on
Financial Policies Committee Reports

Report & Resolution on

Sexual Harassment Procedures
Co-Investigator Pool, Motion for Selection of
Letter from Arts & Sciences
Procedures

Senate Procedures

Speaker, Election of

Tenure, Negative Review of, at Provost level
Tenure Decisions, Committee to Review

Ward Lab, Resolution on

7698-7701S; 7740-41S;
7766-71S; 7840-42S;
7858-60S; 7896-98S;
7917-20S; 7934-39S;
7955-96S; 7972-77S;
7999-8003S; 8031-35S;
8066-68S

7949-52S;
7961-71S, Appendix B;
7984-90S, Appendix A

7885-87S

7850-56S

7899-7901S, Figures 1&2
7760-62S, Appendix A;
7762-66S, Appendices B-K;
7842-50S
8019-29S, Tables 1-3;
Figures 1-9

7707-11S, Appendix E
7739-40S

7772-76S, Appendix L;
7777-81S, Appendix M;
7810-22S, Appendix A;
7824-39S, Appendix A;
8075-81S

7703-07S, Appendices C & D;
7902-05S

7701-03S; 7901S

7867-76S, Appendix A
7735-38S;
7742-43S, Appendix A;
7744-59S, Appendices A-D;
7892-95S; 7924-33S;
7941-49S, Appendix A

7783-93S