

MINUTES OF A MEETING OF THE FACULY SENATE
Wednesday, September 4, 2002

Professor Howard Howland, Neurobiology and Behavior and Speaker: “I would like to call the meeting to order. First, I would like to remind you that no photos or tape recorders are allowed during this meeting, and I ask that you identify yourself and your department when you speak. There are no Good and Welfare Speakers known to me, and the number of minutes allocated to Good and Welfare will be allocated to the topic of the Resolution Regarding the Clinical Professor Title. Many of you have not seen the sign-in sheet that is up here to the right, about half way up the hall where people are lining. You don’t have to do it right now, but please do sign in before you leave. Thank you very much. I have now the privilege to call on President Rawlings for remarks and to answer questions.”

1. REMARKS BY AND QUESTIONS FOR PRESIDENT HUNTER RAWLINGS

President Hunter R. Rawlings, III: “Thank you, Professor Howland. It is a pleasure to join you at this first meeting of your academic year, and I look forward to another good year of collaboration and communication between the Faculty Senate and the administration. I know that last year, in particular, Provost Biddy Martin spent a good deal of time with many of you. I think those meetings were productive, and I hope they will be again this year. I would like to cover a couple of points briefly if I could, and then I would be happy to respond to any questions you might want to ask.

“First of all, I want to thank all of you who participated in the Freshman Book Project this fall. It was an enormous success. The choice of *Frankenstein*, I think, was inspired, and now the city of Ithaca will be following Cornell in adopting this book for reading this fall. So we have a wonderful town-gown opportunity, which Vice Provost Isaac Kramnick is going to take full advantage of, I think. As someone who taught one of the small sections, I certainly enjoyed the opportunity enormously to talk about an intriguing book, written by an eighteen-year-old, and a chance to enable our freshmen to talk about literature and science as well. I want to thank especially those faculty members who volunteered to participate in the project. We had about 250 faculty members volunteer for this, and we had over 300 undergraduate returning students volunteer to participate in the project, as well, as assistants to the faculty and the staff. So we had well over 600 individuals in addition to the 3000 freshmen for the large panel that occurred in Baton Hall on Sunday when the students arrived. So thank you very much for faculty participation. I think the project is really quite marvelous and gives our freshmen an excellent opportunity to get to know each other on grounds other than purely social.

“Our new freshmen are a formidable group. Just to give you a very quick report—as of August 27, the class comprised 3,037 entering freshmen selected

from over 21,000 applicants. Our yield rate this year, that is the rate at which students accepted our offers of admission, was again about 51%, so our numbers are up nicely from three or four years ago. It appears that enrollment demand for Cornell is still very strong indeed. About 7.5% of these students are international students. We were concerned, given the events of last year, that we would see a fall-off in international students, but in fact, we have seen a slight increase, and that's good. I should also say that graduate student recruiting seems to have gone exceptionally well this year. We don't have the numbers yet. We won't have them for about three more weeks, but judging by reports from a number of departments it appears that graduate student recruiting was strong and probably benefited in part from the economy. Generally when the economy goes down, we see more students applying for graduate school, and that enables us to become more selective.

"I would like to spend a moment if I could now discussing the graduate student unionization, which is upon us this semester as most of you are probably aware. Dean Cooke has a statement that I have composed that is going out today on the web as well as to various media sources which outlines what happened this summer in terms of our negotiations with a group of students who want to represent our graduate students in a union in order to conduct collective bargaining to bargain their wages and their benefits. This is an issue that concerns the entire campus. I hope all of you will familiarize yourselves with the issue. We are making strenuous efforts to try to enable the full community at Cornell to understand the issues at stake in what will be an election on October 23 and 24, in which graduate students will decide by vote whether or not they wish to form a union. This is an issue that affects not only our graduate students, but also our undergraduate students, our faculty and our staff, and it is one that will potentially affect Cornell for many, many years to come. I think the most important message is to urge graduate students to vote in this election to assure that as many graduate students as possible in the bargaining unit are able to cast a vote on this important matter. You will see in my statement a brief resume of the events of this summer that led to the formation of the bargaining unit and an agreement between that unit and the University as to how things should proceed this fall to an election. Cornell chose not to question the students' right to hold such a vote, but rather we adopted the law of the land today, as determined by the National Labor Relations Board, which says that under certain circumstances some graduate assistants at private universities may in fact become members of a collective bargaining unit and a union in order to bargain their salaries and benefits. I'm sorry for the small print, but this is a copy that is on the web. I hope all of you will take an opportunity to learn the issue, not only from my statement but from statements by graduate students wishing to organize and also statements by our Dean of the Graduate School, Sunny Power, who has been very actively involved in familiarizing colleagues with the issue itself and the events behind this election.

"I also want to mention that this summer Provost Martin and I met with Dean Porus Olpadwala of the College of Architecture, Art and Planning and with the chairs of the three departments in that college in order to request that the faculty in the college consider changing the organization of that college with possibly an

ending of the college as a discrete set of three units and an effort to try and find other intellectual homes for those units at Cornell. This is a serious request that Provost Martin and I have made of the faculty in the college. It clearly does create a good deal of concern, as one would expect, in the college, but I'm happy to say that the meetings we had this summer were very good meetings, very clear meetings, in which we outlined our thinking, and we begin a series of meetings with the faculty in those three departments tomorrow. So we will pursue this issue through the fall term and I hope generate a considerable amount of discussion and consideration in the college so that this idea, which was actually first proposed about 20 years ago at Cornell, can again come under scrutiny this fall.

"A word on faculty salaries—I am pleased to say that we have been making considerable progress on our joint goal of raising faculty salaries, faculty compensation, at Cornell to a level equal with the average of our peers as determined by a faculty group. The progress was outstanding in the first year of the program. We are now in the second year of the program and it appears highly likely that we will again make very significant progress vis-à-vis our peers. So that is a matter I wanted to mention as well.

"Finally, fundraising this year, in spite of the great difficulties we have confronted, went very well. I'm happy to report, and this is fresh off the press, that Cornell raised in the year ended June 30 of this year \$363 million, which is the most we have ever raised, and that places us third among American universities in fundraising for that year. So that is good news. We have considerable support in spite of the difficult economy and a declining stock market. I would be happy to take questions you might have."

Professor Risa Lieberwitz, Industrial and Labor Relations: "In terms of the economy and the issues you ended with, there are various rumors and statements that get floated about cuts and such given the problems in the economy, so could you describe whether there are any cuts contemplated, and if you could be as specific as possible on that?"

President Rawlings: "Yes, I would be happy to try to reply. I think so far we have been spared the worst kinds of cuts in state funding, primarily because it is an election year. However, we are led to believe by many sources, good sources, that as soon as the election takes place, we are going to hear some very bad news indeed from the State of New York, and that of course will not be aimed at Cornell alone but rather all of the institutions in the state which receive state funds. I think it is fair to say that we are looking to a possibly significant cut in state support after the election sometime early in the new year. I think that is a very likely prospect. I don't like to make such predictions, but I think this one is relatively safe, because the state's budget is under very severe pressure. In terms of cuts at Cornell, there are no such cuts being contemplated at this point, but you may be referring to a project we have under way, which goes under the rubric 'Workforce Planning,' in which we are trying very systematically to understand the way work is done on the campus and try to become more efficient in organizing that work. That effort is under the leadership of the

Provost, the Vice President for Finance and myself, and it benefits from the research and analysis being done by Vice President Carolyn Ainslie and a group under her that includes deans. That process could well result in changes in the workforce in order to create greater efficiency, but there are no cuts being planned at this particular point.”

Professor Richard Durst, Food Science and Technology, Geneva: “In light of the budget problems, is it reasonable to go forward with salary increases for faculty? I’m sure the faculty would be willing to forego these for the good of the University.”

President Rawlings: “Well, some faculty might be willing to forego these for the good of the university. It is a very good question, and a reasonable one, given the fact that we are looking forward, not looking forward in the positive sense, to probable reductions in state support. However, let me underline, and I realize this is my last year as President, and so there may be some hesitation in the audience as to how strong this commitment is into the future, but I underline that we set goals for our statutory faculty and our endowed faculty over five years, or in one case six years, to reach the median of our peers. We are committed to those goals, in spite of the tight economic times. We have found various sources in order to achieve those goals. I think frankly we are making progress even faster than we thought we would, because many of our peers across the country (and many of you are aware of this) are suffering terribly from state budget cuts. So those state universities are under very severe budget pressure. As a result, our increases, which have averaged in the neighborhood of 7.5% to 8.0% across Cornell, have enabled us to leap forward much more rapidly than we had projected. I think when we get the figures in from other institutions next spring, we will see that this year we have made another large jump. I would hate to see us abandon the goals that we jointly set three years ago to achieve this increase in compensation at Cornell. I’m speaking for myself. I believe I am also speaking very strongly for the Board of Trustees, which will stay in office after I become a member of the Classics Department.”

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: “Maybe I am stating the obvious. This is more of a comment than a question. But I hope the graduate students realize that voting in this thing is very, very important, because the decision will be made on the majority of those voting rather than the total group. I presume they are being made cognizant of this fact.”

President Rawlings: “That’s a very important point you make in addition to my comments, and I appreciate your making it, because you are absolutely right. The decision will be made on a majority vote of those graduate assistants who choose to vote, but the decision will impact all graduate assistants, no matter how many decide to vote. So I think it is incumbent on all of us to urge the students to become very familiar with the issues and to vote in that election. Thank you for that.”

Speaker Howland: “That is all of our time. Thank you.”

President Rawlings: “Thank you very much.”

Speaker Howland: “The Speaker now calls on Provost Bidy Martin for remarks and to answer questions.”

2. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Bidy Martin: “I think I have five minutes for remarks and questions, so this will be brief. First of all, I think this is an important time for all of us to rededicate ourselves to the importance of academic freedom and free speech. By that I mean an important historical and political moment in which to be vigilant about protecting one another’s academic freedom and rights to speech and also to be protective and attentive to our students, who like many of us, are affected and will be affected by events over which we have no control. So I want to emphasize both the importance of attention to one another and to our students but also to protecting our academic and political freedoms. The second emphasis I will bring forward is continuity. President Rawlings just said that the Board of Trustees remains committed to the faculty salary program. They do indeed. They are committed to the faculty salary program and to the other academic priorities that we have set over the past few years. The Chairman of the Board of Trustees, Peter Meinig, has authorized me to emphasize that and to reassure you that the Board has worked carefully and hard with us to develop these priorities and also to develop a plan for fundraising for the priorities. They remain committed to them through the Presidential transition, as do I remain committed to those priorities. And now I would be happy to take any questions you have or refer them to the President.”

Professor Kathleen Whitlock, Molecular Biology and Genetics: “Could you say something about the fundraising for the Life Sciences Initiative? Is that going forward?”

Provost Martin: “Yes, it is. That is going forward, and we will spend this next year, that is between now and June 30 of next year, working with colleges to develop our fundraising goals in more detail. We have done planning for fundraising goals for the University as a whole, and we have discussed those, as I just said, with the Trustees. They have endorsed the goals that we have set for those institutional-wide priorities, but what we need to do now in the next year is work carefully with faculty in departments and the college deans to develop the detailed plans of needs that are college specific. That is what we will be doing this year. Yes, the fundraising for the Life Sciences Initiative is on track.”

Professor William Arms, Computer Science: “Last year I know that you and Dean Cooke were attempting to put together a committee to look at copyright related issues for the University. Could you tell us where that stands?”

Provost Martin: “We did attempt to put together such a committee, and we succeeded in putting together such a committee, but I believe it would be fair to say on behalf of that committee that it’s too early to say. Is my time up? Is there anything else? Oh, time for more.”

Professor Joel Porte, English and American Studies: “I wonder if you could say something about the circumstances under which Dean Lewis was asked to step down this summer?”

Provost Martin: “Actually, Joel, I would not like to say very much about those circumstances. Dean Lewis was asked to step down after one more year, which will be his eighth year as Dean of the College of Arts and Sciences. The President asked for his resignation, and Phil has resigned. We are starting a search. We constituted a search committee, and that search committee will have its first meeting tomorrow afternoon at 4:30. Since, it was and is a personnel decision, I prefer not to discuss the details publicly.

Speaker Howland: “Thank you, Provost Martin. The Speaker will now call on Dean Cooke for remarks.”

3. REMARKS BY DEAN J. ROBERT COOKE

Professor J. Robert Cooke, Dean of the Faculty: “I have three brief announcements. The first is that I am mandated to give you a report on the Faculty Advisory Committee on Tenure Appointments. This is covering the last academic year. There were thirty-seven files. These are files that come from a college to the Provost’s Office. The committee reviews those to assist the Provost. Thirty-seven were reviewed. Four people review it; if all four agree that it should go forward, it goes immediately forward. If any one of those reviewers thinks it should be reviewed by the larger committee, it is done by the full group of fifteen. The entire committee reviewed ten of those thirty-seven. Thirty-four were positive recommendations; three were negative recommendations, and the Provost concurred with thirty-six of the thirty-seven.

REPORT OF FACULTY ADVISORY COMMITTEE ON TENURE APPOINTMENTS

September 2001 - May 2002

**37 files were reviewed
(ten of which were reviewed by full committee)**

- 34 positive recommendations**
- 3 negative recommendations**

**The Provost concurred with
36 FACTA recommendations**

Two other announcements. The Financial Policies Committee, being chaired this year by Ronnie Coffman and Leigh Phoenix, is going to be working with the

Provost and Vice President to discuss the workforce planning effort. Second, Jennie Gerner is chairing the Committee on Academic Programs and Policies, and that committee is reviewing the proposal concerning Architecture, Art and Planning. So if you have any comments, suggestions or questions send them directly to Ronnie Coffman or Leigh Phoenix in the first case and Jennie Gerner in the second."

Speaker Howland: "Thank you, Dean Cooke."

Professor Gary Rendsburg, Near Eastern Studies: "Can I ask a question? Is a question for Dean Cooke in order?"

Speaker Howland: "Yes."

Professor Rendsburg: "Can you clarify that point on the tenure case? Did you have thirty-seven cases that were reported positively by the individual colleges that went to the committee of which 34 were concurred by the committee and 36 the Provost concurred?"

Dean Cooke: "Thirty-seven were sent by the deans to the administration."

Professor Rendsburg: "Only positive recommendations?"

Dean Cooke: "Only positive. They were headed for the Board of Trustees. Thirty-six of them were in fact sent to the Trustees with positive, affirming tenured rank. Thirty-four were positive. We sent three negative; the Provost agreed with two of them but did not agree in one case."

Professor Rendsburg: "The Provost only overturned one negative recommendation? Is that correct?"

Dean Cooke: "The Provost concurred with thirty-six of the thirty-seven. One did not get . . . so on one she disagreed with the committee and nixed it."

Provost Martin: "There were two cases that did not go forward to the Board of Trustees."

Speaker Howland: "Other questions?"

Professor Philip Nicholson, Astronomy: "Just a point of clarification. So those thirty-seven—those were all the decisions that came from the deans or does only a subset go to this committee that are considered controversial or something?"

Dean Cooke: "Thirty-seven came from the deans with recommendations that it go to the Trustees."

Professor Nicholson: "That's all of them basically—the positive ones."

Dean Cooke: “The FACTA committee can also consider ones that are negative which are sent forward.”

4. APPROVAL OF MINUTES OF THE MAY 8, 2002 SENATE MEETING

Speaker Howland: “The Speaker would now like to call for approval of the minutes of the May 8 Faculty Senate Meeting. Question?”

Professor Francis Kallfelz, Clinical Sciences: “I have a question about the draft minutes. There were two amendments made to the Clinical Sciences Professor proposed legislation. One of those was passed. In the second case, the amendment was made by Senator Obendorf, I believe, but it was never seconded, and there are twelve pages of discussion in the draft minutes of this second amendment, which was never seconded. So I am wondering if it is even appropriate to have that discussion in the minutes, since it was never legally on the floor.”

Speaker Howland: “The Speaker was not present at that meeting.”

LAUGHTER.

Dean Cooke: “If you don’t bring a point of order on the second, if it’s not raised then, you can’t raise it later. So the fact that it went on and no one raised it meant that it was legitimate to go on. If you had an objection, you should have raised it at the time.”

Professor Kallfelz: “It wasn’t seconded and no one raised an issue about it, then it is allowed to stand.”

Dean Cooke: “Well, when it comes from a committee, it is automatically seconded, but this did not.”

Professor Kallfelz: “No, this did not.”

Dean Cooke: “But if you don’t second it and no one objects, it still goes forward.”

Speaker Howland: “Good. Are there any objections to the approval of the minutes? Hearing none, they are approved. The Speaker would now like to call on Associate Dean and Professor Charles Walcott for a Nominations and Elections Committee Report.”

5. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Neurobiology and Behavior, and Associate Dean and Secretary of the University Faculty: “I have a great collection of these (Appendix 1). They are all in your handout for the meeting, so I will just show them to you briefly. There will be an examination at the end of the meeting. And that concludes my report.”

LAUGHTER.

Speaker Howland: “The Chair asks for unanimous approval of the report. Hearing no objections, it is approved. We now come to the next motion. I want to give you a little information before I call on the mover. This concerns, of course, the motion on the resolution regarding the Clinical Professor title. Originally, we were going to ask for unanimous consent to make the motion the pending motion, however, additional research, following the suggestion of Professor Stein, has convinced the Chair that because the Senate is now in a new session and because more than one quarter of a year has elapsed between the last meeting of the old session and the present meeting, then according to Robert’s Rules of Order, we are not bound in this session by any action of the old session, for example, the tabling of a similar motion. The only business that can be carried over between sessions, over this one-quarter of a year interval, is a motion referred to committee. And some believe that this was the real intent of the motion to table, but in that case the committee also has total freedom in bringing a new motion to the assembly, thus I rule that the motion about to be introduced is in proper order. If any members object, they may appeal this ruling of the Chair. I ask for unanimous consent to proceed with this motion. Hearing no dissent, we will now proceed. I will now call on Professor Charles Walcott to move the resolution, and then I will call on Alan Bell, Animal Science and Chair of the Professorial Titles Task Force, to present the brief background on the resolution regarding the Clinical Professor Title.”

Professor Walcott: “Mr. Speaker, I would like to move the motion.”

UNKNOWN: “Second.”

Speaker Howland: “Thank you. It needs no second, but thank you. The motion is now on the floor, and I call on Professor Bell.”

6. RESOLUTION REGARDING CLINICAL PROFESSOR TITLE

Professor Alan Bell, Animal Science and Chair of the Professorial Titles Task Force: “Thank you, Mr. Speaker. It seems only a week or two since I last stood before you. This time I have been careful to well and truly cover the bull’s eye on my chest. All senators should have received a revised version of what we are now calling version 1.4 of the resolution (Appendix 2), which describes enabling legislation for the Clinical Professor title. You will recall that at the last meeting, those of you who are continuing members of the Senate will recall that we began in good order at the last meeting and we did pass, notwithstanding the concern about whether the business done at the last meeting was valid or can continue or not, the business that we did achieve was the collapsing of language in the preamble statement. The Senate at that time at least voted to pass that amendment. We then got seriously tangled up with language in so called item IV.B. Then there was a motion passed to table the resolution.

With all this in mind, the task force retreated and then reconsidered and has produced a revised version which should be in your hands. It was sent out to you in August and also with the materials for this meeting. The changes to the resolution that are in this new document are summarized in this overhead (Appendix 3). So we have in keeping with the amendment made at the last meeting, we have retained that changed language in the preamble. We have made some minor changes in modifying language in item II, and we have wrestled manfully with language in item IV.B that was the focus of concern. That will be perhaps part of today's discussion, and I hope we'll proceed to a vote from the body. But before we get to that, I would like you to consider another amendment that was brought to us by Professors Shiffrin and Lieberwitz that concerns a passage that was originally described as item VI.D but now is appended as Appendix B of version 1.4 of the resolution. So this is right at the back of the document, if you haven't read right through, and this is modifying the attempt to avoid imbalance between members of faculty that would come under the new title versus the tenure stream faculty in the department. The first part of this is not underlined. It deals with the expectation that the percentage of the positions bearing these titles will not exceed 25% of the total faculty.

Appendix B

a version of amendment to VI.D proposed by Steven Shiffrin and Risa Lieberwitz, 7 May.

additions underlined

D. The percentage of positions bearing the titles may not exceed 25% of the existing tenure-track faculty positions in the college or 25% of the tenure-track positions in those departments or programs where those positions are located, except as herein provided. A higher percentage may be afforded if, but only if, the relevant college, department, or program makes an overpowering showing that: (1) there is a need for the higher percentage; (2) the Clinical Professor positions in question would not replicate the functions of positions ordinarily held by tenured or tenure-track faculty; and (3) any additional Clinical Professor positions in a department or program would not detract in any way from the potential for adding tenured or tenure-track positions in that department or program.

[Note: Tape recorder came unplugged so exact wording was missed. Professor Steve Shiffrin provided brief background and moved the amendment. The motion was seconded by Professor Risa Lieberwitz. Further discussion follows.]

Professor Steven Shiffrin, Law: "The automatic bar is set at an arbitrary figure at 25% and says that the Law School or some other school could go beyond that if it makes a very demanding showing. I'm not going to read what is underlined there, but I think you would agree it's a very demanding showing. It's not an

impossible showing. It wouldn't be enough to say, 'Well, if you spend money on this that would jeopardize adding tenured faculty.' Unless it were a vast amount. The notion is simply to make it more flexible and to allow a showing to be made."

Professor Thomas Gilovich, Psychology: "I was just wondering—one person's over powering showing may not seem as over powering to someone else, and therefore over powering showing to whom? Who decides that issue?"

Professor Shiffrin: "The committee that these proposals go to in the legislation. Whether you said 'burden of proof beyond a reasonable doubt' or 'convincing evidence' or whatever phrase you use, that problem would exist. It is 'over powering showing' because the idea is that you need to make a really strong showing."

Speaker Howland: "Additional discussion on the amendment?"

Professor Terrence Fine, Electrical Engineering: "I'm opposed to the amendment, because I feel very tentative about the main motion. I might be willing to support the main motion, but this is a departure for us, and I would like to have some empirical experience, assuming the motion does pass, in how it works out before one starts loosening the reins on it. I think there needs to be reins on it, particularly initially, so I am very concerned that one of the reins here is being loosened. You say 27%-28%, but this allows 70%, too. It all depends on who is looking at it. So I am opposed to this, because I would like to start in a very controlled fashion and this is less than that."

Professor Nicholson: "My concern is exactly the same as Professor Fine has stated. If we want to change it, I think, we should put a number on it rather than leaving it open ended, say 35% instead of 25%. This sounds like 70% to me."

Speaker Howland: "Additional discussion on the amendment?"

Professor Mukherjee: "I think of tenure-track as people who are hoping to get tenure and not ones already tenured. So do you mean tenure-track? I'm tenured. All together or do you strictly mean tenure-track?"

Professor Shiffrin: "Both."

Professor Martin Lindau, Applied Engineering and Physics: "The 'over powering showing' to me sounds very ill defined. I think what is meant, is maybe something like 'convincingly argued.' Is that what you mean by overpowering and should there be rewording in some way?"

Professor Shiffrin: "I don't think so. Risa and I wanted to have a standard of proof that would be very demanding, so that people like Terry would not be concerned. The idea that the Law School or any other school is going to have 70% clinical faculty, I think is a laugh. I just think there might be a need to have some greater number of clinical faculty, and notice that there must be a showing

that they would not replicate the functions of positions ordinarily held by tenured or tenure-track faculty and that there is a need for a higher percentage. If you want to defeat it, that's fine, but sending it back is not worth it."

Professor Lieberwitz: "The legislative reason I signed for this with Steve, I have expressed doubts about the overall legislation prior to this meeting when we have had prior discussions. I think a lot of us continue to have doubts or at least are torn on the overall legislation. I hope to be able to speak to some of that later in terms of my view of the overall legislation. But the reason I supported this amendment is that it seems to me that the Law School is the one example that I can think of where the overall legislation could be legitimately used. That is, as Steve explained, we have a body of clinical professors already who have never been tenure-track. I personally would like to see them move towards the tenure-track. Perhaps we will see that in the future, but for the moment and historically as has been pointed out, they haven't been tenure-track. So that changing their title, in fact, would not hold the danger of diluting tenure-track positions, which is the main concern that I, and a lot of people have. It seems to me that this is needed for the reasons Steve described in terms of the numbers in order to avoid yet another third tier being added, where because of the percentage, you have a certain number of clinical professors who can now be called clinical professors, but then other people doing clinical work in the Law School couldn't be called clinical professors because of the 25%. It's because of I felt the Law School had a legitimate claim on this that I supported it."

Speaker Howland: "Are we ready for a vote then?"

Professor Lindau: "The only question which remains to me is since there is a very clear paragraph now about the availability for this title where it says 'could serve an essential teaching function in a clinical setting,' could someone define for me what a clinical setting is?"

Speaker Howland: "Would the maker of the motion care to define a clinical setting?"

Professor Shiffrin: "Well, I think that is a question that is not germane to this amendment. I think it applies to the overall legislation. I can answer with respect to the Law faculty. There are faculty who we call clinical faculty who represent live clients, and there are faculty who at the moment we call legal writing faculty who teach people how to engage in depositions, to write interrogatories, and teach them how to represent live clients where there actually are live clients. Both are engaged in clinical teaching as opposed to what I do, which is to go in and talk about the First Amendment and so forth. I don't have a definition up in the sky, but I do think the practical orientation is, in the Law School, the defining characteristic."

Speaker Howland: "Good. Are we ready for the question then or not?"

Professor Elizabeth Earle, Plant Breeding and At-Large: “Could I ask what percentage of the faculty or the personnel in the Law School would fall into this title or be eligible for this title if the legislation is approved?”

Professor Shiffrin: “There would be debate within the Law School, but I think the Dean would take the position that the legal writing faculty and the clinical faculty would all be eligible. That is at about 25 or a little over.”

Speaker Howland: “There was another question.”

Professor Jonathan Ochshorn, Architecture: “By setting these conditions for clinical professors from 25% to 100%, are you not implying that those conditions do not apply to 0 to 25%? That is that the clinical professors in the initial 25% can represent tenured or tenure-track positions?”

Professor Shiffrin: “There are other mechanisms within this proposal to guard against the erosion of the tenure system. They apply from 0 – 25%. There isn’t a requirement of an overpowering showing, and there isn’t a requirement of a showing of the need for the particular percentage.”

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics: “You’ll forgive me that I have been browsing through the *Chronicle of Higher Education* and reading about the state of Columbia, about the School of Journalism. Basically, this really goes to the question of what goes on in professional schools at major research universities and to what extent does the research faculty abdicate responsibility not only in the professional schools but in other schools for things that they might reasonably be expected to do. I would say that for a university with limited researchers that aspires to be a great research university, it is quite reasonable to set an upper limit of 25% and ask professional colleges to structure their programs according to that. So I support Professor Fine’s comments.”

Professor Peter Stein, Physics: “May I call the question on this amendment?”

Speaker Howland: “Yes, you may. All those in favor of closing debate say ‘aye.’”

AYE.

Speaker Howland: “Opposed? Debate is closed. We now move to a vote on the amendment. All in favor of the amendment say ‘aye.’”

AYE.

Speaker Howland: “Opposed?”

NO.

Speaker Howland: “I think the no’s clearly have it. The amendment fails. We come back to the main motion. Professor Bell are there any additional things that need to be done?”

Professor Bell: “There was some of the discussion of this resolution that began immediately after the May meeting and there was action by the task force then. But particularly in the last few days, perhaps predictably, there has been a flurry of additional activity and some reaction to the task force’s rewording of section IV.B. The rewriting we did is the un-amended passage here, and the amending of it come from suggestions by Professor McAdams and others in the last day or two sponsored by the task force. So I will try to read this to you. We will offer this to you as a modification of the formal amendment and would hope, I’m not quite sure what the process is for getting approval, but let me read it to you. I should also preface this by saying that this whole passage was not in our very early versions of the resolution but was a direct response to concern by the faculty, including Professor Fine, who spoke to this issue in an earlier faculty meeting and also from discussion in the faculty forum that devoted a whole session to this issue. The attempt here is to put considerable rigor into the voting expectations for individual colleges or schools that may wish to implement this resolution. This is a faculty empowerment issue. So the proposal reads:

Item IV.B.

B. The proposal must be approved by at least two-thirds of those voting, by ballot, in separate votes, of tenure-track and non-tenure-track faculty respectively of the originating college or school (as defined under Article XIII of the University Bylaws). Further, those voting positively must represent at least half of the respective faculty group with voting rights on that issue.

We did get snarled by the word ‘eligible’ to vote and apparently that word ‘eligible’ has some special meaning across schools that may interpret this as being just the body that is at a meeting that may vote, as in a body such as this.”

Speaker Howland: “So because this was not distributed with the Call to the Meeting, the Chair asks for unanimous consent to substitute this wording from the committee. Hearing no objections, that is the wording of the motion. We are now, I think, ready to discuss the main motion.”

Professor Bell: “Professor Shiffrin has offered an amendment that we would actually strike all of IV.B. My understanding is that this would be another way of offering some flexibility.”

Speaker Howland: “Let me step in as Chair. It sounds to me like we are going to discuss the motion, and I am willing to recognize Professor Shiffrin if he wants to make this amendment.”

Professor Shiffrin: “I would move the amendment (Appendix 4), which is to strike IV.B and as been distributed to the faculty, it changes C to B and D to C.”

Speaker Howland: "Is there a second to this amendment to strike section IV.B? Hearing no second the motion fails."

Professor Herbert Deinert: "Second."

Speaker Howland: "Thank you very much. The motion has been made and seconded. If you would speak to it?"

Professor Shiffrin: "Given the avalanche of people rushing to second this, I'll be brief. The idea is basically this. In section VI there are a number of provisions that have to be met in order to get the Clinical Professor title through a school. There are all kinds of showings that have to be made, including this percentage rule that you have recently reaffirmed. My concern is that if we are going to pass legislation that allows Clinical Professor titles, we should have direct substantive limitations but not a limitation on the self-governing autonomy of schools. Maybe people from the Arts College can tell me what the likelihood is of half the faculty from each of the groups voting on a particular issue. How often does the Arts College generate that kind of response to a proposal? My fear is that a promise given on the one hand, with a lot of limitations on it, will be taken away by this particular limitation. It seems to me each school ought to be able to decide for itself how it governs itself."

Speaker Howland: "Comment on this?"

Professor Alan McAdams, Johnson Graduate School of Management: "I take it that you are reading the word group to be any subgroup in the faculty. The intent of the word group is to refer only to the group of tenured faculty and the group of non-tenured faculty. So those are the groups we are talking about, and I think that should meet your objection, I hope."

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "Just an observation. As I read the existing amendment IV.B, in a department or a school with only one untenured faculty member, that person would have absolute veto rights on any clinical appointment."

LAUGHTER.

Speaker Howland: "Additional comments?"

Professor Walter Mebane, Government: "I would like to call the question."

Speaker Howland: "All previous questions?"

Professor Mebane: "Just the one on this motion."

Speaker Howland: "All those in favor of calling the question say 'aye.'"

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "I think the ayes have it, so we are calling the question on this amendment. All in favor of the amendment to strike section IV.B say 'aye.'"

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "The 'no's' have it. I think that clears away the amendments, and we are now into debate on the main motion. Who would like to speak to the main motion?"

Professor Peter Stein, Physics: "I am a little bit concerned that we only have ten minutes to discuss this."

Speaker Howland: "We have more than ten minutes. We have until 5:45, because we have Good and Welfare."

Professor Stein: "OK. I have been sitting and listening to this debate for some time and really haven't taken a position. When I first heard it, it seemed to me this was something special for the Vet School, and they know what they need and why in the world should we not let the Vet School or the departments in the Vet School make that decision for themselves? But as I have been sitting here and listening to the discussion, it seems to me that we are embarking on what seems to be a major change in the way we do things at the University.

"Now this by itself will not do that, but this is the first step in that direction. We have had a model at Cornell, and it has been a standard model for most the research universities in the country, that it is a good thing to educate students by people who do research, and in fact that all of the people who teach students do research and all of the people who do research teach students, more or less. When I came here to Cornell that was pretty much true in the endowed campus. Of course, there was always the question of Extension, but to me that is really just a change in wording, because those people teach in a different kind of setting. I think it was pretty much true when I came to Cornell that the people who did research were the people who taught and the people that taught did research. And you could argue that maybe that is not a very sensible model, but it seems to me that it has served us well over the years. And it is something that I value. It's not only that I value it, but the institution values it. Hunter Rawlings has said that Cornell is the best teaching institution of the research universities, and he also has talked a great deal about the fact that students who come to a research university are taught by people who do cutting-edge research. It's a fundamental change from high school, because the people who are teaching

them are actually people who have carried forward knowledge in those areas. If you look at the brochures that we send out to students, they make a great deal of that. 'Be taught by a Nobel Prize winner. Be taught by somebody who is at that moment making a fundamental change in the field.'

"Now we all know that that has limitations. We know that in fact there are freshman humanities or writing seminars that are taught by graduate students, and we know that over the years we have had more and more lecturers. When I first heard about lecturers it was because there were certain things where it didn't make sense to have people do research, like teaching conversational language. So that brought us lecturers, but then little by little we have had lecturers doing the work in the Arts College and in other places in the University, lecturers who do not do research teaching large numbers of students. I don't really like that, but I have become used to it.

"What do we mean when we say to students that in fact if you come to Cornell, you will be taught by people who do cutting-edge research? Is that just a complete sham or does it have meaning? I think the only meaning it really has, if you think about it, is the fact that someone who bears the title professor in this University does this combination job, does both research and teaching. And we believe that the research that he or she does enriches their teaching and the teaching they do enriches their research. It seems to me that really has been something that is true from one end of campus to the other, and I am extremely disturbed about making a change, which may just be a change in name, whereby we can no longer say that. I have the sense that we are, in a certain sense, concealing from the students, who exactly is it that is teaching them. Students call lecturers 'professors.' In a certain sense, it has already been muddied over. I think that calling people Clinical Professors or other titles that will be invented over the years is a way to obfuscate this fundamental structure that this University has been built on. Because of this, I have become convinced that even though the Veterinary School or the Dean of the Veterinary School or some department thinks it's a good idea for them, I think it's a bad idea for Cornell. I think it is better for the students in the Veterinary College and everywhere else to have it clearly identified who are the people that are teaching them. Are they people who are in some sense professional teachers or are they people who are simultaneously carrying on research and participating in the advancement of the knowledge in that field? For that reason I am going to vote against this proposal."

Speaker Howland: "Would someone like to speak for the motion?"

Professor McAdams: "I would say, Peter, that people in the Medical School, at the time you arrived and to the present time, have titles of this kind, and what we find is that students are very delighted to have professors of surgery who are doing surgery. I think that the Veterinary School has many close parallels to that, and I don't think either the Medical School or the Veterinary School or the University as a whole will somehow come tumbling down. We do have professional schools, and I know that our Dean is very strongly in favor of something of this kind, because we have this same need to have the interaction

between theory and practice. We have some very distinguished people, including winners of major productivity prizes on our faculty who command the full respect of our students. And we are better off for having them. We would probably be more able to attract them if we could have a title equivalent to the Clinical Professor title, indicating these people have done it in another form of research, in the direct application of theory to practice.”

Professor Lieberwitz: “Point of order. At the last meeting, as presented in the minutes, we voted to bifurcate.”

Speaker Howland: “Fell by the wayside.”

Professor Lieberwitz: “It’s null and void now?”

Speaker Howland: “Correct. So the Chair ruled and it was sustained.”

Professor Fine: “I move to divide.”

Speaker Howland: “Tell me what you want to divide.”

Professor Fine: “I want to divide off VII from the rest of the motion.”

Speaker Howland: “You wish to divide section VII from the rest of the motion. Is there a second to the motion.”

Professor Shiffrin: “Second.”

Speaker Howland: “I think that is debatable. Does anyone want to speak to it?”

Professor Lieberwitz: “The reason I wanted to do that (I’m glad Terry jumped in) is the same reason as last time. Roman numeral VII deals with the issue of the committee to investigate the status of non-tenure-track faculty, and it seems apparent that many people could support the formation of that committee and not support the rest of the legislation as has been proposed. In order to enable people to accurately vote on each of them, I think the two pieces should be considered separately.”

Speaker Howland: “Since this has been considered by two-thirds of the body before, perhaps we could move on the question. If there is no objection, let us take a vote to divide. All in favor of the motion to divide say ‘aye.’”

AYE.

Speaker Howland: “Opposed? The motion passes. Further discussion on the main motion, the first part, not section VII.”

Professor David Delchamps, Electrical and Computer Engineering: “I agree, in a sense, with what Peter was saying about the title of professor, but my impression from the discussion I have heard so far is that the horse is already out of the barn

at our peer institutions. I'm taking the words of my Law School and Vet School colleagues on that. If we are to attract people of the caliber that we already have and to continue attracting them and keep the ones we have and give them the respect they deserve, we need to let these people judge for themselves about the clinical title."

Professor Ronald Booker, Neurobiology and Behavior: "I think it's also important to realize that there will be a chance to debate this issue in every school and college in the University. I think Professor Stein is correct. The views of the needs of the college of our concerns are going to be very different from that of the Vet School. I think at the point in time when this motion is considered, the idea of creating these clinical positions in Arts and Sciences is considered, then I think we should debate the issue there and address the issue of whether or not it would be good to have clinical faculty in our college. We need to understand that this is not a homogeneous college department. Each school and college has a different need, and we need to respect those differences. I think that is what the legislation deals with. We shouldn't just focus on our own particular colleges and departments in considering this issue. We need to look at the University as a whole; we need to look outward not necessarily inward.

Speaker Howland: "Additional debate is on sections I through VI."

Professor Elizabeth Earle, Plant Breeding and At-Large: "Did I understand Professor McAdams to say that the Johnson School would not want to use the Clinical Professor title? They liked the concept but not that particular name?"

Professor McAdams: "Absolutely."

Professor Earle: "So would we be back considering a different title for the Johnson School?"

UNKNOWN: Sounds like Professor Fine: "You don't have to answer that."

LAUGHTER.

Professor McAdams: "I cannot answer it. What I can say is this. The title of Clinical Professor won't do us much good among people winning national awards in management. My assumption from prior discussion was that each of the colleges would be able to select a title similar to Clinical Professor."

Speaker Howland: "Additional discussion on sections I through VI."

Professor Philip Nicholson, Astronomy: 'I have a question as to information for Professor Bell. In item III, where it talks about the limited availability of the title, I think I understand pretty well the distinction between Clinical Professor and regular tenure-track faculty, but then the last sentence of this says, 'Similarly, the title is not meant as a wholesale replacement for the titles of faculty now employed as Lecturers or Senior Lecturers.' I guess I don't have such a clear

picture in my mind, since we don't have any of these people in my department, what the distinction between a Lecturer and a Clinical Professor would be. Is it long term nature or something in the word clinical itself or is it that the Clinical Professor seems more essential and less disposable than Lecturers?"

Professor Bell: "The intent of that sentence in section III was to remove any expectation that existing non-tenured staff in the University might have that this would just be a wholesale mechanism for converting to some new title. But the other answer to your question is that our expectation is that the bar will be higher for the clinical title, both in terms of the rigor of the search, in terms of the rigor of the evaluations throughout all three levels of appointment and perhaps in some of the terms and conditions of appointment that might be enjoyed by these people as well."

Professor Nicholson: "Do you expect some departments to continue to have both Lecturers and Clinical Professors?"

Professor Bell: "Yes, that would be probably true."

Speaker Howland: "I just want to say that we have about six more minutes, so I would like to try and get at least through the first part."

Professor Francis Kallfelz, Clinical Sciences: "Following up on Professor Stein's comment, it seems to me that under V.A. Justification, the Justification should include a discussion as to why tenure-track appointees should not or cannot fill the need that is to be filled by non-tenure-track appointments. That should be part and parcel of the justification for having the title. I don't know how one would go about putting that in, but does one have to vote against the whole motion in order to implement that?"

Speaker Howland: "I believe at this point yes. Additional discussion on the main motion."

Professor Robert Bland, Operations Research and Industrial Engineering: "I have a question for Professor Bell. It's my impression that in the Medical College, at least at Cornell, the faculty members with the Clinical Professor title are still expected to publish, not publish basic science but rather publish articles for clinical journals. Is that expectation to be carried forward here as well?"

Professor Bell: "Up to a point, yes. This was a point of discussion in at least two earlier meetings. I think it was discussed considerably at the faculty forum and was certainly discussed in at least one Senate meeting. I think the intent here is that clinical faculty will be encouraged to conduct, in the case of Vet faculty for example, case studies, applied clinical studies, and may collaborate with tenure-stream faculty in various ways. Certainly there will be an atmosphere of expectation that they will, where possible, conduct research and publish that research. However, there is no doubt that the first and major responsibility of these people will be clinical teaching and certainly clinical service. I'm not sure about Law faculty, but I think that is the Vet School situation. It's hard to be

black and white on this. There are untenured faculty in Professor Kallfelz's department who publish, for example."

Speaker Howland: "We are getting very short on time. It may be that the faculty wishes to postpone this to another meeting, but if not, I think we should try to move the question. Yes, Dean Smith."

Donald F. Smith, Dean of the College of Veterinary Medicine: "Just as a neighbor and colleague of Professor Stein, I would like to briefly mention the merits of this motion. There are three points to be made. One, I believe strongly that this motion is important for the College of Veterinary Medicine, as it for many medical schools in this country and first-rate research universities and also veterinary colleges that are in the same situation. The first reason is one of fairness to those people who are involved in clinical teaching and clinical service and also, as Professor Bell said, in some aspect of clinical scholarship. Secondly, it is an issue of competitiveness. We feel strongly, most of us in the College of Veterinary Medicine, as relayed by the recent vote, we feel strongly that it is important from a competitive standpoint relative to our peers. We are ranked number one, and we want to maintain that rank. This is one of the many ways in which we can do that. Thirdly, without elaborating, I feel that this will strengthen the tenure process and the integrity of the tenure process. Thank you."

Speaker Howland: "The Chair would like now to move to a call on the question. If you don't want to . . ."

Professor McAdams: "Could I say five words?"

Speaker Howland: "Five words."

Professor McAdams: "Amendment to change the titles only."

Speaker Howland: "Out of order. I'm sorry, Sir, you are out of order."

Professor McAdams: "I meant to offer an amendment in response to Lisa's question. I'm not offering an amendment now. I'm not trying to offer an amendment."

Speaker Howland: "The Chair will entertain a call for the question. If you don't want to vote on it, you can vote down the call for the question."

UNKNOWN: "Call the question."

UNKNOWN: "Seconded."

Speaker Howland: "Fine. All those in favor of terminating debate and voting say 'aye.'"

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "We are now voting on sections I through VI. All those in favor of the motion, say 'aye'."

AYE.

Speaker Howland: "All those opposed?"

NO.

Speaker Howland: "We need a count. Mr. Secretary, will you help me with the count? All those in favor of sections I through VI please stand. All those opposed please stand. The vote is 54 yes and 24 no. Abstentions please stand. There are 12 abstentions. The motion passes. (Resolution as approved is attached as Appendix 5.)

We are out of time. The Chair will now call the next item of business, which is Professor Robert Harris, Vice Provost for Diversity and Faculty Development, and Lynette Chappell-Williams, Director of Workforce Diversity, Equity and Life Quality for a report on Bias Response Protocol: 2001-2002: Report on Campus Incidents."

7. BIAS RESPONSE PROTOCOL 2001-2002: REPORT ON CAMPUS INCIDENTS

Professor Robert Harris, Africana Studies and Vice Provost for Diversity and Faculty Development: "I'll try to be very brief so that you might have an opportunity to ask questions. Bias activity protocol was put in place during the 2001-2002 academic year to gather accurate information about bias incidents, crimes and complaints involving Cornell students, staff and faculty. After a series of assaults and incidents primarily involving Asian and Asian-American students during the 1999-2000 academic year, students in particular expressed concern about the University's response to bias crimes and incidents. Many students indicated that they felt alone and vulnerable. Both the affected individuals and the targeted communities complained that bias activity negatively affected their academic work and created concern for their personal safety.

"The bias activity protocol provides a mechanism to respond immediately to reports of bias crimes and incidents, to offer support to the targeted students, to work with the affected community and to determine patterns that can help in taking preventative measures. Students are encouraged to report bias incidents and crimes. A list of Bias Reporting Team members is available on the web and is identified in a brochure that was sent out in the call to the meeting. The report

is filed with the Office of Workforce Diversity, Equity and Life Quality that provides assistance to students and members of the Bias Response Committee, should the students desire it. If there is likelihood that the incident constitutes a crime, the student is encouraged to report it to the Cornell Police.

“We have noticed that from concern for incidents reported that sexual orientation, race, national origin and religion were the most frequently reported incidents. On the alleged type of activity reported—verbal attacks, slurs, graffiti, vandalism were the most frequent, with e-mail, flyers and chalkings in the other category. The University status of alleged individuals affected—graduate students and staff, with graduate students being the largest group. The alleged location of reported bias incidents—most of the reported incidents have taken place on campus and in residence halls, but it is in the residence halls where we have our most effective reporting system in place right now. The perpetrator profile—undergraduate students have been the most identified. We were able to identify 25 perpetrators in minor instances where the target did not want to press charges. There was some educational intervention; in other incidents complaints were filed with the Judicial Administrator or the Cornell Police. In one instance an alleged victim was prosecuted for filing a false report. We take these reports very seriously; we investigate them, so if someone files a false report, they are subject to be prosecuted. Suggestions that we have for the faculty—we encourage faculty who might hear from their advisees or students in their courses about bias incidents to refer students to one of the Reporting Team members. We have a list of Reporting Team members that we will make available, as well as it’s available on the web site. We also urge faculty to discuss incidents that take place in the classroom that might be offensive to students in the course.”

Speaker Howland: “Questions for Professor Harris.”

Professor Lindau: “What is going to be the treatment of the offenders?”

Professor Harris: “Well, there are some instances in which we are not able to identify the offender.”

Professor Lindau: “Hopefully, you are. The purpose is not identifying the offender?”

Professor Harris: “Not necessarily, because there are some things that are done anonymously. We still want to have a sense of what type of activity is taking place, where it’s taking place, and what preventative measures we might be able to take. This is not intended to be a punitive system; it’s an information gathering system, because in the past, we have had a lot of rumors floating around about activity taking place without having real substantive documentation and information about what was happening.

Professor Lindau: “Well, then what will you do with this information you get? What is the information used for?”

Professor Harris: “We are able to determine, for example, that most of the activity is occurring within a particular residence hall. Then we look at that particular residence hall and try to make sure that we have information sessions, discussions about the type of activity as a way, hopefully, to reduce that activity. Also, if the student reports that that student is a target, say someone is posting notes on their dorm room or sending them e-mail messages, that student is very much concerned about his or her personal safety, so we can recommend that student to consult and confer with someone. We can also make sure that the residence hall director, the resident advisor, is sort of keeping an eye on that court and consulting with that student. So that is the purpose for gathering this information.”

Speaker Howland: “Other questions?”

Professor Lieberwitz: “Could you perhaps give some evaluation of your view on what you are hearing? Were you surprised by the numbers? Do you feel that the reporting is helping you in figuring out a response? That would interest people here.”

Lynette Chappell-Williams: “For this past year we have received information about 83 incidents. There has been an increase partly because of the reporting of the program. Some of the individuals who were the recipients of the bias activity have expressed a sense of comfort in knowing that there is concern in terms of the University community, as well as being connected with resources that are available throughout the University. As word is getting out, we are finding that more and more individuals are finding a higher comfort level in bringing these matters forward.”

Speaker Howland: “Additional questions? Thank you very much. The Speaker now calls on Professor Charles Walcott and Stewart Gray, Courtesy Professor, Plant Pathology and Chair of the Recombinant DNA Committee for a resolution to change rDNA Committee to Institutional Biosafety Committee.”

8. RESOLUTION TO CHANGE rDNA COMMITTEE TO INSTITUTIONAL BIOSAFETY COMMITTEE

Professor Walcott: “So moved.”

UNKNOWN: “Call the question.”

Speaker Howland: “Is there any discussion? Specify.”

Professor Fine: “What the question is on--it says ‘established under the authority of The Office of the President,’ and it proceeds to say ‘a standing committee of the Faculty Senate.’ Could somebody explain if this is consistent?”

Speaker Howland: “Professor Walcott, can you answer this question?”

Professor Walcott: “No, I can’t. I couldn’t hear it.”

LAUGHER.

Speaker Howland: “Professor Fine, you will have to speak louder.”

Professor Fine: “Under the Authorization it says that it shall have a committee ‘established under the authority of the Office of the President’; under the General Charge, the next sentence, it says ‘is a standing committee of the Faculty Senate.’ I’m trying to understand whether these are different jurisdictions or whether these are consistent with each other?”

Professor Walcott: “I believe that it is, in fact, a joint Administration/Faculty Senate committee. It is one of these things that is joint between the two of us.”

Speaker Howland: “Do you have a comment on that?”

Andres Garcia-Rivera: Director Environmental Health & Safety: “Yes, essentially what we are doing here is we are recharging the committee with the changes that have taken place. If you go back to the 1980’s, that’s when the Recombinant DNA Committee was created. The mechanism still remains the same; we are not proposing any change in how the committee was originally conceived. As Professor Walcott has mentioned, it was conceived as that dual type of administrative/faculty committee.”

Professor Elaine Wethington, Human Development and At-Large: “I’m Chair of the University Committee on Human Subjects. I have a question about some of the coordination that is being suggested here. My specific question is on page 4, under Gene Transfer Therapy, the last sentence in that paragraph states that ‘Final approval for human subjects studies is contingent upon protocol approval to the Office of Recombinant DNA Activities,’ etcetera. Should that statement say ‘Final approval for human subjects studies is contingent upon protocol approval *by* the Office of Recombinant DNA Activities?’”

Andres Garcia-Rivera: “Yes, that would be much better.”

Professor Wethington: “OK. I have no objection to that.”

Andres Garcia-Rivera: “Yes. We can make that change once it’s approved.”

Speaker Howland: “Friendly amendment. Are you ready for the question? All those in favor of the motion say ‘aye.’”

AYE.

Speaker Howland: “All opposed? No opposition. (Resolution as approved is attached as Appendix 6.)

Thank you. That bring us to the end of our agenda.”

Meeting adjourned at 6:00 p.m.

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary

Appendix 1

Report from N&E Committee

September 4, 2002

Affirmative Action Committee

Ronald Booker, A&S
Michael Kelley, Engr.
Susan Suarez, Vet.

**Committee on Academic Freedom & Professional Status
of the Faculty**

Peter Kahn, A&S
Risa Lieberwitz, ILR
R. Laurence Moore, A&S

Committee on Academic Programs and Policies

Jennifer Gerner, CHE
Trevor Pinch, A&S
Bud Tennant, Vet.

Educational Policy Committee

Dan Barbasch, A&S
T. Michael Duncan, Engr.
Michael Gold, ILR
Donald Viands, CALS

Faculty Advisory Board on Information Technologies (FABIT)

Fred Schneider, Engr.
Paul Velleman, ILR

**Faculty Committee to Advise the Provost on All Tenure Decisions
(FACTA)**

Richard Harrison, CALS
Michael Walter, CALS

Faculty Programs in Residential Communities

Birgit Speh, A&S

Financial Policies Committee

Ronnie Coffman, CALS
Ronald Ehrenberg, ILR/ A&S
Robert Frank, JGSM
Stewart Schwab, Law
Pamela Tolbert, ILR

Local Advisory Council

Cutberto Garza, CHE

Professors-at-Large Selection Committee

Douglas Fitchen, A&S
Peter Katzenstein, A&S
Michele Moody-Adams, A&S

University Committee on Human Subjects

Michael Shapiro, CALS
Donald Tobias, CHE

University Conflicts Committee

Ronnie Coffman, CALS
Robert Gilbert, Vet.
Michael Isaacson, Engr.
Francis Moon, Engr.

University Faculty Library Board

Eberhard Bodenschatz, A&S
Paul Ginsparg, Engr.
Charlotte Jirousek, CHE
Christopher Watkins, CALS
Gary Whittaker, Vet.

University Lectures Committee

Sandra Siegel, A&S
Yervant Terzian, A&S

University-ROTC Relationships Committee

Kenneth Hover, Engr.
Sang Shin, Vet.

ASSEMBLIES

Campus Planning Committee

Michael Tomlan, AAP

Campus Store Administrative Board

Donald Kenkel, CHE
Charles Walcott, CALS

Committee on Dining Services

Richard Penner, Hotel

Transportation Hearing and Appeals Board

John McClain, JGSM

University Hearing Board

Susan Christopherson, AAP
Clare Fewtrell, Vet.
Anthony Ingraffea, Engr.
Leonard Lion, Engr.
Rolf Pendall, AAP

University Review Board

Norm Scott, CALS

Enabling Legislation for the Clinical Professor Title

May 29, 2002

• vers. 1.4, with modifications adopted by the Task Force in the wake of May 3 Senate meeting:

- ¶s 2 and 3 of previous Preamble deleted, per vote of Senate;
- Provision for modifiers "acting," "adjunct," "courtesy," and "visiting" deleted from II;
- Wording of IV.B further modified for clarity;
- Version of a pending amendment to VI.D appended as Appendix B.

I. Preamble

The current range of available academic titles does not meet the needs of various Colleges at Cornell that stand to benefit considerably from the creation of a new, primarily single-function, non-tenure-track Clinical Professor title. These Colleges are currently experiencing difficulty both in recruiting and retaining faculty members who might bear such a title since, unlike many of their peer institutions, they have only the title of Lecturer or Senior Lecturer available. In addition, there are currently individuals in Lecturer positions who are, in effect, carrying out the functions of Clinical Professors without suitable acknowledgment of their status, qualifications, and activities or opportunity for career development.

- Whereas an inadequacy in the current range of available academic titles makes it desirable to create a new non-tenure-track Clinical Professorial Title, and
- Whereas it is clearly important to recognize and reward the status, qualifications, and activities of those faculty members for whom such a title would be appropriate, and
- Whereas units need to improve recruitment and retention of such faculty-members, and
- Whereas, where appropriate and possible, units should be able to reclassify competitive candidates who are currently doing such work *de facto*, while employed as Lecturers or Senior Lecturers,

BE IT RESOLVED THAT THIS ENABLING LEGISLATION BE ADOPTED.

II. Purpose of Enabling Legislation

The purpose of this legislation is to enable individual colleges and schools, in accordance with the process and requirements described below, to use the title of Clinical Professor in reference to a limited and defined group of long-term, non-tenure-track appointments. This title will be available for use at the Assistant, Associate and Full Clinical Professor rank.

III. Limited Availability of Clinical Professor Title.

The title of Clinical Professor is available only for long term, non-tenure-track faculty who serve an essential teaching function in a clinical setting. While faculty of this rank may, depending on specific

requirements of the college or school, have additional research, service, or outreach obligations, teaching will be their primary responsibility. The title may not be used for positions whose responsibilities largely replicate those of tenure-track faculty. Similarly, the title is not meant as a wholesale replacement for the titles of faculty now employed as Lecturers or Senior Lecturers.

IV. Proposal Process

A college that wishes to use the title of Clinical Professor must take the following steps:

A. Sponsors must prepare a written proposal for use of the title in accordance with the requirements of sections V and VI, below.

B. The proposal must be approved by at least two-thirds of those voting, in person or by ballot, in each of two separate votes, of tenure-track and of non-tenure-track faculty of the originating college or school (as defined under Article XIII of the University Bylaws), respectively. Further, for the proposal to be approved, at least half of all those faculty members eligible to vote in each case must vote for it.

C. A proposal so approved will come before the University Committee on Academic Policies and Procedures (CAPP) for review of its conformity to the requirements of section V and VI, below. After submission to CAPP, such a proposal will be distributed to University faculty and distributed to or electronically posted for other interested parties for a period of 60 days before action by CAPP in order to invite public comment.

D. At the end of the comment period, CAPP shall review the proposal in order to determine whether it complies with the requirements of this enabling legislation. In conducting such a review, the committee is not to substitute its judgment for that of the originating college or school as to the need for or wisdom of the college's or school's adoption of the Clinical Professor title.

E. If CAPP determines that the proposal meets the requirements of this enabling legislation, it will report the proposal to the Senate, which will approve or deny the proposal by a majority vote based on the Senate's determination of whether the proposal complies with the requirements of this legislation. If CAPP determines that the proposal fails to meet the requirements of this legislation, it shall furnish a written explanation of this determination to the college or school submitting the proposal.

V. Proposal Contents

The written proposal of a college or school that seeks to use the title of Clinical Professor must include the following provisions.

A. *Justification.* A proposal for adoption of the Clinical Professor title shall include a statement offering justification for adoption of the title within the originating college or school and explaining why existing titles for non-tenure-track faculty are insufficient for staffing and recruitment. The practices of peer schools and the impact of available titles on recruitment efforts may be of particular relevance in this regard.

B. *Description of Position.* The proposal shall describe as precisely as possible the functions and responsibilities of positions bearing the title and the anticipated distribution of such positions within the college or school.

C. *Terms of Appointment.* The proposal shall include a summary of the terms on which candidates will be appointed and reappointed to such positions and promoted from one to another. These terms should include: the nature of the search by which applications will be elicited; the

credentials required by holders of these positions; the levels (department, college, university) at which approval for individual appointments is necessary; the length of appointments; the possibilities open to appointees for movement between non-tenure-track and tenure-track paths; and procedures for renewal and promotion open to appointees.

D. *Percentage Limitation.* The proposal shall include a statement restricting the creation of positions in the proposed titles to a certain percentage of the tenure-track faculty of the originating college and of the tenure-track faculty in those departments or programs where those positions are located.

E. *Voting and Other Rights.* The proposal shall define the rights and responsibilities of appointees in the proposed titles, including their voting status in their departments and colleges or schools, and their access to grievance and appeals processes available to tenure-track faculty.

F. *Impact Statement.* The proposal shall contain an appraisal of the impact of creating the new positions on existing tenure-track and non-tenure-track academic titles and their holders. This appraisal should indicate whether and in what ways current holders of non-tenure-track titles will be eligible for appointment to the new positions and whether their current positions will be protected against elimination by the new positions.

VI. Additional Restrictions on the Use of the Clinical Professor Title.

In addition to satisfying the provisions of section V, all proposals for the use of such titles must satisfy the following requirements:

A. The functions of positions bearing Clinical Professorial titles may not replicate the full array of functions (e.g. teaching and research and service or outreach) served by tenure-track positions in the originating college or school. Proposals must indicate how the functions of positions as defined will differ from regular tenure-track positions.

B. Terms of positions bearing these titles shall normally be for three to five years and shall not exceed five years. Unless otherwise specified, they shall be renewable indefinitely. Holders of these titles whose appointments are not renewed must receive a full year's appointment from date of notice of non-renewal.

C. Procedures for review, renewal and promotion of holders of these titles shall be comparable in rigor to those in tenure-bearing positions. Appointment of faculty of this rank shall normally be the result of a national search.

D. The percentage of positions bearing the titles may not exceed 25% of the existing tenure-track faculty positions in the college or 25% of the tenure-track positions in those departments or programs where those positions are located.

E. Except by appointment of the holder to a new position bearing one of these titles or by resignation of the holder, no non-tenure-track faculty position may be eliminated solely as a result of creating such a new position for a function comparable to that filled by the old position.

BE IT FURTHER RESOLVED THAT

VII. Committee to Investigate the Status of Non-Tenure-Track Faculty

A. The Faculty Senate directs the Dean of the Faculty to appoint a Task Force or task forces to investigate the status and conditions of employment of non-tenure-track faculty including their terms of employment, particularly job security, rights to academic freedom, access to appropriate

grievance and appeals procedures, eligibility for sabbatic leave, eligibility for emeritus/a status, and voting rights.

B. The Senate is mindful that the Dean of the Faculty may determine that the present Task Force on Professorial Titles should continue to work on the issue of titles.

C. Any body or bodies appointed to study these issues will report to the Senate on the progress reached no later than the second Senate meeting of the Spring of 2003, but may report earlier, if any specific proposals are ready for action.

Appendix A

Trustee adoption of this proposal will require modification of University Bylaws as follows:

ARTICLE XIII: COLLEGE AND SCHOOL FACULTIES

Add "clinical professors, associate clinical professors, and assistant clinical professors" where appropriate, and make them contingent voters along with lecturers and senior lecturers.

ARTICLE XVI: THE INSTRUCTIONAL AND RESEARCH STAFF

Add "clinical professors, associate clinical professors, and assistant clinical professors" in section 1 and amend section 2.d to read

d. Senior scholar, senior scientist, senior research associate, senior extension associate, senior lecturer, **and full, associate, and assistant clinical professor** shall be appointed by the President for a term of not to exceed five years, renewable indefinitely.

Appendix B

a version of amendment to VI.D proposed by Steven Shiffrin and Risa Lieberwitz, 7 May.
additions underlined

D. The percentage of positions bearing the titles may not exceed 25% of the existing tenure-track faculty positions in the college or 25% of the tenure-track positions in those departments or programs where those positions are located, except as herein provided. A higher percentage may be afforded if, but only if, the relevant college, department, or program makes an overpowering showing that: (1) there is a need for the higher percentage; (2) the Clinical Professor positions in question would not replicate the functions of positions ordinarily held by tenured or tenure-track faculty; and (3) any additional Clinical Professor positions in a department or program would not detract in any way from the potential for adding tenured or tenure-track positions in that department or program.

Appendix 3

Version 1.4, with modifications adopted by the Task Force in the wake of May 3 Senate meeting

Paragraphs 2 and 3 of previous Preamble deleted, per vote of Senate

Provision for modifiers "acting," "adjunct," "courtesy," and "visiting" deleted from II

Wording of IV.B further modified for clarity

Version of a pending amendment to VI.D appended as Appendix B

Appendix 4

I propose that: Section IV B be deleted. Sections IV C, D, and E would then be designated IV B, C, and D respectively. Current section IV C would be reworded to say “A proposal approved by a college” instead of “A proposal so approved.”

Commentary: Current section IV B places supermajority requirements of those voting within different segments of the faculty of the colleges as well as a requirement that at least half of those faculty members eligible to vote in each of these segments must vote for it. Read in its best light, the section is intended to curb abuses indirectly that are directly addressed in other sections of the proposed legislation. Apparently based on a contested assessment of the situation in the Vet school, the section would invade the self-governing autonomy of all colleges, making it extremely difficult for them to provide the titles needed to recognize, reward, recruit, and retain clinical faculty.

Amendment to Enabling Legislation for the Clinical Professor Title
(additions underlined; ~~deletions strikethrough~~)

IV. Proposal Process

A college that wishes to use the title of Clinical Professor must take the following steps:

A. Sponsors must prepare a written proposal for use of the title in accordance with the requirements of sections V and VI, below.

~~B. The proposal must be approved by at least two thirds of those voting, in person or by ballot, in each of two separate votes, of tenure track and of non-tenure track faculty of the originating college or school (as defined under Article XIII of the University Bylaws), respectively. Further, for the proposal to be approved, at least half of all those faculty members eligible to vote in each case must vote for it.~~

€. ~~B. A proposal so approved~~ A proposal approved by a college will come before the University Committee on Academic Policies and Procedures (CAPP) for review of its conformity to the requirements of section V and VI, below. After submission to CAPP, such a proposal will be distributed to University faculty and distributed to or electronically posted for other interested parties for a period of 60 days before action by CAPP in order to invite public comment.

~~D. C.~~ At the end of the comment period, CAPP shall review the proposal in order to determine whether it complies with the requirements of this enabling legislation. In conducting such a review, the committee is not to substitute its judgment for that of the originating college or school as to the need for or wisdom of the college’s or school’s adoption of the Clinical Professor title.

€. ~~D.~~ If CAPP determines that the proposal meets the requirements of this enabling legislation, it will report the proposal to the Senate, which will approve or deny the proposal by a majority vote based on the Senate’s determination of whether the proposal complies with the requirements of this legislation. If CAPP determines that the proposal fails to meet the requirements of this legislation, it shall furnish a written explanation of this determination to the college or school submitting the proposal.

Amendment Proposed by Steve Shiffren 9/3/02

Enabling Legislation for the Clinical Professor Title

I. Preamble

The current range of available academic titles does not meet the needs of various Colleges at Cornell that stand to benefit considerably from the creation of a new, primarily single-function, non-tenure-track Clinical Professor title. These Colleges are currently experiencing difficulty both in recruiting and retaining faculty members who might bear such a title since, unlike many of their peer institutions, they have only the title of Lecturer or Senior Lecturer available. In addition, there are currently individuals in Lecturer positions who are, in effect, carrying out the functions of Clinical Professors without suitable acknowledgment of their status, qualifications, and activities or opportunity for career development.

- Whereas an inadequacy in the current range of available academic titles makes it desirable to create a new non-tenure-track Clinical Professor Title, and*
- Whereas it is clearly important to recognize and reward the status, qualifications, and activities of those faculty members for whom such a title would be appropriate, and*
- Whereas units need to improve recruitment and retention of such faculty-members, and*
- Whereas, where appropriate and possible, units should be able to reclassify competitive candidates who are currently doing such work de facto, while employed as Lecturers or Senior Lecturers,*

BE IT RESOLVED THAT THIS ENABLING LEGISLATION BE ADOPTED.

II. Purpose of Enabling Legislation

The purpose of this legislation is to enable individual colleges and schools, in accordance with the process and requirements described below, to use the title of Clinical Professor in reference to a limited and defined group of long-term, non-tenure-track appointments. This title will be available for use at the Assistant, Associate and Full Clinical Professor rank.

III. Limited Availability of Clinical Professor Title.

The title of Clinical Professor is available only for long term, non-tenure-track faculty who serve an essential teaching function in a clinical setting. While faculty of this rank may, depending on specific requirements of the college or school, have additional research, service, or outreach obligations, teaching will be their primary responsibility. The title may not be used for positions whose responsibilities largely replicate those of tenure-track faculty. Similarly, the title is not meant as a wholesale replacement for the titles of faculty now employed as Lecturers or Senior Lecturers.

IV. Proposal Process

A college that wishes to use the title of Clinical Professor must take the following steps:

A. Sponsors must prepare a written proposal for use of the title in accordance with the requirements of sections V and VI, below.

B. The proposal must be approved by at least two-thirds of those voting, by ballot, in separate votes, of tenure-track and of non-tenure-track faculty respectively of the originating college or school (as defined under Article XIII of the University Bylaws). Further, those voting positively must represent at least half of the respective faculty group with voting rights on that issue.

C. A proposal so approved will come before the University Committee on Academic Programs and Policies (CAPP) for review of its conformity to the requirements of section V and VI, below. After submission to CAPP, such a proposal will be distributed to University faculty and distributed to or electronically posted for other interested parties for a period of 60 days before action by CAPP in order to invite public comment.

D. At the end of the comment period, CAPP shall review the proposal in order to determine whether it complies with the requirements of this enabling legislation. In conducting such a review, the committee is not to substitute its judgment for that of the originating college or school as to the need for or wisdom of the college's or school's adoption of the Clinical Professor title.

E. If CAPP determines that the proposal meets the requirements of this enabling legislation, it will report the proposal to the Senate, which will approve or deny the proposal by a majority vote based on the Senate's determination of whether the proposal complies with the requirements of this legislation. If CAPP determines that the proposal fails to meet the requirements of this legislation, it shall furnish a written explanation of this determination to the college or school submitting the proposal.

V. Proposal Contents

The written proposal of a college or school that seeks to use the title of Clinical Professor must include the following provisions.

A. Justification. A proposal for adoption of the Clinical Professor title shall include a statement offering justification for adoption of the title within the originating college or school and explaining why existing titles for non-tenure-track faculty are insufficient for staffing and recruitment. The practices of peer schools and the impact of available titles on recruitment efforts may be of particular relevance in this regard.

B. Description of Position. The proposal shall describe as precisely as possible the functions and responsibilities of positions bearing the title and the anticipated distribution of such positions within the college or school.

C. Terms of Appointment. The proposal shall include a summary of the terms on which candidates will be appointed and reappointed to such positions and promoted from one to another. These terms should include: the nature of the search by which applications will be elicited; the credentials required by holders of these positions; the levels (department, college, university) at which approval for individual appointments is necessary; the length of appointments; the possibilities open to appointees for movement between non-tenure-track and tenure-track paths; and procedures for renewal and promotion open to appointees.

D. Percentage Limitation. The proposal shall include a statement restricting the creation of positions in the proposed titles to a certain percentage of the tenure-track faculty of the originating college and of the tenure-track faculty in those departments or programs where those positions are located.

E. Voting and Other Rights. The proposal shall define the rights and responsibilities of appointees in the proposed titles, including their voting status in their departments and colleges or schools, and their access to grievance and appeals processes available to tenure-track faculty.

F. Impact Statement. The proposal shall contain an appraisal of the impact of creating the new positions on existing tenure-track and non-tenure-track academic titles and their holders. This appraisal should indicate whether and in what ways current holders of non-tenure-track titles will be eligible for appointment to the new positions and whether their current positions will be protected against elimination by the new positions.

VI. Additional Restrictions on the Use of the Clinical Professor Title.

In addition to satisfying the provisions of section V, all proposals for the use of such titles must satisfy the following requirements:

A. The functions of positions bearing Clinical Professorial titles may not replicate the full array of functions (e.g. teaching and research and service or outreach) served by tenure-track positions in the originating college or school. Proposals must indicate how the functions of positions as defined will differ from regular tenure-track positions.

B. Terms of positions bearing these titles shall normally be for three to five years and shall not exceed five years. Unless otherwise specified, they shall be renewable indefinitely. Holders of these titles whose appointments are not renewed must receive a full year's appointment from date of notice of non-renewal.

C. Procedures for review, renewal and promotion of holders of these titles shall be comparable in rigor to those in tenure-bearing positions. Appointment of faculty of this rank shall normally be the result of a national search.

D. The percentage of positions bearing the titles may not exceed 25% of the existing tenure-track faculty positions in the college or 25% of the tenure-track positions in those departments or programs where those positions are located

E. Except by appointment of the holder to a new position bearing one of these titles or by resignation of the holder, no non-tenure-track faculty position may be eliminated solely as a result of creating such a new position for a function comparable to that filled by the old position.

Approved by the University Faculty Senate on September 4, 2002

Appendix A

Trustee adoption of this proposal will require modification of University Bylaws as follows:

ARTICLE XIII: COLLEGE AND SCHOOL FACULTIES

Add "clinical professors, associate clinical professors, and assistant clinical professors" where appropriate, and make them contingent voters along with lecturers and senior lecturers.

ARTICLE XVI: THE INSTRUCTIONAL AND RESEARCH STAFF

Add "clinical professors, associate clinical professors, and assistant clinical professors" in section 1 and amend section 2.d to read

- d. Senior scholar, senior scientist, senior research associate, senior extension associate, senior lecturer, **and full, associate, and assistant clinical professor** shall be appointed by the President for a term of not to exceed five years, renewable indefinitely.*

Appendix 6***Resolution to Change
rDNA Committee to Institutional Biosafety Committee***

Whereas the National Institutes of Health and the Center for Disease Control in the U.S. Department of Health and Human Services have established requirements for institutions to form an institutional biosafety committee whose purpose is to advise the University and to establish policies to guide principal investigators in carrying out the University's Biosafety Program in the acquisition, use, training, transfer, storage, disposal, and emergency response procedures for all biosafety activities.

Whereas current university legislation proscribes the University Committee on rDNA to review protocols for the use of recombinant DNA only.

Therefore, it is proposed that the committee name be changed from the University Committee on rDNA to the Institutional Biosafety Committee and that the following change be made to the legislation regarding the charge of the committee:

***Cornell University
Charge to the Institutional Biosafety Committee*****AUTHORIZATION**

Cornell University shall have an Institutional Biological Safety Committee established under the authority of The Office of the President.

GENERAL CHARGE

The Institutional Biosafety Committee (IBC) is a Standing Committee of the Faculty Senate and is responsible for reviewing all University research and teaching activities conducted by faculty, staff, students, and/or visiting scientists on Cornell Property that involve the use of biohazardous materials (regulated animal and plant pathogens, biological toxins, and recombinant DNA molecules). The purpose of these reviews is to ensure that all activities involving biohazardous materials and the facilities used to conduct such work are in compliance with all external regulations and applicable University policies. Foremost, the IBC's objective shall be to ensure that such activities meet standards of good biological safety practice emphasizing protection of personnel, the general public, and the environment. To this end, the IBC shall assist principal investigators and protocol directors in meeting their responsibilities; impose requirements and review and approve policies, procedures, programs, and facilities pursuant to the safe use of biological agents, other biological materials, and toxins.

The IBC shall function so as to discharge the University's obligations and responsibilities placed upon the IBC by current governmental requirements, including those described in the National Institutes of Health Guidelines (NIH), the Centers for Disease Control and Prevention (CDC) Guidelines, Occupational Health & Safety Administration (OSHA) Regulations, and those other requirements that overlap with or are reviewed by other established University Committees – Human Subjects, Animal Care and Use, Radiation Safety, etc. The IBC is expected to advise the University and establish policies to guide principal investigators and the Department of Environmental Health & Safety (EH&S) in carrying out the University's Biosafety Program in the acquisition, use, training, transfer, storage, disposal, and emergency response procedures for all biosafety activities. Upon request, the IBC shall review and comment on proposed external regulations dealing with biosafety. When appropriate, the IBC will formulate draft policies and procedures for approval by the appropriate University bodies and promulgation by the Vice Provost for Research and/or The University Health and Safety Board. In addition, the IBC may be asked by the University administration to review research protocols on behalf of the Cornell Medical School or other institutions with which Cornell has formal affiliation agreements

DEFINITIONS

Biohazardous Agents

- A. *Infectious/pathogenic agents classified in the following categories: Class 2, 3, and 4 bacterial, fungal, parasitic, viral, rickettsial or chlamydial agents as defined by the National Institutes of Health (NIH) or,*
- B. *Other agents that have the potential for causing disease in healthy individuals, animals, or plants.*
- C. *Biological toxins Include metabolites of living organisms and materials rendered toxic by the metabolic activities of microorganisms (living or dead).*

Recombinant DNA Molecules

- A. *Molecules which are constructed outside living cells by joining natural or synthetic DNA segments to DNA molecules that can replicate in a living cell or,*
- B. *DNA molecules that result from the replication of those described in "A" above.*

Gene Therapy

Delivery of exogenous genetic material (DNA or RNA) to somatic cells for the purpose of modifying those cells.

OPERATIONAL GUIDELINES

All activities involving the use of biohazardous materials must be reviewed and approved by the IBC either prior to or concurrently with the start of the activities depending on the classification of the agent or the containment level required (see below). The IBC may approve research protocols with or without modifications, or withhold approval of all or any portion of a protocol. Approval of may be granted for no more than three years after review at a convened meeting of a quorum of the IBC (i.e., a majority of the voting members) with the affirmative vote of a majority of those present. Any changes in agents, protocols or project personnel must be communicated to and reviewed by the IBC on an annual basis. All biosafety protocols shall be available for review by any member of the IBC. The IBC shall maintain records of research protocol reviews, minutes of meetings, including records of attendance and IBC deliberations. All deliberations of the IBC shall meet Cornell confidentiality guidelines. In accordance with the NIH Guidelines, no member of an IBC may be involved (except to provide information requested by the IBC) in the review or approval of a project in which she/he has been or expects to be engaged or has a direct financial interest.

Coordination with Other University Committees

All human subjects protocols involving gene transfer or gene therapy, as defined in the NIH Recombinant DNA Research Guidelines, shall be reviewed by the IBC in coordination with the Human Subjects Committee. All protocols that involve gene transfer or gene therapy in non-human mammal subjects, shall be reviewed by the IBC in coordination with the Institutional Animal Care and Use Committee. All protocols that involve the use of radioisotopes or radiation producing equipment shall be reviewed by the IBC in coordination with the Radiation Safety Committee.

Sanctions

The IBC shall assess suspected or alleged violations of protocols, external regulations, or University policies that involve biohazardous materials. Activities in which serious or continuing violations occur may be suspended by the IBC. In such cases, the IBC will immediately notify the affected investigator(s), the relevant school dean, the Office of Sponsored Programs, appropriate University officers, The University Health and Safety Board, and others as required by University policies and external regulations.

The following operational guidelines define the biohazardous agents regulated by the IBC and the timing of the review and approval process.

Biohazardous Agents

Activities involving Class 2, Class 3, and Class 4 biohazardous agents must be reviewed and approved by the IBC prior to the initiation of use of agent.

*Protocols involving Class 1 agents that **do not** involve recombinant DNA, are not reviewed by the IBC.*

Toxins

The routine use of most toxins will not require IBC review and approval. However, the IBC shall review any experiments that involve the isolation and production of toxins from live organisms, and those experiments that involve the acquisition and use of toxins that are listed in the CDC Standard, Additional Requirements for Facilities Transferring or Receiving Select Agents. Toxins appearing on this list must be registered with EH&S.

Recombinant DNA

Recombinant DNA experiments involving human, animal, plant or microbial pathogens, or whole plants or animals require IBC approval before initiation. IBC approval concurrent with project initiation is required if rDNA studies mentioned above use less than 2/3 of a eukaryotic viral genome, if whole plant experiments involve microorganisms that have no recognized potential for dissemination or environmental impact. Experiments involving rDNA molecules exempt from the NIH Guidelines must still be reported to the IBC for approval.

Gene Transfer Therapy

Human subjects and other animal subjects protocols involving gene transfer or gene therapy must be reviewed and approved by the IBC prior to initiation of protocol. Approval may be granted for no more than one year after review at a convened meeting. Final approval for human subjects studies is contingent upon protocol approval by the Office of Recombinant DNA Activities (ORDA/RAC).

APPEAL METHOD

In cases of dispute with respect to procedures or decisions of the IBC, appeals may be made to the Vice Provost for Research, and to the Health and Safety Board for cases requiring intervention for problem resolution.

MEMBERSHIP

The IBC Chairperson is appointed by the Dean of Faculty. Half of the IBC members are appointed by the Dean of Faculty and the other half of the IBC members are appointed by the IBC Chairperson after consultation with the University Biosafety Officer and Vice Provost for Research. The IBC shall have at least five members with expertise in general issues of laboratory biosafety, use of infectious materials, and recombinant DNA technology. Individuals on the IBC include at least one faculty member with expertise in each of the following areas, transgenic plants, transgenic animals or gene therapy in animals, viral pathogens and vectors, microbial pathogens, biotoxins, and biotechnology. In addition, at least one laboratory staff member, two members from the local community not

otherwise affiliated with the University, the university Biosafety Officer, an executive secretary, and any others who may be invited to serve when their expertise is required.

Voting ex officio members shall include representatives of the: Department of Environmental Health & Safety (University Biosafety Officer), and a veterinarian from Cornell's College of Veterinary Medicine. Nonvoting ex-officio members shall include the Director of the Department of Environmental Health & Safety, Director of Office of Sponsored Programs, and a representative from Legal Counsel (consultation basis).

The term of membership on the IBC is a 36-month appointment renewable period beginning June 1 through May 30.

IBC MEETINGS

*The IBC shall meet as necessary to conduct its business but **no less than once every two months**. A meeting agenda will be sent at a minimum of one week in advance of a scheduled IBC. Meeting minutes will be taken each meeting and kept on file by the University Biosafety Officer.*

SUMMARY ANNUAL REPORT

The Chair shall submit an annual report of IBC activities and deliberations to the Vice Provost for Research, the Chair(s) of the University Health and Safety Board, and the President by June 1st of the following year. The report shall be available to the Faculty Senate.

STAFF SUPPORT

The Department of Environmental Health and Safety (EH&S) and the Office of Sponsored Programs (OSP) shall provide the necessary staffing and administrative assistance for the IBC. EH&S shall provide technical expertise and advise as necessary for the IBC to fulfill its duties

9/4/02 University Faculty Senate Approved

MINUTES OF A MEETING OF THE FACULY SENATE
Wednesday, October 9, 2002

Professor Howard Howland, Neurobiology and Behavior and Speaker: "I would like to call the meeting to order. First, I would like to remind you that no photos or tape recorders are allowed during this meeting, and I ask that you identify yourself and your department when you speak. We have no Good and Welfare speaker at this time, so we will allot that time to the discussion of the College of Architecture, Art and Planning. I would like now to call on Provost Bidy Martin for remarks."

1. REMARKS BY AND QUESTONS FOR PROVOST BIDDY MARTIN

Provost Bidy Martin: "Good afternoon. I used my time in September to emphasize the importance of open and responsible exchange of ideas and debate on the national and international political and economic situation. I just want to take a few seconds today to reiterate the my plea for all of you that we as a community engage in the open, free and responsible exchange of ideas about what's going on politically and economically across the country and the world. Aside from that, what I wanted to do today because I was afraid you might not have many questions is give you a list of—that was a joke—the projects on which the Provost's staff is currently hard at work. I hoped for a one-page with all items on it, and that didn't work out in my office. So I'm just going to give you sequentially some overheads that list some of the important issues on which we are working, so that you can think of some questions to ask me if you weren't able to think of any before. They are not in any order of importance.

Provost's Overheads

- Future of College of Architecture, Art, and Planning
- Arts and Sciences Dean Search
- Budget Planning for 2003-2004
 - tuition
 - endowment payout
 - salary programs
- Capital Campaign Planning
- Workforce Planning
- Administrative Systems Implementation
- New Life Sciences Initiative – Planning
 - program and facilities planning for Life Sciences Technology Building, new facilities in the Baker-Olin-Clark precinct, mouse facilities in Vet
 - coordination of faculty recruitment efforts
- Land Grant Mission Review
 - response to recommendations from panels
 - implementation of recommendations
- Undergraduate Education
 - book project
 - North Campus programming
 - West Campus program and facilities' planning

- undergraduate research initiatives
- diversity initiative
- Center for the Environment
 - implementation of lead dean model
 - appointment of new director
 - response to research initiatives
- Einaudi Center
 - implementation of lead dean model
 - appoint a new director
 - formation of university-wide faculty council on international studies
- Social Sciences
 - implement decisions about new investments
 - work with Social Sciences Advisory Council on details
 - continue planning for institute
- Ethnic Studies Task Force
 - assessment of ethnic studies programs
 - development of recommendations
- Arts and Humanities
 - communications
 - development of support nationally
- Grad Student Unionization
 - follow-up
- Tenure and Promotion
- Enrollment Planning and Financial Aid
- Facilities' Planning
- Ongoing work with colleges on college-specific goals

“What I would like to say about each one is that the collaboration and cooperation we have with the Faculty Senate has been vital and continues to be vital. In the case of the College of Architecture, Art and Planning and the proposals about its future, we have been working with the CAPP Committee. I should say CAPP Committee has actually been working carefully with the College and will continue to do so. We have been trying to coordinate our efforts. On the Dean search in Arts and Sciences, we have an outstanding search committee, and the work of the committee is going extremely well and quickly. Budget Planning for 2003-04 is always underway at this time of year, and that is no different this year. The work is actually probably harder this year than in some previous years, but we are currently at work on budget planning for the next year, and we have the help of the Financial Policies Committee of the Senate to think about some of the critical issues, including endowment pay-out and also tuition rates for next year. Here are some of the other items on which we are actively working. They are probably familiar to most of you. You have heard about them either in print or in forums of various kinds. The Land Grant Mission Review process is about to end as most of you know, and we will be formulating recommendations based on the reports. I hope you all have used the opportunity to comment either through e-mail or in person or some other form of writing about those recommendations of the Land Grant Review Panels. The Administrative Systems Implementation—I want to make a note here that that process is now working well. We expect to have a new system for Alumni Affairs and Development up and running by a year from now. That would be an important success. We are approaching administrative systems very differently than we did during the so-

called Project 2000 period by essentially trying to tackle it more and more piecemeal fashion and succeed at smaller pieces of the entire puzzle rather than trying to do everything at once. On the undergraduate education front, we are of course already at work on a book for next year's Book Project, and I welcome suggestions from all of you. I also thank those of you who participated this year, not only in the Book Project proper, but have continued to participate by attending the events on North Campus. The West Campus Program and Facilities planning continues, and we are at work now on the funding of undergraduate research initiatives that will reduce their foundation funding this next year. I'll just keep going, adding a few of the other items on which we are working actively, but saying nothing more about them. I think most of you are aware that these are the projects, which we started last year, some of them, or the year before, and are continuing to work on this semester. I have used up my five minutes? And I'm at the end of my slides. That was pretty good for my first time using overheads."

Professor Richard Durst, Food Science and Technology, Geneva: "One thing conspicuously missing is the presidential search. Anything new on that?"

Provost Martin: "Ah, I'm not working on that."

Professor Durst: "Oh, that's not under the dean search?"

Provost Martin: "The reason why I didn't list the President search is because the Provost's staff is not part of the presidential search. As you know, the Presidential Search Committee is made up primarily of Trustees but there are I think three or four Cornell Ithaca faculty members who are participating in the search committee. I can tell you that the Presidential Search Committee believes that its work is going extremely well. They say that they are ahead of schedule. Now what schedule you might ask? They tend to compare themselves to the last time they (at least some of them) sought and actively and successfully recruited a new President, and that was when Hunter Rawlings was made President some seven years ago. They had named a new President by the first of December. So when the committee says it is ahead of schedule, I believe they think they mean they might be able to name the President before the first of December."

Speaker Howland: "Additional questions for the Provost? You have more time, Provost Martin."

Provost Martin: "Actually, the items on the agenda for today and in particular the future of the College of Architecture, Art and Planning is extremely important to us which is secretly why I put it first on my list, even though I said things were not in any order of significance. The only thing I would like to say there is that I think most of you know that the President and I met with Porus Olpadwala, Dean of the College, and the department chairs this summer. We followed up with meetings with each of the departments. Your CAPP committee has also met with the three departments in the college. I have asked Walter Cohen, Vice Provost, with day to day responsibility for that college, to meet individually with every member of the faculty in the College of Architecture, Art and Planning over the next month, as well as to meet, as he already has, with the

chairs as a group and help mediate the discussions in that college of the various possible outcomes of the discussions that are underway. If there is anything else we need to do to help mediate and facilitate the discussions in the college, we will do that, but we won't force all of the work on Walter. You can imagine the amount of time he is putting in, but now that he has agreed to meet with every single faculty member in the college, and I appreciate that enormously, because I think that will be a critical way of discerning what the individuals in the college actually think. I would be happy to answer questions about that now or later or at any other time."

Speaker Howland: "Thank you Provost Martin. The speaker would now like to call on Dean Cooke for remarks."

2. REMARKS BY DEAN J. ROBERT COOKE

J. Robert Cooke, Dean of the Faculty: "I have two somewhat related topics to present. The first is to call your attention to the fact that the Provost and I have appointed a committee to review intellectual property policy for the University. That is copyright as well as patent policy. I put this charge up, because I wanted you to at least be aware that sometime during the course of the year, you will have a chance to interact with them. In the meantime, so that you might communicate with them if you have suggestions or questions for them, this is the membership of the committee, a rather large committee but a well engaged committee. (Appendix 1)

"The other topic is on scholarly publishing and in effect a plea to you from me for faculty involvement in dealing with a problem that really has bedeviled the University for many years. To be successful in our faculty role of teaching, research or outreach we have to have access to the literature. I suspect everyone in this room is aware, as the librarians are painfully aware, that we have been through at least a decade in which the libraries had to cancel subscriptions, not because the material wasn't of interest but because the budgets wouldn't sustain it. It has continued. The librarians have spent a lot of time working on that, but unfortunately their efforts so far have not solved the problem, and we still are on a serious collision course. The collective budget for research libraries in universities, one hundred and eleven of them in North America, exceeds \$2 billion, so it is a serious problem that goes well beyond Cornell. (Appendix 2)

"One of the discussions that the library has underway is this seminar that will occur tomorrow that is open. So you are welcome to attend if you wish to participate, but it is one that really touches the soul of this University, because we simply cannot function if we cannot have access to the intellectual resources we need in order to do our work. I'm convinced that if we continue along the path that we are currently following that we are going to have a meltdown. We are going to become dysfunctional, because the body of knowledge keeps growing exponentially, doubling about every 12 to 14 years, and yet the number of journals is actually shrinking.

"Here's the punch line. I think the faculty has to join in with the library community to address this problem. The librarians are, after all, acting on our behalf in trying to keep the library functional for us, but it really is the faculty who use the material in a serious way and for whom this is a necessity. I think the time has come for us to try to engage the faculty with the librarians and try to think through this problem. In particular I think we ought to do it in a way such that the solution that we find at Cornell is portable to the rest of the nation, because I think there is some commonality, and if we find some workable solutions, the effort ought to be to do them in such a way that it's usable on other campuses as well.

"A group of us have been working on this problem for some time. This is a listing of the group, and this is in effect a pre-announcement that we have, in fact, gotten a grant. I am the PI for it. Ken King, who some of you will know, Ken was the Vice President for Computing about 20 years ago and went on to become the President of EduCom, which was the national higher education computing group. He has retired, is living here in town, and I think it is noteworthy that he is donating the services without charge to the project to lead this effort simply because of the passion with which he believes in this. We think that we can produce a remedy for this problem.

"After spending a lot of time thinking about it, I am completely convinced that we have to put aside the current model that has been in use for many, many years, but that it has been captured. And the only way out for us that seems plausible to me is go for open access, instead of the crazy policy we have now where faculty and the University spend the money to create the scholarship, and then we give it away to third parties who then have a monopoly power over selling it back to the libraries, [which] has produced the expected result of what happens when you have a monopoly. So no surprise there. But it is now reaching the proportions at which we are just not going to be able to deal with it. I think the time has come for us to find a method by which each university can pay for its own scholarship publishing costs and give it away to the entire world. That means that every university then will be freed up of trying to buy it back. It means also that you would not need to buy a copy at every campus and store it just in case somebody would wish to read it, but you could download it and then turn it into paper and print it at the time you need it. Because most of the material is used on an occasional basis of that sort, there are huge savings. Instead of having one hundred and eleven universities trying to duplicate everything, we share it.

"Anyway we are at a very early stage. There is one piece that I want to tell you about now, because we want to make some progress on it before the next Senate meeting. The MIT library has started working on what they call a 'super archive.' They have created a digital file server in which faculty members at MIT can store material and the library takes on the responsibility of ensuring that it is readable sometime in the future, which is one of the real liabilities of digital documents at the moment. This means that they can store all kinds of things, from lecture notes to working drawings. Just to be specific to Architecture, Art and Planning, imagine being able to on a routine basis, not a special basis, but on

a routine basis being able to store architectural plans, photographs of art work, photographic exhibits, on and on you could go, to be able to store it and have it stored and protected and available to you and to other colleagues. This will be organized on a community basis so that sub-groups of the University will decide the conditions of what is stored and who has access to it and under what conditions. So we are at the very early stage of getting this underway. I would welcome suggestions from you. If you think about the number of things that we do that involve data from studying radio telescopes to geology to dairy-herd records, to the music department, being able to store music. Libraries now do a fairly modest job of dealing with any mode of materials, and this would put them on a routine basis so that you could count on it working. I will be in touch with you as we develop the ideas further. The grant does provide money for bringing that to Cornell."

Speaker Howland: "Questions for the Dean?"

Professor Rebecca Schneider, Natural Resources: "This is the first I've heard of it. If understand you correctly, you are proposing replacing the journal system which publishes research with a university-based publication, but where does the peer review process happen for that?"

Dean Cooke: "Well, I don't know that in the short term it is going to replace it but in the long term it may well. What I have described is an internal archive, a way to warehouse intellectual output of the University, which has a reason to see that it continues into the future. We would build on top of this a layer that would be for publishing. We will need to do the other things like the vetting. Here are two ideas. One would be to commission professional societies to look at this federated database. If every university had its own database, and you had a common index so that when you search, you search everywhere at once, then if you would commission a society to look at everything in that database and pick out the ones that are worthy of attention and are appropriate to that particular professional audience, then there would be in effect a Duncan Hines stamp of approval. Incidentally, Duncan Hines was invented here at Ithaca. Maybe that's a good metaphor. That way there would be the ability for people who are now doing the vetting, the gate keeping, to still have that role. Another possibility would be to say that everything in this database would have an index, so if you add a new article and it refers to a previous article, it would automatically build an index with the previous articles mentioned, so that if you write an article on cold fusion, somewhere down the road you are going to be found out. The peer review then would not last for six months or a year, but it would last in perpetuity. It would make it a much higher standard to meet."

Speaker Howland: "Thank you. Our time is up."

Dean Cooke: "I would be glad to talk with you after."

3. APPROVAL OF MINUTES OF THE SEPTEMBER 4, 2002 SENATE MEETING

Speaker Howland: "The speaker would like now to call for approval of the minutes of the September 4 meeting of the Faculty Senate. Any corrections or additions? Hearing none, I assume unanimous approval of the minutes. Thank you. I would like now to call on Associate Dean and Secretary, Charles Walcott, for a Nominations and Elections Committee report."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Associate Dean and Secretary of the University Faculty: "I'm sorry I have only one transparency for you today. This is it, and there you have it."

REPORT OF NOMINATIONS & ELECTIONS COMMITTEE

October 9, 2002

Faculty Advisory Board for Information Technologies (FABIT)

Vernon Briggs, ILR

Faculty Advisory Committee on Athletics and Physical Education

Rosemary Avery, CHE

William Brown, A&S

Jonathan Macey, Law

Local Advisory Council

Molly Jahn, CALS

Thomas O'Rourke, Engr.

Nominations and Elections Committee

Ted Clark, Vet.

University Benefits Committee

Alan McAdams, JGSM

University Committee on Human Subjects

Jeffrey Sobal, CHE

University Faculty Library Board

Peter Dear, A&S

Scott MacDonald, A&S

Speaker Howland: "The speaker asks for unanimous consent to approve this report. Hearing no objections, I assume unanimous approval. Thank you very much. We now pass to unfinished business. I would like now to call on again on Professor Charles Walcott, Associate Dean and Secretary."

5. UNFINISHED BUSINESS

Professor Walcott: "I would like to move the Divided Motion from the Clinical Professor Enabling Legislation, Section VII."

BE IT FURTHER RESOLVED THAT

VII. Committee to Investigate the Status of Non-Tenure-Track Faculty

A. The Faculty Senate directs the Dean of the Faculty to appoint a Task Force or task forces to investigate the status and conditions of employment of non-tenure-track faculty including their terms of employment, particularly job security, rights to academic freedom, access to appropriate grievance and appeals procedures, eligibility for sabbatic leave, eligibility for emeritus/a status, and voting rights.

B. The Senate is mindful that the Dean of the Faculty may determine that the present Task Force on Professorial Titles should continue to work on the issue of titles.

C. Any body or bodies appointed to study these issues will report to the Senate on the progress reached no later than the second Senate meeting of the Spring of 2003, but may report earlier, if any specific proposals are ready for action.

Speaker Howland: "It needs no seconds, so the motion is on the floor and I will call on Alan Bell, Professor of Animal Science and Chair of the Professorial Titles Task Force."

Professor Alan Bell, Animal Science and Chair of the Professorial Titles Task Force: "I'll be very brief. I think you should all recall that this was first introduced and added to the proposal for Enabling Legislation on the Clinical Professor Title at the May meeting of the Senate. And it was considered a friendly amendment by the Task Force. It was severed from the consideration of the full proposal at the September meeting of the Senate, and I guess it was very clear that the reason for that was to keep this thing afloat in case the rest of the proposal was voted down. So the original offerers of this amendment, Professors Shiffrin and Lieberwitz, I believe through the membership of the UFC have somewhat amended the amendment of what, up until now, has been called item VII. I don't think it has been altered in any great substance, but I do believe that section B here has been deleted, but just with that context I would ask the amenders . . ."

Speaker Howland: "I have the amended motion, and it eliminates section B."

Revised Resolution (10/1/02), sponsored by UFC

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

Be It Resolved That

I. The Faculty Senate directs the Dean of the Faculty to appoint a Task Force or Task Forces to investigate and make recommendations concerning the status and conditions of employment of non-tenure-track faculty, paying particular attention to such matters as titles, job security, rights to academic freedom, access to appropriate grievance and appeals procedures, eligibility for sabbatic/study leave, eligibility for

emeritus/a status, and voting rights.

II. Any body or bodies appointed to study these issues will report to the Faculty Senate on the progress reached no later than the second Senate meeting of Spring 2003.

Professor Lieberwitz: "Would you like me to talk about it?"

Speaker Howland: "Yes, just briefly. Do we have a second for that amendment?"

UNKNOWN: "Yes."

Speaker Howland: "Thank you."

Professor Risa Lieberwitz, Industrial and Labor Relations: "We are making this resolution as a substitute motion, and as has already been stated the differences are really pretty minor. The reason that we put the resolution as it is here as a substitute motion was for the reason of taking the piece which had been separated as possible continuation of the Task Force on Professorial Titles, and rather than separating that out, we thought that would really be quite artificial. Instead what we have done if you take a look at the first part is to include as the task force or task forces, but assuming for the moment that it is one task force, this would include the investigation and recommendations that would look at titles as well as other issues that are included in here and emphasized with regard to job security, academic freedom, etcetera. I think it makes sense to consolidate that all in one package, so that if we have a task force looking at this then it will be a task force looking at everything. I think substantively it really is the same idea, but that it can eliminate confusion that might occur if the idea of titles was somehow separated out as a completely separate or independent issue from the other substantive ideas. So it is just to combine them."

Speaker Howland: "So the substitute motion is now on the floor, and we can have a discussion on the merits of the substitute motion."

Professor Stephen Vavasis, Computer Science: "I am just wondering if in faculty here, does that include post docs, research associates, in other words people who don't usually go in front of the classroom? What was the intent of the authors?"

Speaker Howland: "Did you hear the question?"

Professor Lieberwitz: "With regard to non-tenure track faculty, the idea would be to be inclusive and to have a task force that would look at everybody who is considered faculty but who are not on tenure-track lines. The idea is to be inclusive, but I think that in looking at this a task force would be able to say, in addressing all of the different kinds of non-tenure-track faculty there are, whether there are significant differences among them which would make a

difference with regard to the evidence that is brought forward as to their positions and the kind of recommendations that would be made.”

Dean Cooke: “Just on the parliamentary counts Tenure-track faculty are members of university faculty—assistant, associate and full professor and a few other special categories. In general, lecturers, senior lecturers, research associates, senior research associates are members of college faculty but not of university faculty, and I assume that would be a legitimate concern.”

Professor Peter Stein, Physics: “I think we need a definition of the word faculty, because it was my belief that, for instance, in the Arts College post-docs and research associates are not members of the faculty, that is they don’t have the same rights that the Arts College faculty do. Professor Lieberwitz feels that in fact those titles would be under the jurisdiction of this committee, so it seems to me that it’s vague in the motion at the moment what is meant by faculty. I think it ought to be well defined so we know what we are passing.”

Speaker Howland: “The chair would like to point out that the wording in this section is the same in both motions. We are discussing now whether to substitute this motion for the original motion, so we might want to handle that later. OK? Could we have more discussion on the merits of the substitute motion as opposed to the original motion? Hearing none, I think you are ready for a vote. All those in favor of substituting this motion before you, say aye.”

“AYE.”

Speaker Howland: “Opposed? Unopposed. So this is the motion we are discussing. We are now discussing this as the main motion, and we can continue on this.”

Professor Kay Obendorf, Textile and Apparel: “My interpretation of this would be academic appointments, which would include extension associates, senior extension associates, lecturers, senior lecturers, research associates and senior research associates, but not post-doctoral associates.”

Professor Steven Shiffrin, Law: “I don’t think it would be a productive use of the time of the Faculty Senate to have extensive debates about how faculty ought to be defined. It seems to me that the resolution is a good idea. The task force is not going to be able to do everything, but it will be able to concentrate on what it thinks would be beneficial for the Faculty Senate to consider. Vagueness is a bad thing, but there are worse things than vagueness.”

Speaker Howland: “Additional comments?”

Professor Lieberwitz: “Just a follow-up on what Steve Shiffrin was just saying that actually I think in this case vagueness is not a bad thing. It’s probably a good thing. I think it goes along with his initial comments, because the idea is to have a task force that looks at people in the university who would be considered faculty. It may mean that there is in fact some vagueness about how people

consider different groups of non-tenure track faculty that we find in different colleges, and that it would be very useful for us to have a task force that comes back and says, 'Here are all the different categories of people we have in the position of non-tenure track faculty and the kind of work that they do. Here are the kinds of working conditions that they are working under, and here are some recommendations with regard to the status of people working under these conditions and in these kinds of teaching and research positions.' So I think that it does make sense to go ahead and say to the task force to broaden the positions."

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics: "My understanding was when the committee started looking at the issues of non-tenure track faculty the concern was whether the title lecturer was sufficient to enable certain types of people who would be engaged in on-campus teaching to be attracted and then retain them. I guess I erroneously thought that when we were talking about this resolution that we were going to insert the word 'teaching' after non-tenure track in point one of either the original or the amended motion. So I would actually . . . I don't know whether I'm permitted to do this according to the rules, but I would propose an amendment in this motion, that we insert the word 'teaching' after the word non-tenure track to make it clear that basically we are looking at the class of people who currently are called lecturers or whatever the new titles are that we have talked about. That should really be the initial concern of the faculty of the university."

Speaker Howland: "I would rule that that is a non-trivial amendment, and hence is not appropriate at this time. It requires 24 hour notice."

Professor Stein: "I would like to offer an amendment which is trivial, mostly because I think this is a bad thing because people argue about it. I don't have a position on this, but it seems to me that the two proponents of the measure want that to say, 'all non-professorial, all non-tenure track academic appointments.' That's what I think we should say, because that's what it seems to be they want it to say. I think that's just a clarification; that's not a policy change. That's what they mean it to be."

Speaker Howland: "So, I'm trying to understand what you are saying. Rather than saying 'non-tenure track faculty,' you wish to insert the trivial change of 'all non'"

Professor Stein: "All academic appointments other than tenure-track faculty. Academic status is a well-defined title that in fact has got all the people we talked about, extension associates. It does not include graduate students. If you're asking for all this information, whatever it's called—how many non-academic appointments do we have, then I need a precise number. It's well understood and it corresponds to what they say."

Speaker Howland: "Professor Stein, repeat your wording one more time. I will ask for unanimous consent of the body to insert it."

Professor Stein: "OK, my wording is 'employment of all academic appointments other than tenure-track faculty.'"

Speaker Howland: "Everybody got the wording? I ask for unanimous consent for this change."

NO. NO. NO. NO.

Speaker Howland: "Failed. Thank you. Further discussion of the motion."

Professor William Arms, Computer Science: "I have just one concern and that is the number of things that we are asking this task force to do before spring 2003. I hope you will make it clear to the task force that to tackle a few of these tasks well would be a notable achievement. They don't have to do everything."

Dean Cooke: "That's a progress report, not a final report by that date."

Speaker Howland: "The Dean points that it was a progress report in the motion."

Professor Gary Rendsburg, Near Eastern Studies: "I'm still a little unclear in my mind. Do the proponents of this task force imply that the post-docs who are here for one or two years or visiting faculty who are here for a year all come under the rubric of this?"

Professor Lieberwitz: "The idea is that this is a committee that is supposed to look again broadly at the way in which teaching and research is done in this university. So one could imagine that logically somebody would say well if somebody is a visiting faculty member for one year or somebody is here as a post-doc for one year, then that person is not really doing the same exact work as somebody who has been in a lecturer position on longer contracts. So the committee would then, I would think, logically say that we are going to report on differences as well as things that are the same across groups. I think that a good task force will look at all the ways in which we have teaching and research done in this university, and then will report back to us on what currently exists and hopefully will have some recommendations on what would make sense."

Speaker Howland: "Seeing no hands, I think you may be ready for the vote. All those in favor of the motion say aye."

AYE.

*Committee to Investigate and Make Recommendations Concerning
the Status of Non-Tenure-Track Faculty*

Be It Resolved That

I. The Faculty Senate directs the Dean of the Faculty to appoint a Task Force or Task Forces to investigate and make recommendations concerning the status and

conditions of employment of non-tenure-track faculty, paying particular attention to such matters as titles, job security, rights to academic freedom, access to appropriate grievance and appeals procedures, eligibility for sabbatic/study leave, eligibility for emeritus/a status, and voting rights.

II. Any body or bodies appointed to study these issues will report to the Faculty Senate on the progress reached no later than the second Senate meeting of Spring 2003.

Resolution (10/1/02), sponsored by UFC

Speaker Howland: "Opposed? The motion clearly passes. I would like now to call on Provost Martin again for a response to the April 10, 2002 Resolution regarding Computer Science."

6. RESPONSE TO APRIL 10, 2002 RESOLUTION REGARDING COMPUTER SCIENCE

Provost Martin: "I'm not entirely sure how to proceed here, but it is my fault in any case because I didn't give the CAPP Committee enough time to respond to my responses to their questions. So I apologize for that to the CAPP Committee. You have in your packet, with your agenda for the meeting, the letter that the CAPP Committee sent me and my very brief answers to those questions. I would be glad to take questions from this group if you have any.

"Let me simply remind you that last spring and actually throughout this past year, the Senate has taken an interest in what we would do to resolve the issues still up in the air about the location of Computer Science and the governance of the faculty of Computing and Information Sciences. I begged your forbearance and asked you to wait until we had a new Dean of Engineering, until we made final decisions, and I worked very carefully through many hours with Dean Fuchs (I'm sure you all know Dean Kent Fuchs now, our relatively new Dean of Engineering) and Bob Constable over the summer, and we then made an announcement about the decisions we had reached and Dean Fuchs is here today, as is Dean Constable, to answer questions that I am unable to answer. I say that only because what we resolved to do is to have the two deans agree on the proposal that we released in the summer, the decision that we reached in the summer, and continue working on the fine points and details with one another. And they are doing that without intervention or help from me. So if you have questions, I would be glad to answer."

Speaker Howland: "Questions for the Provost?"

Professor Terrence Fine, Electrical and Computer Engineering: "This motion that was presented by CAPP last spring, that passed by a vote of 63 to 4, had a number of points, the first six were whereas, the seventh one was asking for initiation of action. The ninth one asked for a report, which is what we are getting now. The eighth one was the operative one, and it said what the Senate

expected by way of disposition of the administrative arrangement. When your letter was produced it seemed to have a good deal of ambiguity in it, I think probably intentionally, and it is difficult to lay that document up against the Senate resolution and determine the extent of compliance or agreement, between your letter and your proposal and point 8 of the Senate resolution. You have given a few responses very recently to 8; I think CAPP should consider them, but even at that point it is not clear to me that one can now measure them against each other and determine from the rather clear language of point 8 what exactly has been achieved. I think it is clear at the moment that a number of things that were asked for in point 8 were not achieved. I think issues of traditional roles with regard to the budget of the department, being held by the Dean of an existing college, I believe that is not the situation as it pertains today in your plan. There are probably other issues as well, so at the moment what I'm saying is that since this is the reporting comment there is substantial confusion as to whether this agreement agrees in some sense with the Senate motion and in a few places there is, I think, substantial disagreement with the Senate motion as reported."

Provost Martin: "I think that's accurate."

Professor Fine: "I meant it to be, thank you."

Provost Martin: "I know you do, Terry. I think we would both be disappointed if there weren't some disagreement, but of course there is. I think the simple way to put this is that the Senate was concerned as was I, frankly, about the fact that in the interim period it seemed the FCIS was serving as a tenure granting or tenure home for members of the faculty in Computer Sciences, and we agree—that is you as a body and I—that that was not appropriate and not suitable, and so the agreement that we did make, the decision we reached, has identified the College of Engineering or the college in which any member of Computing and Information Sciences as a faculty belongs as the appropriate tenure college.

"It is also true in point 8, although I don't have the numbers down as well as Terry, but there was a request the decision grant the usual budgeting authority to an existing college dean for the Department of Computer Science and there it is true in the language that Terry used that I have not complied. I should say the President and I have not complied fully with that request for the simple reason that we don't think in the circumstances that's the best decision to have made. So the budget for the Department of Computer Science is held by the Dean for the Faculty of Computing and Information Sciences but is transparent to the Dean of Engineering, and Dean Fuchs can answer any questions you have about how well he thinks that is working and will work. As I said, the agreements that we reached, the decisions that we made about the Department of Computer Science, its relationship with the College of Engineering and to the Faculty of Computing and Information Sciences, were reached jointly and collectively by Deans Constable, Fuchs and myself."

Professor David Delchamps, Electrical and Computer Engineering: "I have a question. It's about what that word means. What does it mean for someone to control a budget that is transparent to someone else? I guess it's technical budget terminology that I'm not familiar with."

Provost Martin: "It means that the budget is actually administered by the head of the Dean of Computing and Information Sciences, but it also means that Dean Fuchs has an advisory role in relation to that budget and will, by transparent I mean literally that he will be able to see the budget and will be working with the Dean of Computing and Information Sciences on those budgetary issues for the Department of Computer Science. There will be other faculty in Computing and Information Sciences, there are already, whose tenure home is not the College of Engineering but say the College of Arts and Sciences. In that case, the Dean for Computing and Information Sciences will need to consult with the Deans of the relevant colleges, but in the case of that one department, Computer Science, there is transparency for the Dean of Engineering to that budget."

Professor Francis Kallfelz, Clinical Sciences: "Should the Dean of the Faculty of Computer and Information Sciences and Dean of the College of Engineering disagree on some aspects of that budget, who makes the final decision?"

Provost Martin: "The Dean of Computing and Information Sciences has authority over the budget, but he will make available to the Dean of Engineering all decisions he makes. You could ask why. Why should the Dean of Engineering see the budget if the authority for using it was given to the Dean of Computing and Information Sciences? The reason is this. There is enough overlap in the projects that it is important for planning purposes for the Dean of Engineering to understand and be able to consult about what is going on in Computing and Information Sciences. The idea is not that they should agree on or collaborate on every single budget issue."

Professor Kallfelz: "It seems to me that means that the Department of Computer Science actually becomes part of the Faculty of Computing and Information Sciences."

Provost Martin: "That's right."

Professor Kallfelz: "That dean is calling the shots."

Provost Martin: "No, not all the shots, but on budgetary issues for the most part yes. I can't answer the very specific questions you might have about what would happen if X and Y occurs, because the deans are in the process of working out the details with one another. As I said, I have offered help if they need it, but they haven't needed the intervention of the Provost's Office. And I believe it is fair to say that Kent, you and Bob feel that you are making good progress on working out the details."

W. Kent Fuchs, Dean. College of Engineering: "Yes."

Provost Martin: "I think if the question that Terry is raising and others have raised about whether this is an anomalous set up, the answer is absolutely yes. Is there ambiguity in what we said about it? Yes, but not in order to hide what we have done, but because there is genuine ambiguity in the set up until the details have been worked out. There is no subterfuge; it is anomalous. Some of the structural mechanisms are still ambiguous, because the details haven't been worked out. I want to be completely open about that, but is Engineering the tenure home for Computer Science? Yes. Will appointments and tenure promotion processes be handled in the way they are in other colleges? Yes. Does Engineering serve in general as the administrative umbrella for the entire operation of the Faculty of Computing and Information Sciences? Yes. In much the same way we have tried to use other colleges as the administrative umbrella for other kinds of inter-college or cross-college units—the Einaudi Center and the Center for the Environment and their location now in, for administrative purposes, the specific colleges are additional examples of such set ups where we are trying to save administrative costs at the Center but not make cross-college units specifically or uniquely one-college domains."

Professor Arms: "There is no indication of the relationship between the Arts College and Computer Science. Yet Computer Science has a rather substantial major in that college. Can you comment on the major relationship between Arts and Sciences and Computer Science."

Provost Martin: "It remains exactly the same as it has always been. That's because computer scientists believed they were actually voting members of the College of Arts and Sciences, but in the research I did when I was actually still in the Dean's office in Arts and Sciences, we discovered that's not the case. So the major will continue to be offered to students in the College of Arts and Sciences. It is an Arts and Sciences major, approved by the Arts and Sciences College's EPC and that will continue just as has it has been run to date. There won't be any changes."

Professor Lieberwitz: "I have a question about budgeting. With the kind of control that you are talking about of the budget and the Dean of the Faculty of Computing and Information Sciences, how far along does control of the budget make the faculty actually into a college? You know me, I have an underlying question, so for example on something like tenure lines, you usually think of that as the being doled out by the dean of the college where the tenure lines should be and that's one of the budgetary questions. So that is the sort of question that I think comes out of the question is the issue of where the budget is and who makes those kind of choices. And then doesn't it make the dean in Computing and Information Sciences more like dean of a college?"

Provost Martin: "It makes the dean there something between a traditional dean of a college and something other. I mean it's . . . I'm sorry. I'm tired and I'm not being as articulate as I should be. It does not make the Dean of Computing and Information Sciences the same as the dean of college, because it is not a tenure-granting unit, and it won't be. It does put the Dean of Computing and Information Sciences in charge of a budget that he requires and that the faculty of

Computing and Information Sciences requires if they are going to continue doing the extraordinarily effective cross-university work that they have been doing, and the evidence for the success of this university wide project is abundant, and I would be happy to review it with any of you who wish.

“The reason for creating something anomalous is precisely because of the success across the university of these cross-college initiatives in Computing and Information Sciences and a desire to keep what is working well and what is innovative going and working well. Does it accord with our traditional structure? No. Why not? Because it’s working well; it’s new; we want it to work well, and it can be worked out (I believe fervently) between the two deans. If I were not convinced by those two deans that they could work it out in a way that would be rational, understandable to the people involved, and promote the welfare both of the College of Engineering and of this innovative university-wide project, then I wouldn’t have gone along with this decision.

“So does it differ from our traditional mechanisms and structures? Yes. Is that a good or a bad idea? I think it’s a good idea. As I said in my report that I published in the *Chronicle*, and I know you all read it, we really do have to do a combination of preserving those traditional structures that work over long periods of time and have proven to work and we also have to be open to the possibility of some innovative structures and mechanisms, because of the changes that are occurring not only in bureaucratic and administrative grounds, but most importantly in intellectual and educational grounds. I feel like what we have come up with is a kind of compromise formation that retains some of what is important traditionally, tenure homes in existing departments and colleges, following college procedures and something slightly anomalous which is budgetary authority in the hands of a dean who cannot operate in the way deans of traditional colleges do because it is not a tenure granting unit, and it is not fully autonomous from other colleges, and it won’t be.

“If I sound a little fervent it is only because I’m tired and I get a little more articulate when I get fervent. But I am simply trying to say that if you have a feeling that this is an anomalous policy, you’re right. The idea that deans of the colleges and heads of other units not only have to work together really closely and with great collegiality, but should, is something I would like to support as opposed to fear. They will have to work closely together. They will have to be collegial. They will have open and honest with one another. They will have to show each other the budgets of their units and talk about what is going on. But frankly, giving the budget authority to the Dean of Computing and Information Sciences and the projects that have been authorized by this university protects the College of Engineering, and Dean Fuchs will explain to you why he thought so. But it’s pretty obvious. As these fields grow, the College of Engineering does not want to have its projects abridged by the necessity of adding positions to that new initiative. There are many complexities. I’m trying as well as I can in a short period of time to explain them. I thought that the Senate’s most passionate belief and most significant point was that it is not legitimate to have tenure granted at this university in anything other than a traditional college procedure, through those procedures, and I agreed with that. We have insured that

appointments and tenure belong in an existing college. That some of the other arrangements are anomalous I grant you. Any other questions?"

Speaker Howland: "We have two, Professor Stein and then Professor Fine."

Professor Stein: "I'm trying a little bit to understand this. If you imagine a continuum, which is a department inside a college and another continuum with a department that becomes a college, there is a whole continuum of what kinds of relationships between department chair and a dean. They are closer to the model of a department in a college than a department that has got the relationship with the college. When you outline the way that Computer Science is, it seems to me that it is much closer to an independent college than to a department within a college, and the reason I say that is, if I look around at what's really important I think the tenure home is not really very significant. As you know, at Cornell we promote the vast majority of the people who departments recommend for tenure to tenure. The actual role of the dean is really not that important. The kinds of things that are important are budgets, lines, and who gets lines, what teaching obligations are, what advising obligations are and so on and so forth. Those are the daily work of a college and a relationship between a department chair and a college. I'm not quite sure I understand all the ins and outs of this, but it does seem to me that what's being described is much closer to an independent college than it is to a department inside an existing college."

Provost Martin: "Well, let me make a couple of remarks there. Most colleges don't make their budgets transparent to other colleges. Most colleges don't give the decision making about majors and approval of majors within that college to other colleges. Most colleges, all colleges, have tenure-granting authority. Those are already distinctions, but let me also make something clear, and that is when I sat down with the members of the Computer Science Department, the Chairs in Engineering, the Dean of Engineering and the Dean of Computing and Information Sciences, my question was not what risk do we run that this might look like a college from a bureaucratic prospective? My question was how can we use the traditional structures that we know work and that have served us well while allowing some innovations that will permit this interdisciplinary cross-college project to flourish as it has begun to flourish?"

"One of the things you said is really very helpful here, and that is that, forget about the name college, any unit or group of faculty who want to mount interesting new curricula offerings for our undergraduate and graduate students do need to have enough budget authority and enough faculty resources at their disposal to mount those new curricular programs. And that is exactly what the Faculty of Computing and Information Sciences was charged to do some time ago, sometime before I became Provost, and that's what they have been doing. The necessity to give significant budgetary authority and flexibility to that operation has everything to do with extraordinary work. I would have to say to all of you truly extraordinary work that these faculty have done to mount new courses, new concentrations, and new curricular offerings that our students are taking in the hundreds. It's a decision. One final thing, it does matter I think. The question about whether this could slip into something that would look like

yet another college at Cornell does matter to me. I'm not saying that doesn't matter to me. The purpose was not to permit it to be a college, nor would I wish for it to become a college. But it is an anomalous structure. I know that rational, logical and smart people can parse this in a way that will make it seem as though there is enough lined up under it to make it seem like a college. I understand that. Somebody could actually win that debate if they could invent more items on their side than on my side, but the point I'm trying to make is that we are trying to do something larger than decide whether or not that's a danger."

Speaker Howland: "Thank you. The Speaker will now call on Jennifer Gerner, Chair of the Committee on Academic Programs and Policies for a CAPP progress report concerning Architecture, Art and Planning."

7. CAPP PROGRESS REPORT CONCERNING ARCHITECTURE, ART AND PLANNING

Professor Jennifer Gerner, Policy Analysis and Management, and Chair of the Committee on Academic Programs and Policies: "We have given you a progress report in writing (Appendix 3), and I will let that stand, but I do want to tell you about several things that have happened in the last week so you know what we have been doing and might want to think about this as a revised progress report. Last week we learned that the Dean of the College of Architecture, Art and Planning, Porus Olpadwala, had attended a meeting that contained people from each of the three departments. I think that must have happened on Monday of last week. We also on Tuesday met with the Provost to talk with her about her views and about our recommendation to her that she be in touch again with the faculty in the College of Architecture, Art and Planning to be more specific and more clear about exactly what she expected from those faculty. Today she has sent a letter to the faculty in that college, which I think does substantially clarify what she is expecting and talks about her interest in working with the committee that Dean Olpadwala has charged with this task and also urges those three departments to consider a wide range of different possibilities. I think that has been helpful, and I hope . . . I'm ever the optimist, so I would be optimistic that at least some productive conversation will now occur.

"I also want to say that after reading our report of what we had heard from the various faculty in the various departments, I have heard from a number of those faculty, particularly some faculty in the Department of Architecture who want to make clear that there is by no means a unanimous agreement that that department has about what the outcome should be. We appreciate that, and we know that and I want to acknowledge that. I think it's helpful for faculty of different points of view to begin to talk to each other.

"Our position as the Committee on Academic Programs and Policies is to try to have some productive discussion. We don't at this moment have any position on what ought to happen, but we do think that there ought to be discussion and creative discussion among those three departments and within those three departments to come to some better institutional structure whatever that may be. So that's where we are."

Speaker Howland: "Thank you very much. The Chair would now like to call on four senators from the College of Architecture, Art and Planning. Would they come forward and introduce themselves. They have 9 minutes amongst them to make their remarks."

"I'm Todd McGrain from the Department of Art."

"Jonathan Ochshorn from Architecture, and Archie MacKenzie who also represents Architecture and is sitting down taking notes."

"Lourdes Beneria from City and Regional Planning."

Professor Todd McGrain, Art: "Ground zero—the example of our era of the interrelated nature of architecture, art and city planning. What we do at ground zero must be a memorial, a building, and as we prepare to build we must address essential issues germane to the discipline of city planning.

"This is not the time to break these disciplines apart, but is the time to foster and strengthen the links between them.

"For the past year the Department of Art has engaged in a conversation regarding strategies for invigorating our program. The administration's charge that this college legitimizes its joint existence has brought a sense of urgency to this conversation.

"Of the many initiatives we have discussed those which strengthen our ties with Architecture and Planning have engendered the most enthusiasm. These proposals include shared curriculum through interdisciplinary programs, technology initiatives, and an increased focus on critical theory.

"Add to this the professional nature of our degrees, our admission policies which include portfolio review, and the strong studio component of our programs and we are convinced that we belong together as a college.

"The Department of Art is committed to working with Architecture and Planning to create an integrated college that prepares our students to tackle the most complex and engaging questions of our era."

Professor Jonathan Ochshorn, Architecture: "I have a short statement. It hasn't been officially endorsed by our department. We haven't had a chance to meet formally, but it is endorsed by the Chair, and it has been distributed to faculty members in Architecture and seems to have some support. So let me just read it.

"The President and Provost have asked each of the departments of Architecture, Art and Planning to examine the following question. Into which other college at Cornell would you best fit academically and administratively?"

Based on internal discussions within our department as well as assurances from the Provost and President that they are open to considering a variety of options, committees within the Department of Architecture have begun considering three realignment models. One based on our integration into a different college at Cornell; the second involving a reformed College of Architecture, Art and Planning and the third based on an independent School of Architecture. We expect to complete this initial examination within the next few weeks.

While individual members of the Department of Architecture may hold strong and divergent views on this question, the Department of Architecture as a whole has not and will not take an official position advocating the adoption of any specific realignment model until the examination process is complete and until we have an opportunity to analyze the proposals that may emerge. In light of this, we cannot agree with the Senate Committee on Academic Policies and Programs' characterization of our department's attitude towards realignment, which was referred to by Jennie Gerner just a moment ago, that the Department of Architecture would as a first option prefer a full, autonomous school and that our department is not interested in exploring other options until this autonomous school option has been removed from the table. On the contrary, we wish to explore all options before reaching a decision on the best course of action."

Speaker Howland: "Thank you."

Professor Lourdes Beneria, City and Regional Planning: "The six points that I am going to read have been agreed to by City and Regional Planning faculty. There will also be here on the table some more facts about our department in case you are interested. The first point is about the College of Architecture, Art and Planning as the only place at Cornell dealing with the built environment, unless we move to Engineering. It builds with its designs, such as in architecture, urban design, and land use planning, with its protection of the environment, historic preservation, for example. It builds with production, such as in the case of real estate, with its enhancement, fine arts, with its history, planning history, architectural history, with its guidance, such as with planning and planning policy, and with its social and economic policy affecting people as well as governance, such as with social planning, community development and regional planning. Thus the college defines an intellectual territory that no other college deals with at Cornell. If the administration dismantles the college, there will no longer be a central focus on the built environment. Within other intellectual territories it will be dispersed, diluted and probably downsized.

"The second point is that within this context, CRP is unique in its focus on urban and spatial matters, combining the study of the built environment with social, political and economic aspects of organization and regional planning, thus

bringing together physical on the one hand and social planning on the other, an equally important component for the social sciences.

“The third point, the entire faculties of both CRP and Art most strongly argue to retain the college. We feel that the pedagogical strength of our departments would be hurt, perhaps fatally, by moving to any other university venue that we have so far been able to investigate.

“Fourth, the administration’s instruction to explore the dissolution of the college demands a response, but we need new information and detailed analysis to propose such an important change in the overall structure of the university. We need the process that would shed light on several things: 1) The costs associated with alternatives to the current situation. 2) The overlaps and conflicts among academic programs in the three departments within the college. 3) The possible alternatives to be worked out within an improved college model, such as the possible infusion of the Department of Landscape Architecture.

“Fifth, a comprehensive discussion in the Senate of the fate of the college requires this information. Therefore, we call on the Senate to first support the CAPP report’s request for verification about the President’s and Provost’s objectives and about the conditions under which the dissolution of the college may be considered. Second, to undertake a broader investigation leading to an eventual Senate position on the question of college dissolution. This task of information gathering could be either done through the CAPP Committee or through the establishment of a Senate ad hoc committee.

“Finally, it’s important to mention that the Senate should be aware that the reactions from alumni of all three departments have been overwhelmingly strong against the college dissolution.”

Speaker Howland: “Does the remaining senator from the college wish to say anything?”

Professor MacKenzie: “No. That’s sufficient.”

Speaker Howland: “This topic is open for discussion by the Senate. You may direct questions to any of the senators or administrators.”

Professor Joseph Laquatra, Design and Environmental Analysis: “I just want to correct—I’m not taking a position—this is just to correct a statement - there are other departments that focus on the built environment. My department, Design and Environmental Analysis focuses on the built environment. The School of Hotel Administration includes that focus as part of its curriculum as well.”

Professor Kathryn Gleason, Landscape Architecture: “I’m from another department dealing with the built environment. I would like to speak from experience rather than research in saying that the current configuration of the college is the standard one at our peer institutions, and the alternatives are quite limited. I would hope that the faculty develop their own plans and look at the

whole range of configurations. If you look at our peers, it is really either a school of architecture or one school that contains the design arts. I'm not sure that everyone would agree with that."

Professor Stein: "I have a procedural comment to make. I mean this is all a very complicated issue obviously. I think that most of the people sitting in this room really don't know enough to comment on it. The question I have is how can a body like this, a body of one hundred members deal in a helpful and meaningful way with an issue like this? It seems to me, I have been watching for the past couple of days another senate debating a resolution, which is sort of vague, and it makes me a little upset to my stomach. It seems to me that while you hear a lot of advantages of vagueness today, there are disadvantages to it, because you don't know what is going to happen. I tend to opt for something that is not vague. It seems to me that at some point, and that point ought to be before the trustees act, and my understanding is that the plans for the administration are to bring something to the January meeting of the trustees, I think that this body ought to be presented with a resolution that is not vague which says exactly what the plan is. That means—will there be a college or won't there be a college and exactly where the three departments are going to go, so that this body can say either we recommend adopting or we don't recommend adopting that. Anything short of that I think will not enable a body like this to make any kind of an intelligent contribution to this debate."

Professor Kenneth Reardon, City and Regional Planning: "It seems like the current administration has made quite an effort to institute strategic planning practices to improve excellence and scholarship in teaching. It seems ironic that for such a fundamental change they wouldn't use the system that has been put in place, which starts with the self study, external review, goes to a campus-wide faculty strategic planning group and then reports back to the Senate. It seems to me that this is so important that it deserves the kind of careful study that Peter talks about, particularly in the absence of any compelling evidence that there is a specific and clear problem."

Professor Lieberwitz: "Following up on that. It seems that the point that was made in the CAPP report, number seven, about clarification of objectives is important, and it follows from the point that Ken just made. I don't know if Provost Martin wants to comment here today more about the specific objectives. Is it financial? Is it not financial? Is it curricular? How clear can we be perhaps today on what the objectives are of the administration and then also about the issue of careful review? Once we are clear on the objectives, then there is that issue that we return to again and again in the Senate that we would like to see a careful study made before action is taken. So one thing I would suggest is to avoid what appears to be a rather precipitous move to say that something needs to be done right away so that something can be taken to the trustees in January. There is no reason that I can see why the trustees need to have something in January. That's an imposed deadline that seems to me to be creating a sense of panic and rush when what we need is careful consideration, so that we can actually end up with something better than what we started with."

Speaker Howland: "Provost Martin would you like to respond to that?"

Provost Martin: "I thought maybe Professor Ehrenberg wanted to."

Professor Ehrenberg: "I actually wanted to pick up on Peter's point and ask if it's appropriate to ask the CAPP committee to consider bringing a motion at the November meeting like he implicitly suggested that before a final decision is made that the Senate know what the alternatives are and give its view on the alternatives."

UNKNOWN: "But that's the point—next month."

Professor Gerner: "I have to say that we started thinking that maybe we would have a motion endorsing some action or other. We are unlikely to have such a motion I think. We will come back in November with something further to say, but I don't know if it will be the clear-cut resolution that says we ought to take this path or that path. I think at the current time that seems unlikely that will be true."

Provost Martin: "In response to Ken. Actually this administration hasn't been a major proponent of strategic planning. When President Rawlings came he did institute program review, and the faculty program review process as you know has been underway for some years and actually there are external program reviews of at least two of the departments in the college. Strategic planning is not the same and has not actually been promoted by President Rawlings since he has been here.

"Nevertheless, the question about objectives is important. It is not a question of an objective, Risa. What the proposal said and what we continue to repeat is this, and let me put it as clearly but also as gently as I can. This proposal emerged out of a perception of governance, budgetary, educational and research problems in the college. We are open and remain open to a variety of different outcomes in response to the proposal that the faculty in that college consider the problems and consider whether dissolution of the college and realignment of each department, or all departments together, is a good idea, or whether having the college remain intact in some reformed version, as someone put it, would be a better option. We asked each department to think about where they would be—in what alignment their programs would be enhanced.

"I don't think it would be appropriate nor do I wish here to go through all of the problems that we perceived and that have led us to propose that this be taken seriously by faculty in the college. As I said, they span a range of issues. I think the college faculty members are doing a really good job of considering thoughtfully what some of the problems are. They are tackling the questions we raised about why there is no active curriculum committee, why there is so little interaction educationally among the students across the different departments. We await more information about that and more responses to it. The budgetary issues are issues that are also under review by faculty in the college and also in the Provost's office. We are working hard together to try and come to some

shared understanding of where those problems lie and why they have emerged in the forms they have. The problems span a wide range of different areas, and the idea of proposing this possible dissolution really emerged I would say from difficulties we were having understanding the lack of educational and intellectual coherence and interaction within the college, even though we understand theoretically why these fields are aligned elsewhere and why they could usefully interact with one another. But we are worried about what is happening in practice not what could be true in theory. We are worried about that, and we are worried about some of the governance problems, and as we have said consistently, budgetary problems as well."

Professor Terrence Fine, Electrical Engineering: "I'm puzzled, and I'm going to ask you a question, but I'm sure I won't get the answer I would like. I'm trying to understand this administration's view of politics. I look at their rough treatment of deans, like Dean Hopcroft of Engineering, Dean Lewis of Arts. I look at their willingness to create a kind of shadow college; I'm not quite sure what it is, with respect to Computer Science. It isn't a college; it walks and talks like one, but it won't be given the name. OK. On the other hand, to show there is even-handedness, they are also willing to on a very short time table, the January trustee meeting, to dis-establish a college that has been around for I don't know how long. It has been around for a very long time.

All of these things seem to me to be worth a lot more, to invest in a lot more care, a lot more consideration than I think they are getting. It's very unclear. Is CAPP going to respond to this in the case of Architecture? It's very difficult for CAPP to figure out what is going on. What CAPP could do is try to bring the Senate the two arguments and let the Senate decide. CAPP isn't going to decide this. We don't have the competence to do that. We have to prepare the work for the Senate. That means needing to know one side of it, which is your side of it. I'm not sure we know that. We know we have got a deadline. But it seems a little funny to have that deadline before you really know what you are doing. It's a very serious deadline, to take something to the trustees. So I'm kind of puzzled by what the overall view of this administration is. Certainly colleges have become a very fragile kind of entity. You can beat up on deans, and you can build new ones and take apart old ones. What's happening in this context? I told you it wouldn't be easy."

Provost Martin: "Actually, it is very easy. It is extremely easy. The answer to that is, the things you have just listed, as if they are all connected, are not. So let's talk about Architecture, Art and Planning. I'm not going to address the treatment of deans here. I couldn't have agreed less with what you just said, and let me also add that the category of this administration is somewhat obfuscating. Let me just say what I have to say from my point of view. Let me also answer one thing that you said. The colleges at this university are doing extremely well. I think most of the colleges at this university, were they to compare themselves to their peers elsewhere are in great budgetary shape, have excellent deans, have enormously distinguished faculties and very strong students. Nobody aims or is in my view doing anything to undermine that.

“Architecture, Art and Planning—I just explained that issues have arisen over the past few years that seem to make it important to raise questions about the college as a college. Why? Let me put it even more broadly than I have. Because from all the evidence we can gather what we have here are three independent units, which operate as a college but which are so independent of one another, these three departments, that infrastructure costs are replicated in every unit. There is as I said before no active curriculum committee for the college. There are no requirements for undergraduates that are college-wide requirements. The admissions are done by department. There is, in our view, at least an interesting question to be raised about why that is the case. If you have three essentially independent units, housed in what’s called a college, that are not interacting with each other and are not sharing the costs of infrastructure, whether it’s student admissions or a number of other things, then it’s at least worth asking the question why. In part, because some of the theoretical reasons we have been given about why it’s important to have three such departments in a college together, interacting with one another, are compelling enough for us to want to know why at Cornell does this not work? Everything I have heard from meeting with faculty since we have made this proposal convinces me that there is a strong argument to keep these departments in interaction with one another, but they are not interacting.

“Now let me say this, because at some level I just like to be honest and whatever happens happens. I would not do anything, however painful it is for people—and I realize that this is painful to people in the college, if you create anxiety for people outside the college, it’s not easy on any of us to try and make major decisions about things that appear not to be working well—but I would not do any of this out of some cynical effort to diminish the health and well-being of a college or of a dean or of a faculty in a unit. And if the faculty felt that it had administrators who were so cynical and cared so little for the institution that we would do things that we either had not thought about carefully or for some cynical reason wanted to do for negative reasons, then we ought to be gone. And you need to find people in whom you have some faith, that they are thoughtful about these things, that we acknowledge the pain and anxiety it causes to ask major questions of this kind, that we understand why people raise questions about structures that may seem anomalous and what I’m calling innovative.

“That’s how I feel about it, but that doesn’t mean that the decisions that we reach are right, because there is no perfection, and I understand that. It’s important to disagree; it’s important to criticize; it’s important to debate. But if a serious number of faculty really believe that you have got administrators who care very little for the institution and its well being, care very little about the intellectual health and the curricular health in any one college or across the board, care so little that we simply throw out proposals or make decisions about deans and academic administrators on a whim or in order to weed out people, then you really should ask us not to serve. But I don’t think the kind of cynicism that produces these kinds of remarks publicly really helps any of us. Now I hope you can understand that I distinguish that from strong disagreement and strong criticism for decisions that we make. But these jobs, just like yours, are really not

easy jobs, and if you could convince me that I have taken part in decisions of any sort in a way that is cynical, that is beating up on people for bad reasons, for no reason, and then I will step down. That's how I feel about it. I feel very strongly about it."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "I'm sorry that isn't easy to contest this issue, but is the rush necessary? That is my question. Is there a need to rush to meet the January deadline?"

Provost Martin: "The President has wanted to try and make some decisions that he thinks are important to make before he leaves office, because he has taken the position, which I believe is a responsible one though people can disagree, that he would like to solve some problems and not leave them for the next president, who will come in with a full range of problems, which we can all imagine, and that's his position. Is he willing to have this process last longer if it is necessary? Yes, absolutely. Absolutely. President Rawlings has already said to the chairs of each of these three departments and to the dean that if we can't come to what we consider to be a thoughtful and sound decision by December in order to go to the trustees in January, then we will lengthen the process.

"I honestly think the questions that many of you are raising about how the Senate can be helpful are really serious and difficult ones, because it is really hard from outside the college and from outside the fields that are actually represented by the college to get a good handle on why there has been little interaction in the recent past, how there could be more, what form it would take, what it would add to the students' education if there were more interaction within the college, how some of the governance and budgetary issues could be addressed without cutting out of the budgets of other general purpose colleges. All of those are really difficult questions, and I actually think that the faculty in the college itself are going to be the important informers on these issues. I, and the people in my office, notably Walter Cohen and Carolyn Ainslie, will be happy to provide the Senate, as we are happy to provide the departments in the college, any information that you think will be helpful in addressing it. But I think it is a serious question. It's really hard to understand. Even if you take a year or a year and a half or two years, no one is going to know better than the faculty in that college I think what is actually possible for those units and those intellectual fields than they are. That's my view on it."

Speaker Howland: "Point of order. Ladies and gentlemen, would you please turn off your cell phones when you come to this meeting. Proceed."

Professor Tony Simons, Hotel: "Is the administration's proposal written?"

Provost Martin: "Yes."

Professor Simons: "Can I get that from you?"

Provost Martin: "Absolutely, and the letter that I sent to the faculty today clarifying, as CAPP had suggested we do, what we would like them to do as part of the process is also available. You are welcome to it."

Dean Cooke: "We can forward that letter to the Senate."

Professor Elizabeth Earle, Plant Breeding: "I would like to ask whether the option of having a separate school of architecture is on the table or whether the architects should move on to consider their other two possibilities?"

Provost Martin: "Lisa, what we have said, and it's clarified in the letter we sent today, is that we won't consider any proposal from any of the three departments or any grouping of the faculty unless they have considered all the options that are proposed in the college through this college-wide committee, and that means that the Department of Architecture can certainly propose to be an independent school. President Rawlings made it very clear from the beginning that all possible options would be considered if they seem sound and if the faculty are convinced that they would be a good option. But we will not accept from the Department of Architecture or from either of the other two departments a proposal to stand alone unless they have also worked carefully with other members of the college to assess the possibility of keeping the college or changing the college in some way that would benefit all of the units in the college."

Speaker Howland: "Very rapidly one last comment."

Professor Ehrenberg: "I would just like to thank the Provost for her continual willingness to engage the faculty on academic issues and thank her for pointing out that the administration is not the enemy; it is us. And thanks to all of you."

APPLAUSE.

Speaker Howland: "That brings us to the end of the meeting. I'll entertain a motion to adjourn. The meeting is adjourned."

Meeting adjourned at 6:00 p.m.

Respectfully Submitted,

Charles Walcott, Associate Dean and Secretary

COMMITTEE ON INTELLECTUAL PROPERTY

Preliminary Charge

Review the university's existing Copyright Policy and policies on intellectual property, and recommend modifications needed in light of changes in technology and the educational environment that have taken place over the past decade and any that can be anticipated. Any recommended modifications should address and accommodate the sometimes competing principles of stimulating and rewarding the creativity of members of the University community, exercising responsible stewardship over University resources, and disseminating information in the public interest.

Members

John E. Hopcroft, Chair, Professor, Department of Computer Sciences

William Y. Arms, Professor, Department of Computer Science

W. Ronnie Coffman, Professor and Chair, Department of Plant Breeding

Bruce Ganem, Professor, Chemistry and Chemical Biology

Geraldine (Geri) Gay, Professor, Communication

Peter B. Hirtle, Director, Cornell Institute for Digital Collections

Peter W. Martin, Foster Professorship of Law

Patricia A. McClary, Associate University Counsel

Polley A. McClure, Vice President for Information Technologies
and Professor, Ecology & Evolutionary Biology

Douglas D. McGregor, Professor, Immunology

Tracy Beth Mitrano, Director of Computer Law and Policy, Office of
Information Technologies

Maureen O'Hara, R. W. Purcell Professor of Management

Scholarly Publishing: A Need for Faculty Engagement

The Problem: Increasingly we are unable to deal with the costs associated with the library – but the library is absolutely vital to the faculty.

Responses:

The librarians are painfully aware of the dilemma.

- They have been cutting subscriptions for many years (despite an ever-increasing body they should be collecting).
- They have engaged the commercial publishers (largely unsuccessfully) in trying to find a financially sustainable approach.
- Most faculty have been engaged only peripherally – but some have been exploring alternatives – with some notable success.

If we continue along the path we've been following, there is little reason to believe that the faculty's fundamental need for access to the scholarly literature will be satisfied.

The faculty must work with the librarians to bring about some fundamental changes in our approach to scholarly publishing.

I'm specifically inviting the Cornell Faculty to join a group of us in addressing what has become a serious problem for all of higher education. I think it is entirely proper and normal for Cornell to provide national leadership in addressing this serious difficulty.

A group of us has already initiated a response and we invite your participation and support. I'm the PI and Ken King is project manager for a grant that is about to be formally announced.

J. Robert Cooke
 Kenneth King
 Bill Arms
 Paul Ginsparg
 Tom Bruce
 Polley McClure
 Richard W. McDaniel
 Karl Joseph Niklas
 Sarah E. Thomas

I believe the remedy is for us to shift to a system of Open Access to the scholarly output of every university – that is, modify our approach of giving away an exclusive right to third parties to control access to our scholarship.

Key Concepts:

1. Universities will assume responsibility for publishing and archiving its own scholarship.
2. Speed the transition from paper to digital paradigm to improve service and to contain costs (dual systems now increase costs).
3. Current approach has become too expensive to sustain into the future (\$2 Billion ANNUAL Operating Budgets for 111 Research Libraries)
4. Squeeze out unnecessary (national) duplication (now every campus aspires to acquiring and storing in perpetuity a paper copy of everything) With a national approach we should be able to share a single copy (with some, not aspire to total redundancy).
5. Speed the transition to the digital paradigm (for those who desire it).
6. Part One – create a university-based digital archive.
7. Part Two – create a university-based, federated publishing model with collaboration whenever our goals of open access can be respected.

Appendix 3

September 30, 2002

Report from CAPP to the Faculty Senate Concerning Architecture, Art and Planning

CAPP has met with the Dean, each Chair, and the faculties of Architecture, Art and Planning. The follow are brief items that we believe we have heard in these meetings.

1. Faculty in all three departments, as well as the Chairs and Dean agree that the three departments do not collaborate or communicate as much as might be possible and desirable. This suggestion has caused them to think about ways such collaboration and communication might expand and be helpful.
2. Each of the departments sees itself as substantially engaging in professional education. To each of these departments this means that each department needs control over its curriculum and a "core" curriculum such as is found in the College of Arts and Sciences would not serve any of them well. Thus it is not surprising that there is little student cross-over among departments within the college.
3. None of the three departments see an easy or comfortable fit within any other college at Cornell. This is for a variety of reasons, most prominently the professional nature of the education the departments offer.
4. The Department of Art and the Department of Architecture teach much of their curriculum in studio classes that are of limited size. In addition, the professional focus within these departments means that the character of the studio is an important part of the education, leading these departments to want to control who is in particular studios as well. Although both of these departments could offer more studios to serve out-of-major students if resources were available, when resources are tight, these are the very courses most likely to be cut.
5. The Department of Art and the Department of City and Regional Planning believe that points number 2 and 4 notwithstanding, there might be ways in which the education of undergraduates within each department could benefit from more interaction across departments. These two departments would like to engage in a discussion exploring these options.
6. The Department of Architecture would, as a first option, prefer an autonomous school. This department is not interested in exploring other options until this autonomous school option has been removed from the table.

7. Because of point 6, CAPP has written to the Provost to request clarification about the conditions under which an autonomous school might be considered. In addition, we have asked for some clarification about the objectives the Provost and President would like to achieve in the final disposition of AAP.

MINUTES OF A MEETING OF THE FACULY SENATE
Wednesday, November 13, 2002

Professor Charles Walcott, Neurobiology and Behavior and Associate Dean: “I am the official substitute for the substitute since both Howard Howland and Melissa Hines are out of town. I would like to remind the body that there are no photos or tape recorders allowed during the meeting, and the Speaker asks everyone to please turn off their cell phones, so that they don’t interrupt the meeting. We have two Good and Welfare speakers at this time, Kate Whitlock and Richard Burkhauser, so that time in fact will be used. I would like now to call on Provost Martin for remarks and to answer questions.

1. REMARKS BY AND QUESTONS FOR PROVOST BIDDY MARTIN.

Provost Biddy Martin: “Good afternoon. Thank you very much for having me as usual. I don’t have any preliminary remarks in particular, but I would like to give you some good news, which you may already know but you may not. That is that one of our creative writers, the poet Alice Fulton, has just won the Bobbitt Prize, which is a national award for the best poetry book of the year given by the Library of Congress for her collection called *Felt*. It is a major poetry award that was won previously by one other Cornell poet and that was Archie Ammons, as you probably have guessed. I think it would be fabulous if more of us were aware of what’s going on in the range of the different parts of the university, and congratulate one another on successes. This is a major prize, which I’m sure you all would want to know about. It is also the case that the governor announced today some NYStar funding for science projects that have promise for economic development in the State of New York, and as part of that award Harold Craighead in the College of Engineering, former interim Dean of Engineering, was awarded \$650,000 for work in Nano-biotechnology. So those are two pieces of good news, awards won by specific individual faculty members, and if any of you or any of your colleagues have won major awards and would like to report on them here during my allotted time, please feel free. I would be glad to take questions on any topic.”

Professor Locksley Edmondson, Africana Studies: “Would you care to define major?”

Provost Martin: “What?”

Professor Edmondson: “Would you care to define major from the Provost’s standpoint?”

Provost Martin: “A major award?”

LAUGHTER.

Professor Edmondson: “Just to kick things off. Versus minor.”

Provost Martin: “Well, I would actually be pretty dramatic and define virtually any award or form of recognition whatsoever as major. It wouldn’t have to carry a monetary prize. It wouldn’t have to entail anything other than someone’s appreciating the work that someone else does. That to me would be major. And in a context actually right now where nationally, internationally, and in the university times are somewhat difficult, it seems to me there is all the more reason to take note of those forms of recognition that come our way, come in the direction of our community and the individuals in it and to celebrate them. So I’m actually serious when I say that there are other forms of recognition, and we should certainly hear about them. How was that as an answer, Locksley?”

Professor Edmondson: “Very excellent.

Professor Margaret Rossiter, Science and Technology Studies: “How is the search coming for the Dean of the Arts College?”

Provost Martin: “The search for the Dean of the Arts College is going well, and what does that mean? Please define ‘well.’”

LAUGHTER.

Provost Martin: “The search committee, which as you know is made up of I think thirteen faculty members from Arts and Sciences, one faculty member from CALS and a dean (other than the dean of the college), in this case Ed Lawler, has reviewed over one hundred external prospects, some of them nominated by faculty here at Cornell and some of them applicants who applied and responded to an ad. We continue that process and have also enlisted the help of an academic search firm to do some of the work of background checks and helping us generate even more names, so I think that qualifies as going well. That is to say that the committee is working hard; we have a lot of interesting and impressive nominees, both internal and external. We don’t really expect to have much news beyond that until January or February. I think it would be fair to say—are there any search committee members here? They don’t have time to come, but actually they are working very hard. They are a great group.”

UNKNOWN: “And the search for the President?”

Provost Martin: “Is that your question? The search for the President as far as anybody knows also seems to be going well. There is a short-list, I am told, a relatively short, short-list. That suggests that we are probably getting close to an appointment and the prediction was, as I reported to this group earlier in the semester, that the new President would be announced by the first of December. It seems now it’s more common to hear that the new President will be announced either in December or January. So interpret that as you will. I think it simply means that it might going slightly more slowly than the search committee originally thought, but not necessarily. It could be any day. I don’t think it will be tomorrow, but other than tomorrow, any day. Any other questions?”

Professor Risa Lieberwitz, Industrial and Labor Relations: “Do you have any statements to share, any information about the budgetary process for the statutory colleges given the State budget crisis?”

Provost Martin: “Well, it’s very hard to say. We thought we would hear almost immediately after the governor’s election that there would be budget cuts of quite a magnitude. We haven’t received any information or heard of any decision yet about what kinds of cuts there might be, what cuts SUNY would take, what kind of cut Cornell would take, if any for the year or for the following year. As some of you already know the deans are working in advance on plans to cope with any budget shortfalls that might be created by virtue of the budget cuts that come from SUNY and the state, and workforce planning of course is an item on the agenda for today, so we will discuss that later. What I would say about the budget in general and the economic situation, the financial situation of the university as a whole is that we’re in good financial shape; we’re on good footing. Some of the news for this next year as we go through the budget planning cycle is good and better than we thought it would be in the return of indirect costs of federal money to the university. We believe the financial aid is less than we thought it would be, and in general we are doing quite well. It’s also true that our endowment is down. We don’t know what we’ll do with payout from the endowment. We haven’t yet set tuition rates for next year, but we’re not anticipating either by virtue of keeping the payout what it is now or if there is a slight problem with that, we’re not anticipating requiring colleges to make reductions, and we intend to continue on with faculty and staff salary programs.

“So Cornell is not at this point facing an enormous budget crisis. Actually we are on pretty solid ground. It’s true that if the announced cuts from the state are bigger than what we have anticipated, already imagined, the deans will have to work even harder to balance funds and to make decisions about whether to continue faculty and staff pay increases while also dealing with those reductions. I think that work force planning is designed to help us all work together to make some rational decisions about trade-offs when they have to be made. I repeat that some of the budgetary news for next year is actually positive and better than we expected, some of it will be less good than we had hoped, particularly on the side of the endowment, but gifts were up again for last year, and so like I’ve said if you are hearing gloom and doom stories about enormous crises, you are getting a distorted picture. There could well be some need for tightening and rational decisions about the payout. Again, at this point, we don’t anticipate dropping our investment in the faculty salary program or a smaller staff salary program. So that should give you some indication that we are not in the midst of a huge crisis.”

Professor Walcott: “Thank you very much. Now I recognize Dean Cooke.”

2. REMARKS BY DEAN J. ROBERT COOKE

J. Robert Cooke, Dean of the Faculty: “My remarks will be very brief. You have received this memo. I want to call attention to the fact that the committee

(Committee on Intellectual Property) exists, that it is busy at work and that they invite input from you. It deals with copyright and patents and all intellectual properties. They will presumably bring something to this body next semester for us to consider.

I want to warn you that there is a short time line for the closure on Architecture, Art and Planning. You will get another installment today, and hopefully we will come to closure in December. The AAP faculty, votes on December 2. The Academic Programs and Policies Committee meets with the Provost on Tuesday and that same day the Executive Committee meets to set the agenda and distribute the motions, so we have a very short fuse. Mark on your calendar, so that you can reserve some time to prepare for that discussion. We are trying very hard, the committee is, to have the faculty in those affected units to initiate and take the initial position.

Secondly, I am announcing that I will try to assemble some Cornell faculty who are editors or associate editors of scholarly journals. This will occur during independent study on December 9 or 10. So I will survey you to find out who on the faculty has had such experience and seek your advice on a project we are doing.”

3. APPROVAL OF MINUTES OF THE OCTOBER 9, 2002 SENATE MEETING

Professor Walcott: “Thank you very much Dean Cooke. We now move on to the approval of the minutes of the October 9 Faculty Senate Meeting. I assume you have all read them and are ready to pass the spot quiz we have prepared. Hearing no objection, I will declare the minutes to be approved. I will then call once again on Dean Cooke for a report of the Nomination and Elections Committee.”

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Dean Cooke: “I will give a traditionally brief report on behalf of the Associate Dean who is occupied otherwise and cannot make the motion to adopt this. Here are two pages of people who have been nominated, and we present these for your approval.”

**Report from Nominations & Elections Committee
November 13, 2002**

Faculty Committee to Advise the Provost on All Tenure Decisions (FACTA)

Biodun Jeyifo, A&S

Nominations and Elections Committee

John Hopcroft, Engr.

Ileen Devault, ILR

Geoffrey Sharp, Vet.

University Committee on Human Subjects

Stephen Mount, Community Member

ASSEMBLIES**University Assembly**

Shelley Feldman, CALS

Melissa Hines, A&S

Board on University Health Services

Sandra Bem, A&S

David Feldshuh, A&S

Andrea Parrot, CHE

Financial Aid Review Committee

Thomas Owens, CALS

University Review Board

Mandayam Parthasarathy, CALS

University Benefits Committee

Alan McAdams, JGSM

Professor Walcott: “Thank you very much, Dean Cooke. Can I have unanimous consent please to approve the report? Hearing no objection, I assume that I have that. I would now like to call on Jennifer Gerner, Professor of Policy Analysis and Management and Chair of the Committee on Academic Programs and Policies, and Professor Buzz Spector, Chair of the Department of Art, to comment on the college’s Realignment Review.”

5. REPORT ON COLLEGE OF ARCHITECTURE, ART AND PLANNING REALIGNMENT REVIEW

Professor Jennifer Gerner, Policy Analysis and Management and Chair of CAPP: “I am just going to briefly tell you that the Committee on Academic Programs and Policies has been working on this. We have done what we can do and it’s in the hands of Architecture, Art and Planning, and Buzz will say something about that in a minute. But the important thing I want to say is that we did ask the Provost, because of the tight time frame, to assure us we are having enough time to comment. I thought I would read to you a paragraph in her response to that. She says, ‘If the administration finds it necessary to recommend major organizational change in the status of the college, we will be willing to delay the recommendation to the trustees to allow for additional discussion by the Faculty Senate.’ So that reassures us that we will have sufficient time to talk about this.”

Professor Buzz Spector, Chair Department of Art and Chair of the AAP Committee on Realignment: “I want to thank the Provost for offering that understanding, because it makes our process among the faculty and staff on the

Realignment Committee, it makes it doable. We have been meeting regularly as a committee to discuss a wide range of issues concerning our shared fate in the College of Architecture, Art and Planning. I think one of the things mandated by the President and the Provost in their initial challenge to our College was that we demonstrate collegiality and come to grips with our future. I think that to the degree that mainly the realignment proposal was a function of shall we say problems with collegiality and a lack of empathy, certainly our sense of shared responsibility for our College and its identity on this campus has brought us together with a willingness to work. I wouldn't say that the meetings of the committee have been conflict free. I would say that they have been civil, and that a great deal of information has been shared and passed around, and that the outlines of several models of structural change are under study on our timetable. We feel we can come up with a comprehensive outline of options we are considering for the structure of the College and deal also with complete seriousness and as much objectivity as can be mustered, to communicate our sense of the standing of the College and its programs in relation to other parts of the university. Having said that I'm ready to entertain questions."

Professor Walcott: "Are there any questions?"

Professor Joseph Ballantyne. Electrical and Computer Engineering: "Is it a foregone conclusion that the College will be disbanded?"

Professor Spector: "That's not the feeling we have reached in our meetings. There is strong support among many of my colleagues for preserving the College, but that a case needs to be articulated in terms that faculty are willing to sign off on within the parameters of their disciplines and within their willingness to accept the college structure as a viable means of developing curricula and solving pedagogical questions."

Professor Manfred Lindau, Applied Engineering and Physics: Nationally the Architectural program is the highest ranked . . . so I was wondering if I could get some information relative to enrollments.

Professor Spector: "Well, I think that the proposal of the President and the Provost was not specifically about criticizing the academic stature of the college as a whole or the achievements of its three departments within their disciplines. Teaching and research are only part of what happens in a college. The rest is of it is about the use of resources, personnel, and services. There are some issues we need to address to make a better and more efficient administrative structure for the College at that level. I know that the aspirations of the departments of the College are to positions of prestige and stature in their disciplines. I think you can construe our mission first of all as to share with the University the value of our individual departments, and secondly to analyze the value of the College to us. We believe that these two terms must remain linked as long as we proceed in our current structure as representatives of a College."

Professor Steven Beer, Plant Pathology: "I believe one of the administrative concerns was the apparent lack of integration of the undergraduate curriculum

of the three units of the College. In your meetings has that concern been addressed, and is there any agreement that there should be more integration among the three units?"

Professor Spector: "We have a consensus that there could be more integration among the three AAP departments and that there is some flexibility in curricula that would make this interaction effective. However, when you talk of two professional degree programs [Architecture and Art] with standing in separate disciplines, there's a relatively low ceiling for studio interaction which generates benefits for both programs. The three AAP departments are willing to share certain forms of seminar or discussion courses. Considerable energy has been put into developing models for seminars on issues connecting across the disciplines, but these proposals probably do not amount to more than ten or fifteen percent of the total credit hours in our separate curricula. The details of an integrated curriculum can be worked out through our Academic Policies Committee, which is the College's version of a Curriculum Committee."

Professor Jonathan Ochshorn, Architecture: "I noticed on one of the overheads that there was a projected December 2 vote in our College. I am wondering . . . I guess the short question is what are we voting on? Is it the intention that your committee is going to make a recommendation or is CAPP going to bring the College a plan to us or are you planning to present a number of options in which case it's not clear what the vote would be?"

Professor Spector: "What we are going to try to do by November 25th is make available to everybody among our colleagues the options we are hammering out such as disbanding the College and moving its three departments to other Cornell Colleges or administratively restructuring the College. I think the vote would be to prioritize from among a slate of models rather than to ask for consensus on one, and if that prioritization is clearly enough supportive of a particular option, then it seems we have spoken on behalf of the Realignment Committee filling in the gaps. That, I think, is the approach of the Committee. We will submit brief summaries of the options to our colleagues to study before we are polled. The only place I can guarantee a discussion will be at the College Faculty meeting on December 3rd. It will be with an eye towards using that week to get more suggestions, and to debate wording, structure, and different formulations of the models we have developed, not to add new models to the discussion."

Professor Walcott: "Are there any other questions? Seeing none, thank you very much. I would now like to call on Carolyn Ainslie, Vice President for Planning and Budget to talk to us about Work Force Planning."

6. OVERVIEW AND DISCUSSION OF WORK FORCE PLANNING AND NEXT STEPS

Carolyn Ainslie, Vice President for Planning and Budget: "Good afternoon. Every time I talk about this subject my asthma gets triggered. I don't know whether it's the topic or the time of the day or whatever. I was asked to come

today to share with you where we are on university wide planning process around work force. It is an ongoing planning process. I don't have a specific recommendation here for you today. It is ongoing and in fact we're really just in the stage where we are about to develop specific implementations on this. I have ten minutes and I'm going to go through a couple of overheads (Appendix 1), and then I would welcome your questions.

"Why are we doing this and why are we have we framed it in the way we have? Some of the things that Bidy introduced at the beginning of the session when you asked about the budget—we are not in a financial crisis, but we do see, looking ahead, that first of all you all have great ideas, lots of programs, lots of things and for us to be able to provide the resources to enable that in the long term, we need to figure out a way of how to do that, to sustain that in the long term, within a balanced operating budget. We also want to do things in ways that are more effective, that are more agile and responsive, as we are doing more things and you all are doing more things that are interdisciplinary across the college, the existing structures aren't as flexible to accommodate.

"Where do we want to be when we are done in terms of our support and administrative structures around this? When it comes to the support needs for you all and other programs and activities we want to run that effectively but also at the lowest cost. As given that we are multiple funded and we rely on lots of folks to provide resources, whether it's students for tuition, or gifts from our alumni and friends, or the federal or state government, we need to be exemplary stewards of those resources. We need to make sure that we are doing it in a way, that we are looking actually at using those resources to deliver those programs. As I mentioned earlier, we want to be able to be responsive to needs. Ideas come on a regular basis here and our ability to generate the resources comes a little bit more slowly. We also want to ensure in all of this that the staff work is reasonable, that it is rewarding, and it's highly valued. So in no way is this intended to be something to suggest that staff are somehow of less importance. As you all know, they are very important to assisting you all with your research activities, supporting the instructional activities and also the public service mission.

"So how do we approach this? I was lucky enough to be named Chair of this committee about a year ago. I raised my hand and volunteered, but it really has become a very important part of what I do. The Committee includes three deans, Phil Lewis from Arts and Sciences, Susan Henry, from the College of Agriculture and Life Sciences, Bob Swieringa from the Johnson Graduate School of Management, Vice President Inge Reichenbach, Vice Provost Walter Cohen and myself. We are advisory, however, to the President and Provost and to the administration. We spent the first couple of months trying to figure out how to approach what we are doing here in terms of administrative and support structures. We decided to approach this by function, as shown here on this chart of the major planning components, because our experience in the past was when we try to do things more efficiently by visiting an organization is that we made different decisions in different places. Then we end up with what we have right now. Someone places value; its resources are financed. Someone decided OK we

are going to respond to this unit. It was very inconsistent. This is really how work gets done. It's not a reorganization; it's really looking at what drives the work in each of these base administrative and support issues. We have scheduled these reviews over a period of the next year. We actually started some of them a year ago. We haven't built any implementation plans.

"I want to share with you some preliminary findings from having studied Human Resources in advance. Our committee didn't study those. We actually had another committee, it included faculty, other deans and administrators around the campus. It has had a lot of variations. So where are we with Human Resources and Finance? We first did a survey about what are the kinds of work and activities that are out there. We reviewed policies; we had a review of some of the surveys that we had, and this is what came out of that review. We also compared it to some external benchmarks, both at other universities and other corporations. Right now, we have on campus (and part of this probably evolved over time of uncoordinated structures, different approaches, different types of organizations) 425 FTEs that perform human resources and financial transactions. What does that mean? Let's suppose that after we have made a decision that we are going to hire someone or we are going to issue a new grant. To make that happen, to move the paper that actually implements those things happening, we have 425. Against any benchmark, any way you want to do the math, that is much more than we need to have as part of the process. "

"We also had a very high error rate. In human resources alone, we tracked it over this period. We had a 65% error rate. What does that mean? It means that when make a decision to hire the research technician in your lab, by the time we get that person appointed, we actually initiate the paperwork and all the compliances that come with hiring, 65% of those required re-work. Half of it emanated from units and half of it emanated from this process and it varies by unit, but sometimes there are 15 steps along the way to get something accomplished in terms of hiring the person that you wanted. Obviously, we all agree that 65% is not something that we would accept. We also observed quite a bit of varied and inconsistent practices around hiring, inconsistent practices of interpretation around policies. Some of it came close to being against the law. It wasn't for bad intentions or anything like that, but a lot of it was just that our communication wasn't good and we didn't have good structure to support it. A lot of it is that we really don't have university-wide training effort for many of these things. And lastly, we don't have sufficient institutional assessment and management of compliance risk. What does that mean? It has to do with if we don't comply with certain things, that we could lose our funding. Most recently, we have had an NSF audit, and they had a lot of issues with how we track and manage our funds and actually the first finding came back that put at risk us receiving any of our NSF funding, given how we attempted to organize our financial processes. This is something that obviously causes us to pause and think about what if the framework that is most appropriate.

"We have recommended a framework for human resources and finance to try to address the things that I just shared with you. Again, it was an over simplification, because many of us have spent hours working with folks and

going through some of this. The recommendation is to consolidate the transaction processing for HR and finance at college/unit level to improve transaction practices and policy interpretation and implementation. To do that is to bring about a more consistent approach and interpretation of the policies. It's also to allow us to get systems implemented there. In doing so, we attempt to reduce some staff. That is based again on a very high level benchmark, and along with that comes some clarification of goals and responsibilities [of who is going to do what in this] process. Again, some of this is already taking place on campus in this way, so this is nothing new. In fact some of the units and colleges are already operating this way. In other cases, it will be a change. To clarify the goals and responsibilities for the human resources area, most people think that's the case where it's important for us not to mistakes. Also the senior administrators in your colleges have the responsibility for the financial transactions and actually determine compliance for college/unit accountability. The department business administrators have accountability to Senior administrators for financial management. We also recommend that we consolidate the general training resources to support staff training and development campus-wide to try to focus on providing better training and to address the weaknesses that we saw earlier.

“What happens next? What happens to you and how does it your department? I can't tell you how it affects your department right now, because we haven't dealt with implementation of this. The implementation plans for the compliance of HR will be developed college by college, unit by unit, in partnership with a committee from Human Resources and finance and will work with the planning team taking into account what the college structure is today, (some of them already have this in place) and taking into account size, scale, geography and the mission of the unit. We also are working on documenting roles and responsibilities, because one of the things we found during this review is this lack of clarity—who really is responsible. When there are 15 people who sign off on a transaction, if something goes wrong with it, when you go back and ask them, they didn't think that they were actually approving the transaction, they thought they were getting information about the transaction that was important to them. So that is one of the things—we hope to reduce the number of steps and clarify in signing off on a transaction that yes, you have some responsibility that you are actually authorizing that transaction take place. We have done a lot of work on policies. Policies drive work. Some of the policies that we have are outdated. One of the things we are doing is making a list of policies that actually generate those transactions that we saw, because the only way this will be effective is to really evaluate the work and make sure that we're spreading the work that we have added. We have a list of about 10 policies that we have started on. We are also looking at things like the thresholds for documentation. We are also working on technology tools to facilitate the transaction processing regarding our efforts underway to do direct deposit, some types of reimbursements, on-line web forms for certain kinds of things that we need to provide along the way to facilitate this process.

“In summary—so what will be different when we are done? Right now the focus is on human resources and finance. When we start student, alumni and facilities,

the methodologies probably won't be as focused on transactions, but in human resources we need to. A lot of the work is really moving the paper to implement the decisions that you all make. We do expect that once we are done with human resources and finance that we'll spend less effort on that transaction process and that we will eliminate some of the redundant and unnecessary work. Because right now, there are things that are done two or three times and checked in multiple places and so hopefully we will have fewer staff doing some of that. There are varied responsibilities. In some cases, the work is shifted to the center, to the college. In some cases the college is the center. It's not as if there is one direction this is moving. It depends on the work and where the decision is, we are trying to get the transaction process focused on where the decision gets made. We have a commitment to measure how we are doing on this. We are going to keep track of these efforts, in terms of the time it takes to get things done, and that will be part of the service agreement that is made when services are being provided by someone outside your local area. The attempt is to reallocate financial resources from support activities to institutional mission activities. In all of this we hope and it's something that is very important to the staff, that they will get a greater sense of job satisfaction, because right now a lot of the job satisfaction is figuring out how to move in a labyrinth of activities, how to move that 15 step thing along the way to get the real work accomplished. Part of this is for those streamlined processes, and with that I think I've used my ten minutes. I would love to answer questions. And maybe Bidy wants to help me. I don't know."

Professor Walcott: "Are there any questions?"

Professor Terence Irwin, Philosophy: When a plan for implementation has been formulated, how long will be left for comment and discussion before the President and Provost decide on whether to accept the plan.

Carolyn Ainslie: "It will vary by unit, again because some of the colleges are at a different points in this process. The planning of the implementation will be over the over the next three to six months. Then the implementation will probably be about a year.

Professor Ronald Booker, Neurobiology and Behavior: *Inaudible*

Carolyn Ainslie: "Five seventy."

Professor Booker: *Inaudible*.

Carolyn Ainslie: "Right. It does create a lot of anxiety. There are a couple of things that we are doing and we are suggestions. We have a number of focus groups with the departmental managers. We have had open sessions with the Employee Assembly. We have been very transparent. This has been a very public planning process. People are somehow thinking that we are done, and we are not. We have quite a long route to go on some of these things. There are some people who are now realizing that this gives them an opportunity. So instead of supervising and dealing with management of pieces of paper and

figuring out how to work through this they actually can be more proactive on assisting with some of the grant applications, doing some longer term planning, space kinds of things. It is a anxious time for a lot of folks.”

Professor Joseph Laquatra, Design and Environmental Analysis: “First of all, I would like to say that I applaud this effort. Anything that we can do to reduce our transaction costs would benefit everyone involved. But we do have reason to be concerned, since the outcome of this effort will affect how we get our work done. I know that you have held focus groups and town meetings, but based on my recent discussions with faculty and staff, I would describe this issue as one that has a low level of awareness among faculty and one that causes a high level of anxiety among staff. I had hoped to recommend to you that whatever group we have that links the Faculty Senate and Employee Assembly be charged with some responsibility to direct concerns from both groups to administration and to act as a sounding board for administration on this issue. I was surprised to learn, however, that we have no formal link with the Employee Assembly. I don't want to use the word "committee," so I recommend to you that a Task Force on this specific issue be formed with representatives from the Senate and the Assembly. This Task Force could function to direct concerns of faculty and staff to administration and to work closely with the Vice President on this initiative. Anything we can do to lower the incidence of rumors about this effort will contribute to its effectiveness.”

Carolyn Ainslie: “I am working with the Financial Polices Committee of the Faculty Senate. We have had one meeting, so that would be my point of contact with you all. We are also going to create faculty focus groups. We have a couple of departments who have volunteered to start, because they have been attempting to narrow staff so there are people who are taking some of the responsibility to figure out how to communicate and organize things. Some times we feel like we are not communicating enough and we are looking for ways for us to do that.”

Professor Manfred Lindau, Applied Engineering and Physics: “I am wondering how it will be decided how many positions would be eliminated. How are those decisions made?”

Carolyn Ainslie: “That’s an excellent question. There was a process that we went through when we looked at benchmarks, and as I mentioned to you all we have many more staff in human resources functions than any benchmark or any other institute of higher education. So what we are doing now is going out and working with the different units, at the college and unit level so there is a higher aggregation in working with them to figure out what their opportunities are. In some cases there are some folks who are already thinking about this--they actually think they can do more than what we would suggest. And it will be that in some areas that they are going to do more and in some areas they are going to do less. We put some numbers out there to think about trying to get a new framework around it, so right now this is our target, and it will be massaged and adjusted as we go and work with the individual units. And also a piece of this is coming from the central office so I think in terms of finance they think they can

have their own stories about it, so we are trying to figure out a way to actually have some kind of way to systematically respond to some of those versus every unit trying to figure out how to jimmy-rig the system to make it work given their particular need. We are working with groups of faculty in these focus groups that are research based, because the research does have, you know, it is very much specific to the individual grant and how to accommodate that. And we have one starting next week, and there will be one after that, so we are trying to collect that input as well, knowing that a lot of it can also be addressed within your college.”

Professor Peter Stein, Physics: “I’m surprised no one said this before me, but here’s a word that you may remember called ‘Project 2000.’ I remember paying a lot of attention to that, and a lot of the transparencies that you show say very much the same thing. Although I must say I’m pleased that they are in black and white instead of Power Point presentations with little people cutting red tape with scissors. There was a lot of effort that went into that, where people were saying pretty much all the same thing. They were talking about the complex paper trails, about touch time they called and things that went back, and it was all going to get reduced, and there were benchmarks, and there were focus groups, and there was a lot of talk that people around the campus and a lot of concerns that people have raised around this room where raised at that point, and there were more talks and more discussion. From a casual point of view, the whole thing was a complete failure. You know you can’t only say the software, because there were two parts to it. There was the software, and then there was this big effort called ‘reengineering,’ which was these things you were talking about. I wonder what you learned from the failure of Project 2000, and why this one is going to be different?”

Carolyn Ainslie: “That is an excellent question. I think some of the lessons learned from Project 2000—one, is not assuming that the technology tool is going to do the ‘reengineering.’ So even though we will need technology, we have got to first of all, prioritize the work you want to do and not just pave the cow path for doing it. But one of the lessons learned is that we have got to establish policies and practices and try to deal with those first before we try to solve anything. I think what happened with Project 2000 is, as the system became the driver, we dropped those things along the way. The second thing about it (and again, this is my personal opinion on it) is that we didn’t clarify who was responsible for certain kinds of things. So we kind of looked to the lowest common denominator of how to solve something, and we didn’t clarify that there are people that need to be listened to and where the responsibility was, so there was a lot of lack of clarity around who was providing input. In some cases it was the louder voices that were doing it and not really where the accountability sat in the organization or should sit in the organization. A couple other things about this effort—we are not intending to spend a lot of money to save a lot of money. What we are attempting to do, through our normal processes, and this isn’t just a separate project, we are trying to integrate it with other things we are doing, planning within the colleges and our annual budget process, is try to think about ways that we can position ourselves for the future.

have their own stories about it, so we are trying to figure out a way to actually have some kind of way to systematically respond to some of those versus every unit trying to figure out how to jimmy-rig the system to make it work given their particular need. We are working with groups of faculty in these focus groups that are research based, because the research does have, you know, it is very much specific to the individual grant and how to accommodate that. And we have one starting next week, and there will be one after that, so we are trying to collect that input as well, knowing that a lot of it can also be addressed within your college.”

Professor Peter Stein, Physics: “I’m surprised no one said this before me, but here’s a word that you may remember called ‘Project 2000.’ I remember paying a lot of attention to that, and a lot of the transparencies that you show say very much the same thing. Although I must say I’m pleased that they are in black and white instead of Power Point presentations with little people cutting red tape with scissors. There was a lot of effort that went into that, where people were saying pretty much all the same thing. They were talking about the complex paper trails, about touch time they called and things that went back, and it was all going to get reduced, and there were benchmarks, and there were focus groups, and there was a lot of talk that people around the campus and a lot of concerns that people have raised around this room where raised at that point, and there were more talks and more discussion. From a casual point of view, the whole thing was a complete failure. You know you can’t only say the software, because there were two parts to it. There was the software, and then there was this big effort called ‘reengineering,’ which was these things you were talking about. I wonder what you learned from the failure of Project 2000, and why this one is going to be different?”

Carolyn Ainslie: “That is an excellent question. I think some of the lessons learned from Project 2000—one, is not assuming that the technology tool is going to do the ‘reengineering.’ So even though we will need technology, we have got to first of all, prioritize the work you want to do and not just pave the cow path for doing it. But one of the lessons learned is that we have got to establish policies and practices and try to deal with those first before we try to solve anything. I think what happened with Project 2000 is, as the system became the driver, we dropped those things along the way. The second thing about it (and again, this is my personal opinion on it) is that we didn’t clarify who was responsible for certain kinds of things. So we kind of looked to the lowest common denominator of how to solve something, and we didn’t clarify that there are people that need to be listened to and where the responsibility was, so there was a lot of lack of clarity around who was providing input. In some cases it was the louder voices that were doing it and not really where the accountability sat in the organization or should sit in the organization. A couple other things about this effort—we are not intending to spend a lot of money to save a lot of money. What we are attempting to do, through our normal processes, and this isn’t just a separate project, we are trying to integrate it with other things we are doing, planning within the colleges and our annual budget process, is try to think about ways that we can position ourselves for the future.

And I expect it to be ongoing. This isn't something that somehow is going to have this short life to it."

Provost Martin: "Just to add one fine point to that. I, of course, was not in the Provost's office during Project 2000, but I do remember that we were going to invest \$20 million in order to save money, and in fact that is what the University did. That is the first part; they invested \$20 million. I think that it is not only from a casual perspective that one could deem that a failure, at least in my opinion. Nobody is investing \$20 million. The \$20 million figure that everyone keeps pointing to and saying, 'Oh. Project 2000,' this time it's the target for savings over time not the amount of money we are going to invest in a project which we hope at some other point in the future will save money. That's a very important difference."

Dean Cooke: "I think I'm hearing some anxiety from my colleagues. The proper answer was we haven't decided that yet, the implementation phase comes later. Something that has not been spoken that I hope you will address is will, as these plans take shape, we have a chance to be consulted before they are implemented?"

Carolyn Ainslie: "The college-specific plans?"

Dean Cooke: "At whatever level. Is there a mechanism so that we don't gum up the works and have to go through a nightmare to straighten out?"

Carolyn Ainslie: "The intention is to bring everything I have to the Financial Policies Committee of the Faculty Senate. I've shared all . . . "

Dean Cooke: "Before you implement it?"

Carolyn Ainslie: "Before we implement it, right. So as we get reports over the next couple of months as that committee meets, I will be sharing, as I did at the last meeting, our documents and things that I am getting along the way. One thing about this is that there are other planning efforts going on in the college that aren't necessarily part of this, so in that sense I'm not going to be bringing all of the individual colleges' budget planning to this. Our scope in this has to do around the supporting administrative services, so to the extent that it is getting coupled with other things in the colleges, right now I'm not intending on bringing that to the Financial Policies Committee."

Professor Walcott: Bidy, do you want to comment?"

Provost Martin: "I was just going to say that at least for these first two functions the recommendation is that the implementation be college specific. So, while it is important for Carolyn and the Work Force Planning Team to take things to the Senate's Financial Policies Committee, I think faculty need to go to your deans to find out what specific mechanisms they are going to use for faculty input in the college itself, because these first two functions, HR and finance, will soon go to the colleges for the college-specific implementation. At that point, I think you

can't lay it at Carolyn's feet to seek input from the faculty, if you see what I mean. This now requires college faculty input that's specific.

"There is one other point I want to make about research funding, because I think it's so important. Some staff who are especially good, and many of you will know who they are, because they are known all over the University for being especially good at grant support, some of those staff are actually among those people who have been involved in these discussions and are most excited about the changes. Why? Because the kind of work they actually like doing is the work that supports faculty primarily for their grant and research activity, and they are going to be freed up from doing some of the drudgery of these transaction processes, which most staff now do along with three or four other things. Also bear in mind, when you see the elimination of a certain number of FTEs doing transaction processing that is not necessarily to be equated with the elimination of 70 full-time jobs. We don't know what exactly the relationship would be between eliminating 70 FTE from that and how many jobs that would take away. I think that Carolyn's team has done a remarkable job of making faculty really the driver of what will be needed for these work functions. What kind of work would a faculty actually need to be supported? And things will be organized based on what the faculty tell this group about what you need in the way of support and not in the abstract on the basis of what kinds of cost savings can be realized. That I think is really critical. I think it is also important to talk to staff who say openly that they see a gain in this reorganization of work for them, because the work they are going to be doing is going to be more rewarding than pushing paper around when they are the fourteenth person pushing that same piece of paper."

Professor Walcott: "Thank you Carolyn and Bidy. I would like now to call on Eberhard Bodenschatz, Associate Professor of Physics and Chair of the University Faculty Library Board for a report.

7. REPORT ON CRISIS IN JOURNAL SUBSCRIPTIONS

Professor Eberhard Bodenschatz, Physics and Chair of the University Faculty Library Board: "Well, it's a real pleasure to be here. I hope you have seen the letter (Appendix 2) that I wrote that came along with the announcement of this meeting. I didn't want to read through this, I just put it up to illustrate a few points. The main thing is that we are really used to a wonderful library. The Cornell Library provides us with seemingly unlimited access to resources. If you look for a paper, there it is. We find it in the stacks, albeit it's a little hard to find it in the stacks, but somehow we find it.

"The problem is that scientific publishers, especially the for-profit publishers, have realized that this is a wonderful market and they have been realizing this for many, many years. The issue is what does it have to do with our library? What will it do to the resources that we can get from the library in the future? One of the problems is pointed out here—*ScienceDirect*—I think it reflects in general what is going on, but of course Elsevier is a very large publisher. So for example, right now we receive about 1500 titles online. These titles are in the life

sciences and physics, all over the sciences, mathematics, and computer science. Right now Cornell is paying, if you just count how much we pay for a click to download a paper, we are paying about \$10 right now per download. So anytime you go to *ScienceDirect*, you click on it, you actually reduce the price per download because we have downloaded yet another paper. So the first paper you download every year is very expensive. The other problem for the library is that Elsevier and other big publishers want a 7% increase per year on these resources. They also make us dependent on those resources, because if you would cancel, let's say, or try to get out of this general subscription of 1500 titles, it turns out if you subscribe individually, it would be more than if you take the package. The Cornell Library has already gone—all these things are negotiated with 15 other institutions. Right now, we already have big bargaining power to do this. For next year, it seems if we stay with that, and the library might have to do this, so no changes for next year, it would add an increase of \$110,000 in the charges that we have to pay to Elsevier. What's clear is that it can't continue like that. We just cannot go on, and what could be done on the side of the library is that we would have to cancel these subscriptions or we could go only online. In other words, there would be no print any more. Right now that would be a slight savings, but later the increases would quickly eat that up again. Another thing is that perhaps we have to go to more with interlibrary loan, which means we would have to wait longer for actually getting the things we need.

"In addition, of course, if you think about it, who is the producer of the information and who is the user of the information? It's like you are building the car, and you also use the car, and somebody puts on a sticker and says, 'I made it.' Because you are the editor; you are the writer of the articles, and you are the person who is going to read the article. So where is the value? In terms of what the big publishers would tell you it's that 'we make the distribution; we make it easy for everybody to come to it.' Well, in the wonderful world of the Internet, it's not so hard anymore if you find your choice is Google, let's say, you use Google to find your articles. In some sense it's not really justified any more to be held hostage by these publishers and one thing we can do as faculty, and this is my main point, is to actually really work on changing this. It would be wonderful to have this meeting of editors that Dean Cooke discussed. I think we actually can put some pressure on the publishers. We can actually make some changes. There is Dspace. We can actually make at least what we publish at Cornell freely available to the world. That would be an enormous change, and we could do that. So we have some effects of changing this. I'm actually an Elsevier editor so I'm looking at it from above. What I found was that I will actually talk—I was just made a Chair on a journal to make a recommendation to Elsevier of how they should keep the prices down. This is open to questions."

Professor Walcott: "Thank you. Steve Vavasis has asked to be recognized."

Professor Stephen Vavasis, Computer Science: "I just wanted to make a brief response of my own point of view. First, it doesn't go far enough in exposing how scandalous the current situation with respect to journals is. We as a community develop new scientific results, we hand the copyright over to Elsevier and Kluwer just so they can sell them back to us at extortionary prices."

These companies certainly deserve criticism for this behavior, but we also deserve even worse criticism for letting ourselves be duped so easily.

Second, the report doesn't go far enough in exploring the dangers that come with the next phase of commercial journal publishing, namely the electronic subscription. Once Cornell signs up for an electronic subscription, we hand over a huge additional amount of power to commercial publishers. Consider that if Cornell later tries to cancel an electronic subscription, not only does the library lose access to future issues, but unlike paper, it also loses access to all past issues. Furthermore, consider the amount of additional power that commercial publishers have over Cornell in the e-world. They could easily concoct a policy in which, if Cornell cancels an e-subscription, then all papers by Cornell authors ever published in the journal are deleted. No such policy exists currently for any journal I am aware of, but there is no legal or technological barrier preventing such a policy from being instituted at any time.

If you think that commercial publishers wouldn't dare, think again. As the librarians can tell you, commercial publishers are not reluctant at all to play hardball with Cornell, and it's time for us to play hardball back. Hardball means organizing real action against journals such as boycotts. For instance, I am currently in a leadership position in the numerical linear algebra community, and I have decided to use my office to organize a boycott of an Elsevier journal called *Linear Algebra and its Applications*. My brief investigation uncovered the fact that this journal costs Cornell three times as much as a comparable journal from our nonprofit professional society called SIAM. The current report does not go far enough in terms of proposing that Cornell should play rough. I call upon the library committee to take a much more militant stand on this issue. Identify the journals that are the worst offenders. Identify the faculty at Cornell in leadership positions. And then help us organize effective boycotts. The short-term goal is to lower subscription prices. The long-term goal is to take away the power that commercial publishers have usurped from us over our own science and give the power back to us, perhaps through our professional societies or through web-publishing like Dean Cooke's D-space proposal.

Professor Walcott: "Thank you. Please go ahead."

Professor Bodenschatz: "I fully agree with you, by the way. We have been taking selective action. For example, in this work that I am in with Elsevier, I have considered stepping down and that the whole editorial board steps down at once, and says that we will make our own journal. Because it's not so hard to find a new journal. If the whole editorial board disappears for Elsevier, that's very threatening for them, because that means all the submissions that come to them have no editor. It will take them about a year to find the right editors again. So we have a lot of power, but we have to really discuss this very wisely. Things like Dspace I think are a really nice way to getting quickly to the problem. The awareness of the faculty is the most important thing here. I think what we really need to do is educate the whole faculty.

Professor Walcott: “Thank you very much. It’s time to move on. I would now like to call on Peter Stein, the Senior Faculty-Elected Trustee, who is going to give us a report.”

8. REPORT BY THE SENIOR FACULTY-ELECTED TRUSTEE

Professor Peter Stein, Physics and Senior Faculty-Elected Trustee: “I was elected a faculty trustee about two and a half years ago, and I have been in that position and was elevated last July from junior faculty trustee to senior faculty trustee with the retirement of Bill Fry. It has been our tradition to have the senior faculty trustee report to this body. I was thinking about what I was going to report on, and let me tell you I have listened to a lot of these reports, and it’s difficult to report on anything, because there is a vow of confidentiality where you swear that you won’t say anything that you heard in a Trustee meeting. So that makes it difficult to report.

“The reports generally are about—that the Trustees are nice people, and they love Cornell, and they are very much committed to it, and they feel very deeply about it. And I agree with all of those things. But I thought I would try to tell you something different. I’m going to tell you three things. One is I’m going to tell you what has happened to the composition of the Board of Trustees over the past thirty years. Two, I’m going to briefly say what the powers of the Trustees are, and third, I’m going to give you my view of how the Board exercises its powers. I have to start with a disclaimer, which I was actually asked to say that all of this is my own view. It’s not official; it doesn’t represent the Board of Trustees. It doesn’t represent Elizabeth Earle. It only represents me; this is my own observations after two and a half years in this job.”

“The composition of the Board of Trustees from 1972 to 2002. From that period of time there have been two trustees that are a little bit anomalous. One is the ex-officio, University President, and the other is ex-familia, Ezra Cornell. You know, these are little bit anomalous, because in a certain sense the major job of the Board of Trustees is to supervise the University President, so it seems odd, at least to me, that the University President should be a member of the Board of Trustees, but that’s the way it’s organized. I must say it is unusual in this country to have family lineage determine who is on the Board. In 1972 there were sixty-two trustees, those two that I just mentioned and 60 others. You can divide them in categories depending on how you look at it. This is a personal division into categories by me. There were 11 trustees that were selected by the faculty, students and staff in Ithaca. There were nine that were selected by special interests. Special interests are agriculture, labor, and commerce, the Secretary of Education. There were ten that were selected independently by the public in New York, and what that means is that they were appointed by the governor or they were the Speaker of the Assembly or something like that. Ten others were selected by the alumni, and twenty were selected by the Board of Trustees. What is interesting about that, and what was very unusual for a Board of Trustees, is that two-thirds of the trustees were selected by people outside of the board and one-third of the trustees were selected by the board itself.

“Then the trustees in their wisdom (I don’t know exactly when it was, but it’s not 1987; it was three or four years before that) decided that the Board was too big, that it was too big for operation. So it reduced the size from sixty to forty. In 1987, this is the way the Board was organized. There was a substantial reduction, and I made the categories by the amount that they were reduced, so there was more than a factor of two reductions of people that were selected by the Cornell community. Then approximately the same in the special interests, then less in those that were selected by the public. The alumni were reduced from ten to two, and those selected by the Board of Trustees were reduced from twenty to seventeen.

“That lasted for a number of years, until last year in 2002 the Board in its wisdom decided that there were too few trustees. So now we have sixty-four trustees. The first four groups are the same, but those selected by the Board of Trustees are now thirty-nine instead of seventeen. What this represents is a substantial change from a Board of Trustees, a majority of whose members were selected by someone other than the trustees, to a Board where two-thirds of them are selected by the Board. By the way, there used to be five faculty trustees, now there are two. The eleven was composed of five faculty trustees, four student trustees and two employee trustees. That made up the eleven, and now that has been reduced to the current make-up. So that’s that. You can either say it’s a good idea or it’s a bad idea. What that depends on is what the trustees do. If you think, well, the major job of the trustees is to raise money, then that’s quite a reasonable thing, because the people in the first two-thirds don’t have any money, and the other people do have a lot of money.”

LAUGHTER.

Professor Stein: “So, what do the trustees do? Well, they make all the major decisions. The trustees decide who will have tenure. They decide who the President will be. They decide who all the deans will be. They decide where money is spent. They decide what the tuitions are going to be. They decide what the faculty raise pool is going to be. They decide all the major appointments. They decide that you are going to be the Provost.”

Provost Martin: “No.”

Professor Stein: “Yes.”

Provost Martin: “They approve decisions.”

Professor Stein: “They decide who is right.”

LAUGHTER.

Provost Martin: “I defer to my colleague.”

Professor Stein: “I think I went through a long list. They decide a lot of important things. OK?”

Provost Martin: “Decide is the crucial verb.”

Professor Stein: “Decide is the crucial verb here. At least one of those things that you heard me say you knew wasn’t true, namely about tenure appointments, because you know that the trustees don’t get together and say, ‘I’m going to promote this one and that one,’ and so on and so forth. But in fact they decide. They are the decision-makers. In fact, what they do is they approve the decisions that the internal process at Cornell has come up with for tenure appointments. As a matter of fact, I’m told that no one can remember a time when a) the trustees appointed someone to tenure who didn’t come up through the process or b) the trustees did not appoint to tenure someone who did come up through the process. So it’s 100%. I voted on this. I really shouldn’t be telling you this; I’m breaking a confidence, but what happens is these sheets come across; I check it down like that and pass the sheet in for the tenure appointments. Once I asked the man, ‘Does anybody ever cast a negative vote or abstain?’ And he said no, not that he could remember.”

Provost Martin: “That’s the good news.”

Professor Stein: “Let me talk about some of the other decisions. Here’s the part that is controversial. It is my observation that essentially all of the decisions have that character to them. You heard Biddy just say, well, they didn’t appoint her Provost; they approved her appointment to Provost, and that’s in fact correct. As a matter of fact, as near as I can tell, from my own observation, there are very few decisions if any that they make on their own initiative. The Board meets four times a year. It’s sort of like the Senate. It’s roughly the same number of people; they meet roughly the same number of hours per year. That’s right. It’s four meetings, and these are one and a half hours, and the trustees have four meetings that are three hours, because there are twice as many. So the actual meetings of the planning sessions of the Board of Trustees are roughly the same total time per year as the meetings of the Senate.

“Trustee meetings are almost always free of controversy. One difference between the meetings of the Senate and the meetings of the Board of Trustees is the degree of controversy. In the Senate people raise their hands, make speeches, and have closely divided votes. I’ve never seen this happen in the Board of Trustees. I spoke to many former faculty trustees and asked if they had contrary experiences. None of them recalled anything being brought to the Board of Trustees that was defeated or even generated more than a few scattered Nays. Votes all tend to be unanimous. The Board of Trustees invariably approves all initiatives the administration brings to them. I’m not sure how to view this mode of behavior. I know a lot of my colleagues think it’s good, because we wouldn’t want trustees making academic decisions about the University. On the other hand, the essential role of providing oversight and a framework for accountability of the senior administration can only be carried out by the Board of Trustees. From my personal experience, and from the personal experience of the former faculty trustees with whom I have spoken, this role is not currently

being effectively performed by the Board. Whether this is in the best interests of Cornell is worth pondering.

Professor Walcott: “Are there any questions?”

Professor Subrata Mukherjee, Theoretical & Applied Mechanics: “Really what is the function? I was thinking about the selection of the President, which is extremely shrouded in secrecy. The faculty members don’t even know who the last finalists are. One day I will just see the name of the President. Do the trustees play some role in that?”

Professor Stein: “No, the trustees do not play a role in that. They approve. There is a search committee. There are some sixty-four trustees. I imagine there are probably about ten trustees on the search committee would be my guess, something like that. Those ten trustees, of course, are involved in making the decision, but the other fifty-four members of the Board of Trustees know of—well, I can’t say about the other fifty-four. I am a trustee, and I know what you know. In fact, there will be a meeting some time, and that choice will be unanimously approved like every other choice.”

Professor Kay Obendorf, Textiles and Apparel: “I am a former faculty-elected trustee, and while I agree with some of the things that Peter said, I believe that there is another similarity to the Faculty Senate. The impact and the discussions come through the committees. So it is a Board of Trustees committee that selected the current President, selected Frank Rhodes before him, and it will select the next President. So like the Senate, it functions through the committee. Discussions of the committee impact change—through discussion rather than through vote impact administration. It is a subtle thing that you see. It is not a thing to come to a vote. So if it is a question about voting, I agree with Peter. If it is a question about influence and guidance, I think they function more through the committee rather than through the Board as a whole, but we do that also. I believe that CAPP had much more active discussions than we had this afternoon, case in point.”

Professor Francis Kallfelz, Clinical Sciences: “I agree that the process is somewhat the same in the committees, but the Senate is definitely a deliberative body and rarely, if ever, votes unanimously on anything. Whereas my understanding of the trustees is just as Peter Stein said, that every single decision made publicly is a unanimous vote of the Board of Trustees. So I guess my question is where are the decisions really made?”

Professor Stein: “Let me respond to that. I don’t entirely agree with what my colleague Kay Obendorf said. I have been on some of those same committees, and I think that in fact, the committee agendas are set by the administration and it’s hard to find something that the administration has brought to a committee which is not approved. There may be some subtle interaction. If there is that, it’s very subtle. I have often wondered where the decisions are made. My guess is that it’s probably a handful of trustees, maybe three, four, five, that are the people that actually interact.”

Professor Walcott: “I think I am going to have to call a halt. Biddy would you like to say something?”

Provost Martin: “I think I should say something. While on the face of it some of what Peter has reported is true from his observations, and I know how the large Board meetings work. It is a very large board. Typically, there isn’t a lot of controversy or split votes at that level. The notion, however, that the Trustees are a rubber stamp for the administration and don’t do supervisory work is completely false. A lot of decision making goes on in committee, and a lot of it goes on in constant, I would have to say, ongoing discussion between administrators and members of the Board of Trustees. One very important decision making group, where there is frequently a lot of discussion, is the Executive Committee of the Trustees. Even by the time things get to the Executive Committee, they have typically been discussed at length and in depth in other committees or directly between members of the administration and groups of trustees. It is not the case that three or four trustees make the decisions. Nor is it the case that they adopt hook, line and sinker whatever comes to them from the administration. Just not true.

“They are the most dedicated group of people that I have ever worked with in my life. And by dedicated I don’t just mean that they raise money and give money by the millions, though they do, but also that they spend more time and effort on the supervision of the running of this university than some of them are actually able to spend, as a consequence of their membership on the Board, on their own boards of their own businesses. They are in constant touch with us. I used to get calls from Harold Tanner, the head of the Board of Trustees, at least weekly and sometimes, especially during budget planning periods, much more frequently. Carolyn and I work with the Finance Committee of the Board of Trustees on, I would say, not only a regular but a constant basis throughout the budget planning cycle. We don’t take to them final decisions that are simply rubber-stamped nor do we simply take from them, whether it’s about finance or anything else, what they say as guidance and simply defer to them on these points.

“Frank Rhodes used to say the role of the trustees is to have their noses in and their fingers out. I think for an academic community that’s what you want. You want them to be interested; you want them to be curious; you want them to be concerned. You do not want them shaping academic institutions. They don’t want to be in that position. When they get into that position of taking a more interventionist role, they are frequently asked to step back or there are discussions about the roles that the trustees are playing, and I have to say (though I appreciate what Peter observes in these larger meetings, and I’m not at all suggesting that his representation of what goes in those meetings is wrong about the typical meeting) the supervision is very close. The interaction and the working relationships are very close. That’s important for you to know. I don’t think we need to be fooling with our Board of Trustees right now.”

Professor Walcott: “Thank you. Thank you, Peter.”

Professor Stein: “I just want to say very briefly that nothing I said was meant to take away from the dedication, the hard work, the contributions that the individual trustees make to Cornell, I hope it wasn’t taken in that manner. I was reporting to you what it was I have seen in two and a half years.”

Professor Walcott: “We will move on to Good and Welfare.”

Professor Kathleen Whitlock, Molecular Biology and Genetics: “I am an at-large Professor lacking in tenure. When I ran for this position, one of the things I wrote in my statement, and I’m amazed that I actually got elected to this position, was that I considered my participation in the ad hoc committee to form a Cornell environmental stewardship council of special importance. It is crucial that we as a society act and act quickly to stem the human activities that will ultimately destabilize our climate, increase our unacceptably high rate of plant and animal species loss, and increase the level of human suffering in our world. To me there is no greater problem facing humanity at this time of our history.

“So to put my actions where my mouth is, I have been working with several student groups on campus, and I wanted to highlight quickly these groups, because what these students would like to do, and I don’t know if this is possible, is to ask the support of the Faculty Senate on some resolutions. That will be coming in the future. The first thing is Tree Free Cornell, which is a resolution already passed by the students, to commit Cornell to using 100% recycled paper on campus. Some of you may have heard about this, and some of you may not. Our department had tried it about a year ago; it didn’t feed through the copy machine correctly, and now I reassure you that it feeds beautifully through the copy machine. Unfortunately, some of my colleagues have a problem with what we might call the incredible lightness of being, i.e. it’s rather thin, but it’s perfectly fine for handouts. There will be a workshop tomorrow from 10 to 11 a.m. in Warren Hall, and if you can send someone from your department who does purchasing, they are trying to get Cornell to bulk-purchase recycled paper. This is 100% recycled paper. Cornell, the last I knew, was the biggest user of paper in the State of New York. The U.S. as a country uses one-third of all the tree products in the world, so that really is a good reason to try and have Cornell commit to 100% recycled paper.

“The second thing the students are doing is something called Wind Energy Now. They are trying to get Cornell to commit to buying into the Fennier Wind Farm, which is up near Syracuse, and they would actually supply five to ten percent of the energy we use here on campus, which I think is 250,000 megawatts a year. As you know, this is the same kind of program. If you look at your power bill, you can buy 100-kilowatt lots for an extra two-fifty fee. So they are trying to get Cornell to buy into this. Already Penn State, the University of Colorado at Boulder and Carnegie Mellon have committed to programs like this. These points came up recently. Cornell held a meeting about three weeks ago, students from other Ivy League schools came here to discuss their programs.

“The final thing the students are doing, and I’m the faculty contact on this, is that we are working to try and make the new Life Sciences Building, which I think you all heard about, the State of New York has committed \$25 million to this ultimately \$110 project, to make it a green and sustainable energy using building. As some of you know, Duffield Hall’s energy use is eight to ten percent. It has increased the overall energy use of the campus by eight to ten percent, and what we are hoping is that the Life Sciences Building won’t be like this. I urge you all to tap into Oberlin College’s web site. They have a beautiful science building. It’s green, sustainable technology. The person who designed it is Professor McDonough, who is an A.D. White Professor-At-Large at Cornell. The students have brought this to the attention, and we are all going to meet Hal Craft next week. So hopefully, Cornell will be put on the map by our Life Sciences Building for a number of reasons. One that it will be a beautiful research building and that it will also be a sustainable energy building. Hopefully, I will have a resolution for you to back in the future.”

Professor Walcott: “Thank you very much. Professor Burkhauser?”

Professor Richard Burkhauser, Policy Analysis and Management: “I would like to do something unusual. I would like to spend two minutes talking about a controversial issue that occurred at Cornell that our senior administrators handled brilliantly. The issue was the recent vote for unionization of our graduate students. I think they made three very important decisions that were correct in this case and would be correct in many other cases that come up along these lines. First, they had faith in democracy and went ahead with the vote when they didn’t necessarily have to. They could have avoided it through legal means and dealing with lawyers. Two, something that’s not so controversial, because we do this all the time, allowed lots of discussion on the issue, allowed neutral venues in which all parties had a chance to express themselves. And third, and controversial at the time, the senior administration made a very clear statement of their point of view on the issue, which was controversial, but I think was very effective and even if some of us disagree with that, I think it’s very important for the senior leadership to actually articulate what they want from us and give us a chance to make up our minds.”

APPLAUSE.

Professor Walcott: “Thank you very much and with that the meeting is adjourned.”

Meeting adjourned at 6:00 p.m.

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary

Workforce Planning Overview

Cornell University
Faculty Senate
November 13, 2002

Workforce Planning Purpose

To provide the resources to accomplish our academic program priorities, to organize work and jobs more effectively and to ensure a long-term balanced operating budget.

The Preferred Future

Support needs are met effectively and at lowest possible cost.

Support is agile and responsive to increasing needs without adding incremental resources.

Staff work is reasonable, intrinsically rewarding, and highly valued.

Workforce Planning Components

	Review	Review	Estimated Full
<u>Review</u>	<u>Start</u>	<u>Completion</u>	<u>Implementation</u>
Human Resources	Jan. 02	Nov. 02	Dec. 03
Finance	Feb. 02	Nov. 02	Dec. 03
Alumni & Dev.	Feb. 02	Feb. 03	July 03
Facilities	Oct. 02	May 03	July 04
Info. Tech.	Oct. 02	May 03	July 04
Student Services	Oct. 02	May 03	July 04

Summary Findings HR and Finance

- ◆ Due to uncoordinated structures, systems and processes too much time and effort is spent on transaction processing. (425 FTEs)
- ◆ High error rate in human resource transactions. (65% or 60,450 transactions required re-work last year.)
- ◆ Inconsistent practices and interpretation and implementation of policies.
- ◆ Lack of university-wide training function.
- ◆ Lack of sufficient institutional assessment and management of compliance risk.

What will be different from today?

- ◆ Significantly less effort in transaction processing.
- ◆ Elimination of redundant, unnecessary or lower priority work.
- ◆ Fewer staff in some support activities.
- ◆ Clearer responsibilities –work will shift between department, college/division, and central.
- ◆ Better service - regularly measured and evaluated.
- ◆ Reallocation of financial resources from support activities to institutional mission activities.
- ◆ Greater job satisfaction for staff – clearer responsibilities, improved job opportunities, better compensation, more intrinsically rewarding.

Implementation Planning

- ◆ College/unit specific planning with VP HR and VP Finance and Workforce Planning Team to address HR and Finance implementation taking into account current configuration of staff, size, scale and mission of college/unit.
- ◆ Documentation of roles, responsibilities and service support agreements.
- ◆ Continuation of policy and workflow review to eliminate work.
- ◆ Further development of technology tools to facilitate transaction processing and reporting.

Appendix 2

Dear All:

I write to alert you to an issue that threatens the very basics of research and teaching at Cornell. As you well know, access to scientific journals and publications is the very foundation for research and teaching. In 2003 the Library is facing serious constraints as it struggles to cope with rising subscription rates for journals across the disciplines. A major focus of concern is how to sustain access to *Elsevier's ScienceDirect*, an online collection of over 1500 titles.

The Library's dilemma is an impossible one to resolve. Either it agrees to a three-year contract with Elsevier that prohibits cancellations for that period and raises prices each year by 7%, or the Library cancels vast numbers of Elsevier journals in order to continue to afford them on an annual basis. The Elsevier pricing policy has made cancellation very expensive: in effect, if the Library cancels, the prices of those subscriptions retained increase substantially, thus eliminating much of what has been saved by the cancellation.

Elsevier is also offering a separate option, which would allow the Library to save some money by canceling all of its paper subscriptions and relying on electronic access only. That option is very problematic, however, because (a) paper copies of many Elsevier journals are still used and needed by Cornell scholars and students, (b) it would in effect shift responsibility for maintaining the collection to the publisher, raising questions about future access and preservation, and (c) it would also prohibit cancellations and lock the Library into 7% increases for the next three years.

The other more drastic option of serials cancellations would compromise the amount of information readily available to scholars and students.

For profit publishers are holding universities hostage. Higher education cannot continue to give away its research findings and its peer review contributions and then re-acquire, at price increases triple the CPI, the scholarly literature that is the fruit of its faculty's labors. In the long term, we must create a new means for dissemination and evaluation of our intellectual output, working with scholarly societies and others to achieve a more sensible solution.

We urge you to work with the University Library and senior administrators to expose the deleterious consequences of present publishing patterns and practices on access to information for scholars and researchers. Some universities have conducted successful symposia or retreats with their journal editors, department chairs, review committees, and other influential campus leaders. As a first step, the Library and members of the faculty senate could educate faculty in their departments about the costs of providing access to many of their key information tools. We need to prepare our faculty of the inevitable cancellation of print subscriptions, and the likelihood that some titles now available in paper and electronic form will only be available through interlibrary loan. In addition the faculty needs to take action in the discussion of emerging alternatives, including the DSpace initiative being launched by Dean Cooke.

Eberhard Bodenschatz
Chair, University Faculty Library Board
November 6, 2002

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, February 12, 2003

Professor Howard Howland, Neurobiology and Behavior and Speaker: "Since we do not have a quorum yet we will adjust the agenda order unless you have any objections. If not, by unanimous consent, I will move to the second page of the agenda. However I think we can do one thing. Unfortunately, I think illness has taken a toll. Provost Martin is ill and cannot be here today. We have the tape recorder running, so if anyone would like to make some comments into the record, which the Provost will read, you are welcome to do so. It's not time to take advantage of the fact that she's not in the room. It's perfectly reasonable to bring things of concern to her attention. Does anybody wish to say anything into the record to the Provost?"

Unknown: "We hope she gets well soon."

Speaker Howland: "Evidently, nobody has that great urge, so I think we should pass to the item scheduled for 5:25 p.m. I'll call now on Professor Jennifer Gerner, Chair of the Committee on Academic Programs and Policies for a closure report on the College of Architecture, Art and Planning."

1. CLOSURE REPORT ON COLLEGE OF ARCHITECTURE, ART AND PLANNING REALIGNMENT REVIEW

Professor Jennifer Gerner, Policy Analysis and Management and Chair of Committee on Academic Programs and Policies: "I think that this was actually sent out. The Committee on Academic Programs and Policies spent most of the fall working with, talking to and doing a variety of investigations with the College of Architecture, Art and Planning and ultimately, just before Christmas, the Provost met with the College and announced that the College would stay together and that there would be a series of committees appointed to look at governance and curriculum matters. The Committee on Academic Programs and Policies thinks we don't really have anything further to recommend at this time. If there are questions, Porus is here to answer some."

CAPP Report to the Faculty Senate Concerning AAP
January 2003

Just before Christmas Provost Martin and Vice Provost Cohen met with the members of the Faculty of the College of Architecture, Art, and Planning to respond to the AAP Realignment Committee report of Dec. 3. At that meeting the Provost announced that the College of Architecture, Art, and Planning would not be disbanded nor would specific departments be dissolved nor made into independent Schools. However, there will be a faculty committee appointed, with faculty from both inside and outside the College, charged with developing a strategic intellectual plan for the College. There will also be a faculty committee, also with members from both inside and outside the College, charged with developing proposals for shared curricular requirements and/or

joint course offerings. This decision appears to remove the need for Senate action at this time.

Speaker Howland: "Questions for Professor Gerner?"

Professor Joseph Laquatra, Design and Environmental Analysis: "What are the follow-up plans when the committees do their work? Are they going to report and then be reviewed again?"

Professor Gerner: "Do you know the answer to that, Porus?"

Professor Porus Olpadwala, Dean, College of Architecture, Art and Planning: "Somewhat. There are two committees. The one on specific directions will be reporting to the Provost. The one on curriculum will be reporting to Vice Provost Walter Cohen and myself. There will be developments, but I'm afraid I don't know in which direction they will go. I don't think that the direction of attempting to dismantle the College again is one of the directions that will be pursued, unless everything comes unraveled."

Speaker Howland: "Further questions? Apparently not. Thank you very much, Professor Gerner. We now have a quorum. We will begin the meeting. I would like to remind everybody that no photos or tape recorders allowed during the meeting. I ask you to identify yourselves and the department you are in when you speak. Please turn off your cell phones, if they are turned on. I will also tell you that there are three Good and Welfare speakers who will speak for approximately three minutes apiece. So we have taken care of the first item. I've told everybody that Provost Martin is ill. We will go now to Dean Cooke for remarks."

2. REMARKS BY DEAN J. ROBERT COOKE.

Professor J. Robert Cooke, Dean of the University Faculty: "My report is very brief. I want to report that we have put in place two committees and want you to be aware of it in case you want to communicate with them. This is a committee to look at the status of non-tenure track faculty. Here are the members.

Committee on the Status of Non-tenure-track Faculty

Lynne Abel

Nancy Burton-Wurster

Stuart Davis, A&S

Don Holcomb, *Co-chair*

Mary Opperman

Don Rutz

Norm Scott, *Co-Chair*

Steve Shiffrin

Susan Steward

Maria Terrell

Pamela Tolbert

Linda Van Buskirk

There are two co-chairs and the expectation is that they will give us some reports during this semester. The second committee is the Task Force on Suspension Policies and Procedures.

Task Force on Suspension Policies and Procedures

A Subcommittee of the Committee on Academic Freedom and Professional Status of the Faculty

Members of AFPS:

- Jonathan Ochshorn, Chair of AFPS & this subcommittee
- Nelly Farnum
- Shahar Ziv, Student-Undergrad
- Shaffique Adam, Student-Grad

Others:

- Joe Calvo, Molecular Biology and Genetics
- W. Donald Cooke, Emeritus
- Cynthia Farina, Law
- Martha Fineman Law
- Melissa Hines, Chemistry
- Rick Johnson ECE
- Mary Opperman HR

Consultants:

- Faust Rossi, Law
- Michael Gold, ILR
- Susan Steward, Academic Personnel Office
- Walter Lynn, University Ombudsman

The *Faculty Handbook* has a large number of due process procedures for tenure-track faculty. Much to my dismay, the record is vacuous on the issue of suspension of tenure-track faculty, including suspension without pay. I'm forming this committee; it will be treated as a sub-committee of the Academic Freedom and Professional Status Committee but supplemented with some additional people, the University Ombudsman and someone from the Law School, as well as two students. I asked them to examine the procedures that are here for dismissal and to see which ones should be transferred over to cover the case of suspension and bring back some recommendations for you to hear. I wanted you to know that it was in process, but I confess that it was something of a surprise to find that the legislative record is empty.

"There is a "Meet the Candidates" Faculty Forum a week from today in this room, and in a moment I will give you the slate, but I want you to make note and urge you to attend and take this opportunity to meet with the candidates. It's a week from today at 4:30 p.m."

Speaker Howland: "Thank you, Dean Cooke. I would like now to call for approval of the minutes of the Faculty Senate Meeting on November 13, 2002. Are there any corrections, additions, or changes? I ask for unanimous consent. Hearing no objections, the minutes are approved. I would like to call now on Associate Dean and Secretary, Charles Walcott for a Nominations and Elections Committee report."

3. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Associate Dean and Secretary of the University Faculty: "Here is my report from the Nominations and Elections Committee, and I ask for your unanimous approval."

Report from Nominations & Elections Committee February 12, 2003

Faculty Advisory Committee on Athletics and Physical Education
Francis Kallfelz, Vet.

Faculty Committee on Program Review
Thomas Dyckman, JGSM
Thomas Kern, Vet.
James Liebherr, CALS
H. Christian Wien, CALS
Joanne Fortune, Vet., Chair

Financial Policies Committee
R. Laurence Moore, A&S

Nominations and Elections Committee (spring)
Ileen DeVault, ILR
John Hopcroft, Engr.
Geoffrey Sharp, Vet.

Public Safety Advisory Committee
Paul Bowser, Vet.

University-ROTC Relationships Committee (spring)
Peter Loucks, Engr.

University Assembly
Jonathan Macey, Law

Unknown: "So moved."

Speaker Howland: "Thank you. No objections? You have unanimous approval. I would like now to call on Dean Cooke to present the slate of candidates for the Dean of the Faculty."

4. SLATE OF CANDIDATES FOR DEAN OF FACULTY I

Dean Cooke: "On behalf of the Nominations and Elections Committee, which prepared this slate for your approval, I ask unanimous consent of this slate so the balloting can begin."

SLATE OF CANDIDATES

Dean of Faculty

(Term: July 1, 2003 – June 30, 2006)

Terrence L. Fine, Professor, Electrical & Computer Engineering, College of Engineering

Danuta R. Shanzer, Professor, Classics, College of Arts and Sciences

Charles Walcott, Professor, Neurobiology & Behavior, College of Agriculture and Life Sciences

Speaker Howland: "Any objections or additions to the slate? Good. You have unanimous approval. I would like now to call on Professor and Associate Dean, Jennifer Gerner, Chair of the Committee on Academic Programs and Policies for a resolution to recommend approval of the Cornell Johnson School/Queen's EMBA Program. She is going to ask for unanimous consent to fix the name of the program, and immediately after the presentation, we will have an amendment. I'll call on Professor Steven Shiffrin for that amendment."

5. RESOLUTION TO RECOMMEND APPROVAL OF THE CORNELL JOHNSON SCHOOL/QUEEN'S EMBA PROGRAM

Professor Gerner: "This is the resolution that you received with the modification that it should read 'Whereas the Johnson Graduate School of Management' not 'Business'. It was brought to our attention that we had written business not management, but other than that, it is the same resolution that you got."

Resolution to Recommend Approval of the Cornell Johnson School/Queen's EMBA Program

Whereas the Johnson Graduate School of Management has a well developed proposal for the Cornell Johnson School/Queen's EMBA Program.

Be It Resolved that the Faculty Senate recommend approval to the Board of Trustees for JGSM to proceed with the introduction of the distance degree program "Cornell Johnson School/Queen's EMBA Program" as an experiment, while reserving the right to establish standards and guidelines for other degree granting graduate and undergraduate programs offered using distance technologies of various sorts. The

Faculty Senate requests a progress report at the end of the first year of operation.

Further Be It Resolved that the Faculty Senate establishes an ad hoc committee to establish standards and guidelines for other degree granting graduate and undergraduate programs offered using distance technologies of various sorts.

CAPP
2/4/03

“The Committee on Academic Programs and Policies has been in discussions with the Johnson Graduate School of Management about their Cornell/Queen’s EMBA program during the fall. We met with them several times and talked them about what their plans were. They have a proposal (Appendix 1), which I think was sent out to all of you, and there are some additional copies available. Our resolution is to approve this program, but also to ask the Faculty Senate to establish an ad hoc committee to establish standards and guidelines for other degree-granting graduate and undergraduate programs offered using distance technology of various sorts. One of the things that we realized in the committee is that this is a fairly large issue that we haven’t really fully explored. While we think it’s OK to do some experimentation, and this program is an example of one that might be viewed that way, on the other hand it would be valuable to think through at least what the issues are in distance education and in granting credit for distance delivered courses and perhaps establish some criteria that one might want to use. So we are also asking that the Senate do that.”

Speaker Howland: “Would you go over what change was made in the wording?”

Professor Gerner: “‘Whereas the Johnson Graduate School of Management’ as opposed to ‘Business’.”

Speaker Howland: “Right. So we have unanimous consent for that change? Hearing no objection, we do. Thank you very much. I would like now to call on Professor Steven Shiffrin, Law and member of the University Faculty Committee for an amendment to delete three words.”

Professor Alan McAdams, Johnson School: “Mr. Speaker?”

Speaker Howland: “Yes.”

Professor McAdams: “Point of order. I think that the discussion of the amendment would be greatly informed if people knew what the proposal is before they vote on the amendment, because the amendment will affect the delivery of the program. The program is intended to be an experiment; it would report back and so forth, so in internal discussions we hope that . . .”

Speaker Howland: “Your point of order is that we should not go forward? Is that right?”

Professor McAdams: “With this particular amendment now but later. Present the case and then discuss the amendment.”

Professor Shiffrin: “As one of the authors of the amendment, I have no objection to proceeding in that fashion.”

Speaker Howland: “We will call on Professor Thomas to present the case.”

Speaker Howland: “I think I will just in fairness put this up, particularly since it’s in larger type. If you look very carefully you will see the three words—other, offered and other—which the amendment proposes.”

Amended Resolution Proposed by Steve Shiffrin, Professor, Law and UFC member and Vicki Meyers-Wallen, Associate Professor, Biomedical Sciences and UFC member 2/4/03

Strikethrough – deleting 3 words

Whereas the Johnson Graduate School of Management has a well developed proposal for the Cornell Johnson School/Queen’s EMBA Program.

Be It Resolved that the Faculty Senate recommend approval to the Board of Trustees for JGSM to proceed with the introduction of the distance degree program “Cornell Johnson School/Queen’s EMBA Program” as an experiment, while reserving the right to establish standards and guidelines for ~~other~~ degree granting graduate and undergraduate programs ~~offered~~ using distance technologies of various sorts. The Faculty Senate requests a progress report at the end of the first year of operation.

Further Be It Resolved that the Faculty Senate establishes an ad hoc committee to establish standards and guidelines for ~~other~~ degree granting graduate and undergraduate programs offered using distance technologies of various sorts.

Professor L. Joseph Thomas, Johnson Graduate School of Management: “I’m Joe Thomas. I have recently been demoted to Associate Dean in the Business School from Professor, and I’m the Associate Dean of Academic Affairs. Mike Hostetler is with me; he is the Associate Dean of Executive Education, by which we mean non-degree programs. The Executive MBA Program that we currently have reports through me as the Associate Dean of Academic Affairs. I would like to talk for just a couple of minutes and give some information on the process, key program features and concluding comments.

“First, process. As Professor Gerner said, we have worked with CAPP for a long time. We did initial steps going back as far as 2001, forming the committee and talking with our school. Inside the Johnson School we had discussion in March 2002, basically a year ago, and a vote in June. We had several meetings with the University Senate CAPP Committee, Jennifer Gerner, Rosemary Avery, Bob Cooke and several other CAPP members. We met with some Cornell Trustees. Peter Meinig was around seeing several of your colleges, in fact, and he put us in touch with Bob Blakely and Irene Rosenfeld. We met with the University Counsel, Johnson School Policy Committee, Johnson School Long-Range Planning and had final Johnson School approval in December of 2002, thirty-five to five. We worked with CAPP regarding the motion.

“Now, about the program itself. Very importantly this distance-learning program is a synchronous program. That’s the reason we like to do it. People are in other locations, but we are talking with them. It’s a technology that allows groups of six or eight people in six or eight locations to constitute the class. I think that we can run a very high quality program this way. Queen’s already does. They are an excellent university with a high quality business school, and they have eight years of delivering this program very effectively, drawing high-quality students.

“The details of curriculum and some other things are in the proposal, but the key is that they will have the same requirements as our current EMBA Program, which we run in Palisades, New York. It has the same number of hours in class, the same requirements, same graduation requirements, academic standards and so on. Cornell has veto power over all of these; so does Queen’s, by the way. The idea is that we both have veto power, and only when a student is accepted or given grades by both schools does that person get a degree.

“A couple of other key program features—we will, inside the United States, advertise it as a Cornell program in association with Queen’s, written small. We intend to have a joint committee that will evaluate syllabi, a joint committee to look at academic issues and have faculty teaching from both schools. We have a financial plan. We intend to fund the start-up cost and expect to break even.

“Program benefits—there are several reasons that we really want to do this. One is that we want to reach business audiences in other locations. Ithaca is not the center of the universe. We do that in many ways right now, but this we really see as a way to reach out to some other audiences that we can’t reach currently. We need to gain reputation among more practitioners. We work on that of course, but that’s one of the ways in which a business school generates a reputation for us and for the University. We want to use it to really learn how (it’s an experiment, as Jenny said) to engage remote audiences, because we see that this would be the way that we could have a joint class with students in China, for example. I’m sure many of your schools do, too. We must get a call a month from a Chinese university that would like to do something with us. We, of course, don’t want to do them all, but we would like to have the option of reaching out to them. We also see this, after a couple years of start-up, as a way to generate funds that will allow us to hire some research faculty and support

research inside the school. So it is not only a teaching program, it is intended to give us contacts and funds to support research.

“Concluding comments. What we want to do is develop an innovative, high-quality program. We want a very high-quality education. We have modified it based on lots of input from lots of people. We will appreciate any suggestions that you have, as well. The program is planned to start in summer of 2004. Lots of things have to happen between now and then, including approval by Queen’s Trustees, Cornell Trustees and New York State Board of Education and hiring directors. That’s one argument why we really would like approval today if possible. I was asked the question would the world end if we don’t get approval today? Of course not, but it is possible that it would extend it a year, even as far off as we are from the start of education. We are at the point where we may need to get things moving in order to keep that schedule.

“We hope to learn from this experience, and we look forward to reporting back to the Senate committee and improving the program as the motion says. The reason that I would prefer not to have ‘other’ is not again that the world would end. We certainly don’t mind working with any group; we enjoyed working with CAPP, but we would like to have some breathing room to have a couple of years in which this program develops. We have done a lot of thinking about it. It is not idle; it’s pretty well developed, and I think that we would like to have the motion approved the way that it is written. I would be glad to respond to questions, but, of course, first Steve ought to be allowed to make his motion.”

Speaker Howland: “Any questions right now?”

Professor Andrew Galloway, English: “I just have a particular question about the start-up period and the resources for faculty. I don’t know if it’s appropriate to ask a kind of detailed question about how you are going to manage that at this point. It sounds like a very important venture, but I’m curious about how the resources will come out of faculty before you have hired new faculty. It seems to me that in your opportunity costs you raise the possibility of adjunct faculty perhaps covering some of this, and you leave it open for yourselves quite appropriately. I’m just curious how your thinking is on that?”

Professor Thomas: “First, we do not intend to have adjunct faculty doing most of the teaching, but we currently, as do many other departments, use adjunct faculty in all of our programs—not the Ph.D. program actually, as far as I know—but other than that we do use some. Our intention would be to—first, we are hiring this year; we intend to hire next year. The program the first year doesn’t have that big a need for lots of people. We would intend to try to staff it the first year, where we would teach five courses with our current faculty, find a way to shift things around and then see that it’s going and hire in that same year, so that as it gears up to teaching ten courses the next year when both classes are there and then we have hired to do that. Does that answer your question?”

Professor Galloway: “Yes, the ratio would be similar to the adjunct and tenure-track ratio that you more or less now have. It wouldn’t be some different ratio.”

Professor Thomas: "We don't have in mind a different ratio."

Professor Risa Lieberwitz, ILR: "Could you describe briefly the difference between the EMBA and the regular MBA?"

Professor Thomas: "The question is the difference between the EMBA and the MBA. The difference is not so much in the education. In fact, part of the way we sell our EMBA is that we tell them, 'You are going to get a Cornell MBA.' You are going to get the same faculty; you are going to get the same curriculum, except that the students are ten years older and have more experience, which is an advantage and a disadvantage, mostly an advantage for the sorts of things that we teach. We have to teach in concentrated form, instead of two classes a week and several classes, we have maybe ten classes a weekend. So that they have to do two weeks of work for two different classes. That is a difference. We try to make them as similar as we can."

Professor Lieberwitz: "So basically, they are both degree programs and your position is that they are as rigorous as any degree program."

Professor Thomas: "Yes, we try to do that. By the way, I am glad no tape recorders are on, but I believe that our program is more rigorous than many of the competitors in this regard. We put a lot of stuff . . ."

Speaker Howland: "The transcript is public."

LAUGHTER.

Professor Thomas: "So anybody who sells that transcript to Wharton, we are going to have words. That wasn't that damaging."

Speaker Howland: "More informational questions?"

Professor Jeremy Rabkin, Government: "Is it a university in Queens, New York?"

Professor Thomas: "No, no, I'm sorry. It's Queen's University in Kingston, Ontario. They are a full-scale university with business, medicine, and law. They are highly rated."

Professor Rabkin: "Is the idea that we want to have an international appeal or just because it's relatively nearby? What's the appeal about Queen's?"

Professor Thomas: "The appeal about Queen's is that they have a distance learning model that we believe that we can emulate. Whereas, I looked at the other distance learning things that many of us have seen coming past us and thought, 'I can't do that. We can't run a program that way.' This one we can do. It is more than just technology. They know how to do this. I mean team management and some other soft skills that we don't go into as much in the

documents that you have. They have learned how to do this through a period of time."

Professor Rabkin: "Would people be going back and forth between Ithaca and wherever this is in Ontario?"

Professor Thomas: "They have been to design the program but not the residence periods. They [students] would be both there and here."

Professor Steven Beer, Plant Pathology: "Does this have anything to do whatsoever with eCornell?"

Professor Thomas: "No."

Michael Hostetler, Associate Dean of Executive Education, JGSM: "We have been sharing information with them and exchanging ideas, but it does not connect with eCornell. They like it that way. They are not interested in getting into degree programs. Their model right now is really web-based education, and this being synchronous is not consistent with their model at this time. So they are very happy for us to move forward and keep them informed, but they are not interested in being involved."

Professor McAdams: "Joe, are you open to reporting back on the experience of the first year and reviewing our learning at the end of the first year of this experiment?"

Professor Thomas: "The question was—are we open to reporting back? The answer is absolutely, because every time we have talked with people, we have learned something new that helps us improve the program."

Dean Hostetler: "We have already agreed, as you know, Alan, to report back at the end of the first year to our own faculty as well. So that is certainly something we are anticipating."

Professor Lieberwitz: "Your answer to the question about eCornell triggers another question from me. You didn't mention one of the major differences that I see between eCornell and what you are doing, which is that eCornell is a for-profit corporation, and their function is primarily to deliver programs in order to make a profit in that kind of structure. I am assuming that you are not doing this as a for-profit, corporate structure; you are doing it as a non-profit."

Dean Hostetler: "That's clearly true. Of course, we are not interested in losing money. Our friends here in our own faculty would be after us with very sharp knives if that were to happen, but as Joe talked about earlier, there are some very important strategic reasons why we want to do this and to do it within the structure of the Johnson School as part of our other non-profit activities."

Professor Lieberwitz: "So there are two questions for me then in terms of what this raises. One is I don't see why eCornell is part of this at all."

Professor Thomas and Dean Hostetler: "They're not."

Professor Lieberwitz: "Well, you are keeping them informed, and they are interested in finding out what you are doing. So it seems to me that one issue to emphasize is that this is actually not related to eCornell, and I wish you would emphasize that."

Speaker Howland: "Is this a question?"

Professor Lieberwitz: "So that raises concerns which I actually had. My other question is about why the Johnson School should do this; the first piece under your rationale was to increase revenue. So what is the primary reason for doing this? Is that number one on the list because it is to increase revenue or does that not reflect priorities?"

Professor Thomas: "The question is whether increasing revenue is priority one. It is one of several goals. I see them as intertwined, personally. I think that we want to support the research that is going on in the school. Our Ph.D. program loses a lot of money. Our MBA program loses a little money, and we find other sources including gifts. We see these as intertwined; we want to generate some revenue, at least to cover the cost, but no, I don't think that is the main reason we are doing it. We see it as reaching out to other parts of the world and eventually supporting research."

Professor Nicholas Calderone, Entomology: "If someone gets a degree from this program, will it say EMBA or will it say MBA?"

Professor Thomas: "It will say MBA. In fact, we have made a point of that in our current EMBA program, as in response to the other question, that we make this program, to the extent that we possibly can, the same as our MBA. There are differences in age and hours and things like that. It will say Cornell MBA, and we like it like that way. We want to make it as good as the current Cornell MBA."

Professor Calderone: "I guess the reason I asked that is because this model doesn't have the same potential for interaction between students and faculty. The experience is going to be quite different."

Professor Thomas: "My opinion is that the experience is quite similar. It is certainly similar to our current Executive MBA, and it really is a synchronous model. It is, in my opinion, just a much better educational experience than most of the distance learning methodologies."

Speaker Howland: "I think we have reached the limit of our presentation time, so I will now call on Professor Shiffrin for his amendment."

Professor Steven Shiffrin, Law: "I am concerned with the proposal as worded. The current proposal reserves, for the Senate, the right to establish standards and

guidelines for other degree granting programs. The negative inference being it doesn't reserve the right for this program. I don't have any particular agenda to change the particulars of this program, but I don't see why the Senate should foreclose itself from the possibility doing so. The way this is worded forecloses the Senate from doing so now and forever. Even if the Business School comes back in a year or two years (nothing in the legislation provides that it must), when it comes back, the Senate according to this won't have the power. The negative inference will be that it doesn't have the power. I trust the Senate to operate in a mature way, not to impose within the first year unless it is absolutely necessary, or in two years unless it's really an overriding reason, and it seems to me that the Senate should therefore strike the words 'other' in both places where they appear, and the other strikeout is just to kind of conform the language."

Speaker Howland: "Is there a second to this amendment?"

SECOND.

Speaker Howland: "The amendment is on the floor, and we are now debating the amendment. Any further comments?"

Professor Rabkin: "I can't understand what it is you are worried about. I am trying to envision the situation, in which the Senate will say a year from now, 'Wait a minute. We don't like what's being done here with Queen's University, and we want to intervene.' It seems to me that we would never want to do that, and if there is any way in which it complicates this program, I don't see why we would want it out on the table that well, we have a loaded gun here, and we might just pick it up. Why would we?"

Professor Shiffrin: "You will notice that the last paragraph says that 'the Faculty Senate establishes an ad hoc committee to establish standards and guidelines for degree granting graduate and undergraduate programs offered using distance technologies of various sorts.' I don't know what the committee is going to discover, but it may be that whatever standards they come up with ought to apply to this program as well, that this program will not be unique and that uniformity would be desirable. Again, I don't have an agenda. I would also point out that the Business School looks forward to reporting back to us to improve the program. I want to make sure that when they report back to us, we still reserve the power to establish standards and guidelines to help the Business School when it goes to the Trustees if necessary."

Professor McAdams: "In some ways, I think that striking the word 'other' increases the risk as perceived by the program. If we are marching down the road and we are trying to do as good a job as possible and someone comes up with things that could undermine the approval of Queen's or our own Trustees, that would be very difficult. Leaving the 'other' in there does not mean that when there are standards they would not apply to us. Of course they would. We are just saying, 'Let us get out there and give it a try. Let's get information and learning, and when everybody has more information, that's an appropriate

time to make changes.' But let's not interrupt what we are trying to do to have a reasonable experiment. At least that's the way I look at it."

Professor Kay Obendorf, Textile and Apparel: "It says in the resolution that you should proceed. That's the first part of the resolution."

Speaker Howland: "Additional comments?"

Professor Lieberwitz: "I would just add that it seems to me this is sensible way to enable the Business School to go ahead and do their program and develop it while recognizing that this also raises larger issues about standards and guidelines, and as those are developed over time, all university programs that engage in this kind of distance learning will need to conform to them. It seems to me that this is logical and as a policy matter desirable, and it also enables the Business School to go forward."

Professor Calderone: "If you leave the word 'other' in there, then you really put together two proposals that have no relationship to each other, and they should be torn apart. On the one hand, you are talking about the EMBA program and after that you are talking about establishing guidelines for distance learning. If you are not establishing guidelines for the EMBA as well as every other distance learning, why put them together in the same proposal?"

Speaker Howland: "Additional comments? Seeing none, I take it you are ready for the vote. All those in favor of voting say aye."

AYE.

Speaker Howland: "Opposed? Good, we move to a vote on the amendment as it stands before you with these words crossed out. All in favor of the amendment, say aye."

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "The amendment passes.

We are now ready to go back to the main motion, and the main motion is the amended motion. Further discussion on the motion?"

Professor Harold Bierman, Johnson School: "In the first place, you want to recognize the uncertainty associated with this. The report unfortunately used terminology that is not appropriate in terms of 'will happen', we 'will enhance' our reputation, we 'will generate revenues' that will finance research—might, possibly and so on, but not necessarily will. Let me jump, I have a long speech that I'm not going to make. I'll make a short speech.

“One thing that I think is related to what Steve is talking about in terms of establishing standards, Queen’s will teach half the program A Cornell MBA should imply a much larger percentage of teaching by tenure-track faculty than 50%, but it’s worse than that. Some of the teaching will be done by adjuncts, and that’s appropriate as Professor Thomas mentioned. These are competent people and so on. Normally, when Cornell tenure-track professors are teaching 90% or 80% of the program, I have no problem with appropriate, judicious use of adjuncts. When Cornell is going to teach 50% of the program, and adjuncts are going to teach part of the 50%, I’m extremely upset. I think that goes back to Steve’s motion in terms of this group establishing guidelines, so that you don’t have a unit giving a Cornell degree under circumstances that are less than optimum from the point of view of maintaining the reputation of Cornell. I happen to think it is extremely important who is teaching a course. We are very careful whom we hire, whom we give tenure to, and here we have a situation where we will not pass judgment on the same basis for half the teaching and possibly more. So I have that one problem that I have voiced before. It’s no surprise to my colleague, and it remains a problem until somebody explains to me what a Cornell degree really means, and that it means less teaching by Cornell faculty than I myself would accept.”

Speaker Howland: “Additional discussion of the motion?”

Professor Robert Bland, Operations Research and Industrial Engineering: “It seems to me that any proposal for a new degree program should be examined with great care by the Senate before we proceed to adopt this initiative, especially when this is extremely unconventional from a degree program standpoint, not necessarily unconventional for executive education or extension type of education.

“This is a program that is characterized even in the resolution as an experiment. It involves instruction primarily delivered by video conferencing; it’s dual, where half the teaching is being done as distance teaching from another university; it has a residency requirement of one week a year for two years at Cornell. The first motivation was a revenue issue, at least according to the order in which the rationale was presented in the resolution. I would like to see some standards established prior to establishing the program on the use of distance learning as a fundamental part of the degree programs. I would also like to know how broad a mandate this is, if this program is established under this resolution. Joe mentioned before that he gets at least one call a month from China asking about establishing a program. Could the Queen’s/Cornell EMBA Program be proliferating? In how many cities? With how many teachers and how many students? Eighty students, by the way, seems to me to be a large number to start with in a program that is characterized by its supporters as an experiment. How long has the current EMBA program been in place? Has Cornell conducted a comprehensive review of that program that we could examine? I would like to know what the boardroom learning format is, which would be the primary format for delivery of instruction. How many class hours for students? There are a number of questions; these are just the ones I have.”

Professor Richard Schuler, Economics and Civil and Environment Engineering: "I just had a question that was raised by this point - you have indicated that you want to get off the ground with this collaboration, since Queen's already had the experience, particularly with skills and with facilitating this boardroom learning. What is your longer-range intention? Is it to continue down the road to always have this joint program or is it, once you have learned and if the market were to expand, to go off on your own where you would presumably exercise tighter control, which is a concern to Professor Bierman?"

Professor Thomas: "The question is —do we intend to work at Queen's forever or do we plan to go off on our own? The answer is that we don't know for sure. We certainly aren't going into the program expecting to cancel it after three years, but the deal we have worked out with Queen's allows us to walk away. They agreed to that; we want to maintain that. We have no intention of doing lots and lots of programs—to Bob's point—with Queen's, but we can imagine that once we learn how to do this, maybe doing something else. We are not sure what that would be. Is that responsive?"

Professor Schuler: "Well, yes. You've told me what you have been thinking."

Professor Stephen Vavasis, Computer Science: "I was just wondering if there was a vote taken on this proposal in the Business School and how that went?"

Professor Thomas: "It was thirty-five to five, and actually I think I said that. I didn't have it on the slide. We had the vote in December. The vote was that strong, because with many people, the more you learn about boardroom learning and how relatively good it is, the better it looks."

Dean Hostetler: "Also, for what it's worth, we actually ran an experiment where we had one class in the EMBA program that currently exists taught through this technology, and the results were very encouraging to us in terms of the students feeling that they got a lot out of it. The format was comfortable and useful to them, and they enjoyed being connected to students on campus."

Professor Ted Clark, Microbiology and Immunology: "Do you intend to offer the current EMBA program as well as this distance learning program? Will the distance learning degree be called a Cornell/Queen's MBA or just a Cornell MBA?"

Professor Thomas: "We intend to offer both. As a school we have made a tentative decision to grow Executive MBAs and not grow our footprint on Cornell's campus with a lump the size that we're after. As to the second one, it would be a Cornell University MBA. It would also get a Queen's MBA. Does that answer the question or did I miss it?"

Professor Clark: "It would be one or the other or both?"

Professor Thomas: "Both."

Dean Hostetler: "But independent. There's a language issue around joint degree versus dual degree and joint degree implies you get one diploma with both universities. The arrangement, which we have negotiated with Queen's, is that each university independently awards its own diploma. So it is a Cornell program. We will be using some Queen's faculty, and the students will be from Canada as well as from the United States."

Professor Thomas: "We have one other such program that has been in existence since 1969. It's very small."

Professor Clark: "If I got my degree there, could I say I had two degrees or one degree?"

Professor Thomas: "Two."

Professor Terrence Fine, Electrical and Computer Engineering: "I was also a member of the CAPP Committee that considered this, and I was uncomfortable with our lack of clarity on our own principles by which we judge these things, by which we evaluate these programs. On the other hand, I am comfortable with the fact that the Johnson School people have thought this thing through rather carefully, rather methodically. They came to CAPP; they gave us due consideration. We did not have a lot of time to give them. We were swamped with Architecture, thank you. So this would have gotten more attention under other circumstances. If one views this as an experiment, and one views this in the light of the amendment, that this is still subject to consideration by a Senate committee in the future, then I am a little more willing to support this. I think it is important that this be viewed as an experiment."

"Now I notice in your rationale, you talked about expanding faculty and doing some things that seem a little more permanent than might be part of an experiment. That troubles me. So I'm not sure. I would like to hear a little bit more from you as to how tentative you are willing to be on this, because I think the Senate still needs to consider what you are doing. We may need to do the experiment. I understand the logic of that. You are willing to take the risk of doing the experiment. We will learn from that, but that could mean that the Senate feels that this is a bad experiment, or that it needs to be modified drastically. Are you prepared for possibly that kind of decision from the Senate?"

Speaker Howland: "Excuse me. We have actually used up the time allotted for this, however we do have more time, so I am going to ask unanimous consent to continue discussing this until 5:35. Then we will go back to our regular agenda. Are there any objections to that? If not, we will continue this discussion if need be until 5:35."

Professor Thomas: "The question was how tentative are we prepared to be. In response to a previous question, I said that we did not anticipate hiring more faculty for the first year, so that we would get some experience. I would rather

not be too tentative, because if you are too tentative, it's hard to make a program go. We plan to advertise broadly and try to get people. Could we pull the plug? Of course, we could. Would we like pulling the plug? Not unless the program was going badly, in which case we would want to pull the plug too."

Dean Hostetler: "I think that's the key point. We have as much interest in the reputation of the school as anybody else at the University, and if we were convinced that this model was a failure in terms of providing the quality that we believe is important, we'll pull the plug ourselves."

Professor Kim Weeden, Sociology: "I wonder if you would have any mechanism in place for actually evaluating whether this experiment is a success or failure. I am a little bit worried about a situation in which you ask a bunch of graduates who just got a degree, a two-for-one, two degrees for the price of one, whether they thought it was a good experiment. Obviously, you're going to get a bunch of affirmative answers there. So I wonder if you could comment on how you plan to evaluate whether this is a success or failure."

Professor Thomas: "Several ways. The way we evaluate our current Executive MBA is—what is the quality of the students? We do ask for their opinions on classes and feel that this is a valid part of this. We also ask the faculty—what do you think of this classroom experience? So do we get good students? Do they learn things? And through time we hope to see if they progress in their organizations."

Professor Shiffrin: "The one thing that I would like to hear more about is the objection that is raised about having Queen's faculty teaching in a program that gives a Cornell degree. I'm interested in terms of making a determination as to whether the quality is what you would want. Do you have a financial motivation that's operating here, as Risa pointed out? You put it as one of the first reasons. I think there is a fundamental issue here of having a Cornell degree with faculty from another institution. Having said that, I'm not saying that I'm opposed to this. I'm really on the fence about it."

Professor Thomas: "The answer is that several of us have gone to Queen's, have met with faculty, talked to them about research and teaching, watched them teach. Our faculty asked (and it is part of our plans) to have syllabi approved by a joint committee, which contains several of our faculty. It is not just who teaches the course, but is the right material being taught? As to whether we want to make money, I would argue that we all want Cornell to break even, which is our motivation. We want to use this to provide more educational outreach and fund research efforts."

Professor Ronald Ehrenberg, Industrial and Labor Relations: "I must say, Professor Shiffrin, I found your last comment somewhat surprising since when you introduced the amendment at the beginning, you said that you understood that this was an experiment and you did not think that the Senate would want to do anything that would interfere with the development of the program in its initial years. This is clearly an experiment. It is worded as an experiment. This

has gone through a committee, the CAPP committee of the Faculty Senate, who felt that this was worthy of this experimentation, and I think that rather than tying up the college now, we should let them get on with the experiment and keep all these concerns in mind. Then when they come back and report to us, we can make some comments about it. This is not the first executive degree program offered in the University. This is not the first joint degree program offered in the University, and if we give a Cornell degree and someone else wants to give that person credit for it also, that's not my problem. That's very different than saying, 'I'm submitting work. I'm going to be getting two different Cornell degrees.' That's not what will happen in this program."

Professor Beer: "Could you briefly address the history and the quality as far as you know of your existing EMBA program in Palisades?"

Professor Thomas: "We are in our fourth year of operation. We have graduated two classes. We feel that the students in it are very high quality. We think it is going very well, and we have started with a small number of students. There were thirty in the first group. We increased the number the second time and third time while we feel holding the quality the same and, in fact, an improvement. It's up to fifty per class."

Professor Fine: "I just wanted to make a distinction. Your way in which you are going to judge this program, your mechanism, may not be the same as the Senate's. There may be issues here, and I think there are issues here, even though as Ron Ehrenberg mentions, this may not be the first dual institution program, that is a big issue to me. That's not an issue that may in fact be a factor in your evaluation of the success of the program. It may be a very big factor when it comes to the Senate. I am wondering whether that's a good precedent, whether we should be moving in that direction? So I just wanted to make the point that your criteria may not be the only criteria and may not even be the ones that the Senate is concerned with."

Speaker Howland: "Any additional comments? Good, I think we may be ready for a vote. Professor McAdams, if you want to be very brief."

Professor McAdams: "Extremely brief. What do our competitor schools do? Do any of them have similar programs? Are there any planned by others? And could you briefly state what they are?"

Professor Thomas: "The question was—do our top competitors have similar programs? Many of them have joint programs. I could list schools; I won't for brevity. Nobody else has this particular thing. We want to be the first."

Speaker Howland: "Are we ready for a vote? All those in favor of voting, say aye."

AYE.

Speaker Howland: "OK. We are now going to vote on the motion as amended. All those in favor of the motion, say aye."

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "The motion clearly carries."

***Resolution to Recommend Approval of the
Cornell Johnson School/Queen's EMBA Program***

Whereas the Johnson Graduate School of Management has a well developed proposal for the Cornell Johnson School/Queen's EMBA Program.

Be It Resolved that the Faculty Senate recommend approval to the Board of Trustees for JGSM to proceed with the introduction of the distance degree program "Cornell Johnson School/Queen's EMBA Program" as an experiment, while reserving the right to establish standards and guidelines for degree granting graduate and undergraduate programs using distance technologies of various sorts. The Faculty Senate requests a progress report at the end of the first year of operation.

Further Be It Resolved that the Faculty Senate establishes an ad hoc committee to establish standards and guidelines for degree granting graduate and undergraduate programs offered using distance technologies of various sorts.

CAPP 2/4/03

Faculty Senate Approval 2/12/03

We will now pass to the next item on the agenda. I will call on Professor John Hopcroft, Chair of the Copyright/Intellectual Property Committee for an update."

6. UPDATE FROM COPYRIGHT/INTELLECTUAL PROPERTY COMMITTEE

Professor John Hopcroft, Computer Science and Chair of the Copyright/Intellectual Property Committee: "Part of my reason for being here is really to seek input. The committee realized very early on in its deliberations that if we went out to the faculty and asked for input on intellectual property, we probably wouldn't get it. So what we have decided to do instead is to put out a straw position, and then we hope people will respond to it. From the input we get from that, we propose to rewrite what we are doing.

"The charge to the committee was to cover intellectual property, and that is both patents and copyright. We decided to focus first on copyright and try to get a position there. So my remarks today are just going to be on copyright, not on patents. The committee's first tentative recommendation is that the introductory

language to the copyright policy is right on. I will just read one sentence here, which gives the tone of it. 'The long-standing academic tradition that creators of works own the copyright resulting from their research, teaching and writing is the foundation of the University's copyright policy.' That seems to me to be what it should be, and we felt very good about the introductory language, so we're not going to make any recommendations there. As you start to get into details, then there are a lot of areas where we think things could be improved.

"First of all, we believe that the University's policies should be independent of the media. We can't see why, if you create something and put it on paper, it is any different than if it is on film or if it's on the computer or somewhere else. We think that the policy should eliminate the distinction between traditional and coded works, and that would also eliminate the section on software. There would just be one intellectual copyright policy. There is also an issue of what 'substantial use' means in the policy, because one of the exceptions to ownership by faculty would be if there were substantial use of University resources. The language right now says 'ordinarily used by or available to all members of the faculty.' What we think really has to be done here is that a number of illustrated examples should be put into the policy, because we think a lot of the concerns come about because people don't have a clear understanding of what is or isn't 'substantial use.' I mean a workstation is not 'substantial use,' and things like that ought to be clarified.

"Another change is 'all members of the faculty' may be too broad. We think that maybe it should be field-specific. For example, presumably every faculty member in Chemistry has access to a chemistry laboratory and use of the laboratory would not be in our mind 'substantial use' of University facilities. We think the University ought to include a list of rights reserved by the University in materials that are generated by the faculty, because quite often if you are doing course materials or something like that where you would have the copyright to it in some sense, there are certain rights that the University has to have in order to continue to offer courses and things of that nature. We think students should be better integrated into the copyright policy. I don't see any reason why students shouldn't have the copyright to things they create in classes. Of course, the University might have to have an applied license to be able to use that thing in certain ways and that should be articulated. We think that there are a certain number of exceptional cases that whenever there is a possibility of a misunderstanding, those things ought to be clarified. You ought to have a discussion with your department chair and clarify them in writing up front, so that everybody's expectations are the same. Finally, we think the dispute resolution mechanism ought to be updated. It is our understanding that nobody has ever gone to the dispute resolution, but it ought to be fixed up a little just in the event that sometime there is a dispute.

"Very quickly, where the current policy says 'ownership vested in the author except under certain circumstances.' There are four of them. The first one is work performed under a research contract, and we don't see that there should be any change there. In fact, we don't see how there could be. If there is a contract governing who owns the copyright, that's going to take precedence. There is a

question about materials created by non-academic employees. Right now, the policy makes a distinction between academic and non-academic, and in some sense, we don't see why that distinction is made. The real reason, the case where you would have the copyright, would be if it is creative work, and if a staff member creates an article and publishes it in a journal, why should they not have the copyright? There are cases where just because you are faculty, you wouldn't have the copyright. For example, you write the course description for the course or something. So we first tried to make a change there, but we did not come up with language that we felt was any better. Any language we came up with was going to create more problems than it was going to solve, so we will probably recommend that we stick with the titles as being the first cut, but point out that there are exceptions where staff members would have the copyright and exceptions where faculty and other academics would not.

"There is a question of clarifying ownership of course materials. In most cases we would assume that faculty members owned the course materials. However one could imagine, let's say, that the Business School asked a number of faculty to go out and develop case studies and these case studies were going to be part of a course, and they believed that they were going to give the Johnson School a competitive advantage over other universities. Then the Johnson School might at the beginning say, 'Look, we are going to own the copyright to this course material, and if you go to another institution, you cannot take it with you.' The clarification of ownership of course materials we think needs some discussion.

"The third thing 'works developed with substantial use of University resources'—there we would eliminate the distinction between encoded works and traditional works, because people were thinking of computers at the time. Now computers are so ubiquitous that that's not a substantial use. The fourth exception—we don't see that there is any change. If something could be both copyrighted and patented, the patent policy takes precedence, and we don't see any reason for changing that.

"The real reason that I am here is to see if I can get you thinking about these items. If anything I've said makes you uncomfortable, we certainly would like to hear from you and get your input. Any input that you send to me, I will send to all members of the committee so that everybody can see it. Feel free to speak to any member of the committee—someone you know personally that you may want to discuss something with—and I hope to hear from you."

Speaker Howland: "We have a few more minutes if anyone has related questions for Professor Hopcroft."

Professor Stephen Vavasis, Computer Science: "We had a discussion here about two years ago about a service that we didn't like where students would get paid by an outside company to take notes on Cornell courses. I guess we passed a resolution against that. Does this policy help us understand that situation?"

Professor Hopcroft: "There is a difference between someone doing something and the copyright. Presumably, if somebody takes notes, they have the

copyright to it. That's what this would say, but the University can have a policy that says you can't do it. The student presumably would be disciplined or something. We can certainly stick that in there as an exception. Let me put up one more slide, because you should think about students. We're proposing that they be incorporated into the policy, the same as faculty, the same as anybody else. What we would do then is say specifically for students there are certain cases where there are certain exceptions, and we could certainly add one which says if you do take course notes, you don't have the copyright. We could add that. Steve, maybe you could send me an e-mail, so I don't forget if you want me to get that in there."

Speaker Howland: "Thank you. We pass now to Good and Welfare. I would like to call on Professor Thomas Hirschl, Rural Sociology, who would like to inform the Senate about his work with a faculty group sponsoring 'A Week Against War.'"

GOOD AND WELFARE.

Professor Thomas Hirschl, Rural Sociology: "I helped to plan 'A Week Against War' that is happening right now on campus. There is a statement on the table. We tried to send it around to faculty for you all to sign. Three hundred signatures were published in today's *Sun*. We are going to print another set of signatures later, so you can still sign it if you want. I got involved with this because the invasion of Afghanistan made absolutely no sense to me, seemed even counter productive in this idea of defeating terrorism. So I sat down with some other faculty and grads with this group, and we looked at various documents and books, and we found an explanation, which is published. It's called the 'National Security of the U.S.' It was published by the White House in September of last year, and it lays the basis for this 'endless war,' which is a very disturbing, kind of imperialistic policy vis-à-vis other countries. Any country could be named as an aggressor, and the army sent in and done whatever. It is sort of an "American über alles." It does describe a rationale for everything that has happened—the invasion of Afghanistan and so on. That is why I stayed with the group and why I want to continue to be motivated to oppose this kind of policy. I would like you to consider what this kind of foreign policy means for our culture, for higher education. That has actually been published by the White House and represents many years of discussions by this group of people on the Bush team. Any questions? That's my story."

Professor Nicholas Calderone, Entomology: "Which source is that up there?"

Professor Hirschl: "It's on the 'WhiteHouse.gov.' It's on their web site. It's called the 'National Security of the United States,' and it was published last year. So it is a public document."

Speaker Howland: "Thank you very much. I call now on Professor Michael Latham, Nutritional Sciences, who would like to speak about the Cornell University Pet Policy."

Professor Michael Latham, Nutritional Sciences: “This is a topic of great academic importance—the Pet Policy. Some of you may have read in the *Cornell Chronicle* about three weeks ago what appeared then to be a new Pet Policy. I am now assured it was not new. I want to challenge this and talk about it, not mainly in terms of what the policy is but in terms of how this University develops policy. The policy states, ‘It prohibits pets from all University-controlled buildings,’ and goes on to state the policy applies to outdoor spaces where animals must at all times be on a leash six feet, more or less, in length. I called the Dean of the Faculty, and he has looked into it; he passed me a note just now. It is very clear from him that there was no consultation with the faculty, the Dean’s Office or the Faculty Senate or faculty governance. I think I am going to raise this mainly as another instance of the University promulgating policies without consultation of the faculty. I do believe the policy is not an appropriate policy. I am a medical doctor and involved in public health. I honestly believe that dogs have much more benefit to public and to human health than they do in terms of risks. I think the benefits far outweigh the risks. In trying to find out how this policy came about, I called the two people whose names were mentioned in this *Chronicle* article. The first was the Director of Environmental Health and Safety, Andy Garcia-Rivera. He was really quite upset with me challenging the policy. I said, ‘Who wrote the policy?’ He said, ‘I wrote the policy. We had some discussion, and this is the policy.’ He said, ‘You can’t challenge the policy.’ I said, ‘You know, I am challenging the Patriot Act, so I can challenge this policy.’”

LAUGHTER.

Professor Latham: “The next person I talked to was the Director of Building Care, Robert Osborn, who seemed most concerned about legal entities and so on. As I got into this long conversation with him, he said, ‘Professor Latham, you know Cornell is a business.’ I said, ‘I thought I was employed by an academic institution, not a business.’ Much of the policy is based on concerns about health. I phoned my friend, Janet Corson-Rikert, who is Director of University Health Services and a physician. She said that she had not been much consulted on it. She did not agree with much of the policy, thought it was much too stringent. So I really come to the faculty to raise this as an issue. Bob tells me that he thinks a group called the Policy Advisory Group or the Policy Advisory Committee of the University, which I am not aware of, has no faculty representation but is the one that promulgates or at least puts out these policies. So I raise this as a concern that policies are made, infringements of which have penalties attached to them, and which we have had no discussion about. Thank you.”

Speaker Howland: “Thank you. Lastly, I will call on Professor Stephen Vavasis, Computer Science, who will give a brief presentation concerning academic freedom and software licenses.”

Professor Stephen Vavasis, Computer Science: “The topic that I am concerned about is the restricted license agreement that comes with software. What I am particularly concerned about is the clause that says something like ‘the purchaser

of this software may not publish a review or a benchmark of this software without prior permission from the company.’ This kind of clause in a software license agreement is surprisingly common. These are the agreements that are either the pieces of paper in the box with the very small print or the things that you click that you say, ‘I agree’ when something comes up on screen. This is a surprisingly common clause, and I believe that it is harmful to academic freedom. I guess I won’t explain why; I think it’s kind of self-evident why. Just the simple act of buying something restricts you in what you could write about in your scholarly work.

“So the question is—is such a clause enforceable? This was completely uncertain. There was really no law and very little judicial precedent about such a clause until last year actually. A. G. Spitzer filled suit against Network Associates over such a clause, and Manhattan Supreme Court Judge Shafer ruled just last month in favor of the Attorney General and ordered Network Associates to pay damages and strike the offending clause. That was good news. My department played a role in the case; we provided some assistance to the Attorney General and a little expertise.

“So what is the next step for the Attorney General’s Office. The next step is that the Attorney General plans to write letters to other software companies that have such a clause demanding that they remove them or face some kind of a lawsuit also in New York. The Attorney General’s Office has asked me to find out instances where such a clause has had some impact on a piece of research, because they would like to go after the offenders where the clause has actually made a difference and prevented somebody from writing about something. So if you know of such an instance, please send me an e-mail. Somebody who was actually affected this way, but didn’t want to get something sent to the Attorney General because of fear of reprisals from the company, has already contacted me. So if you are in that situation, I don’t really know what to do, but at least call me and tell me about it. That’s just what I wanted to bring to your attention. Any questions?”

Professor Fine: “Reprisals? Microsoft wouldn’t do a thing like that.”
LAUGHTER.

Speaker Howland: “Well, it is not time for adjournment, but the chair will entertain a motion for adjournment.”

SO MOVED.

Speaker Howland: “Thank you. All in favor say aye.”

AYE.

Speaker Howland. “The meeting is adjourned.”

Meeting adjourned 5:50 p.m.

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary of the Faculty

Appendix 1

PROPOSAL

JOHNSON SCHOOL/QUEEN'S EMBA PROGRAM

December 2002

Recommendation

It is recommended that the Johnson School of Management at Cornell University (hereafter Johnson School) begin a new dual degree program in partnership with the Queen's University School of Business (hereafter Queen's). The new Executive MBA program will be targeted for launch in the summer of 2004 subject to appropriate Cornell University and New York State approvals.

Rationale

There are seven reasons why the Johnson School should undertake this program:

1. There is the potential to increase our revenue and diversify our sources of revenue.
2. The program will allow us to hire more faculty members, and these faculty members will help the various areas increase in critical mass and breadth of research expertise.
3. There is an unmet market need that the Johnson School can fill. This program will attract students who want to work full-time and earn an EMBA from a top ranked business school. Multiple cities smaller than New York can be targeted because of the distributed nature of the program.
4. This program will allow us to develop expertise in distance education (videoconferencing) and other distance technologies that we can use in other activities, including the MBA program, global outreach and non-degree executive education. This will enhance the flexibility of the Johnson School's educational programs.
5. The Queen's University School of Business is an excellent school, with a highly successful distance EMBA program. They were rated #2 among non-US business schools in the recent Business Week Ranking. They have 400 high-quality students in their distance MBA program.
6. The new program fits with the strategy of increasing the presence and reputation of the Johnson School and Cornell. This program will initially only involve the US and Canada, but it has the potential to allow us to have a global reach soon.
7. Our competitors are moving rapidly to develop joint EMBA degree programs, including the Columbia/LBS MBA program and the Kellogg/Schulich MBA.

Purpose

The new program will help us grow in terms of our skills, capabilities and resources. It will also improve our reputation within the corporate community and among business schools. It will generate needed revenue for the Johnson School. The program will also enhance our capabilities in distance learning/boardroom education using a synchronous approach.

Fit with Johnson School and Cornell Strategies

The proposed program fits with and would help the Johnson School accomplish several goals. In particular, it will contribute to our desire to maintain leadership in U.S. higher education, help us develop a position as an innovator in the development of unique programs, recruit outstanding faculty, and diversify our income sources to help us maintain financial stability and independence. The program also fits with our investment strategies: hiring high quality faculty who can demonstrate excellence in both research and teaching, and investing in technology to facilitate high quality education and learning.

Target Market

We will attract students who hold a university degree with a minimum of five years of work experience, high GMAT scores and grades, and an interest in working in an international environment. The Admissions Committee will work towards an average level of work experience of greater than ten years. We will attract U.S. students who want to work in the U.S., but are in underserved markets, without a top-tier EMBA program. We believe this program will be attractive to students who prefer the technological approach and flexibility. For the first year of operation, we will focus on the states of New York and Ohio.

Positioning

This program will be a high quality EMBA program for people holding a university degree who want to prepare themselves for senior management careers. Participants don't have to experience a career interruption to undertake the degree. In the U.S., the program will be marketed as an EMBA from Cornell's Johnson School, in association with Queen's. The Johnson School has the right to review and make changes to Queen's marketing materials in Canada.

Delivery Format

The program will be delivered using videoconferencing and the boardroom-learning format. This will be accompanied by two campus residency periods, each one of which will be of two weeks in duration. Residency periods will be equally split between the Johnson School and Queen's. All classes other than the residing periods will meet on Friday and Saturday.

Startup Issues

There are some costs associated with the launch of the program. We plan to try to raise startup funds to cover the monetary costs, but the program can pay those back. When this program is launched there will be additional pressure on faculty staffing, until we are able to hire new faculty. In the long term, we expect to hire new faculty members to support the program. The program will also generate revenue that will be used to support our research program.

Administration

The Johnson School and Queen's will jointly administer the program. There will be a Program Director from each school and a Joint Academic Committee comprised of two faculty members from each school and the two program directors. Every student must meet the Johnson school admissions standards as administered by our faculty members. A program director will be responsible for marketing and administration. The joint committee will work with the Deans to develop faculty-staffing plans.

Curriculum

The program will be nearly identical to the current Johnson School EMBA program. All of our core courses will be maintained. Electives will be selected by the joint committee, but will build on each of the functional areas. The program will consist of 60 credits. Each student must meet Cornell's requirements for the degree. For example, each student must maintain a 2.7 average. In addition some Queen's requirements must be met regarding minimum grades and team performance. If either school expels a student the student is dismissed from both programs.

Financial Information

We believe the program will break even the first year that we have both first and second-year students. We intend to raise funds to cover the startup costs of over \$1,000,000. The financial potential is similar to that of the current EMBA program, and the delivery mechanism allows easy scalability if the School decides to add sections or reach other parts of the world.

TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	1
1.0 INTRODUCTION.....	4
2.0 RATIONALE FOR THE PROGRAM.....	4
3.0 FIT WITH THE UNIVERSITY AND THE SCHOOL.....	5
4.0 OPPORTUNITY COSTS	5
5.0 PROGRAM DESIGN	6
6.0 PROGRAM ADMINISTRATION AND REGULATIONS.....	6
Exhibit 1 - CURRICULUM OVERVIEW and DRAFT CURRICULUM.....	7
Exhibit 2 - ACADEMIC REQUIREMENTS AND REGULATIONS.....	9

1.0 INTRODUCTION

The Johnson Graduate School of Management at Cornell University and the Queen's University School of Business propose to introduce a new Executive MBA program. This program will be targeted at both Canadian and American students. This new EMBA program will be targeted to include 80 students initially (40 from Canada and 40 from the U.S.) and will be delivered using synchronous videoconferencing technology in a boardroom-learning format. Students will have a residency requirement at both the Johnson School and Queen's. Students must be accepted by both schools in order to matriculate. Graduates of this program will receive two degrees, a Masters of Business Administration from the Johnson School and from Queen's.

The new program will be a partnership between the Johnson School and Queen's. Each university will be responsible for 50 percent of the faculty teaching. Admissions and academic standards will also be administered jointly, in a manner such that the admissions and graduation standards of both schools will be maintained.

2.0 RATIONALE FOR THE PROGRAM

There are seven reasons why Cornell's Johnson School of Management should undertake this program:

1. *There is a financial opportunity.* One of the key strategies of the Johnson School for the next ten years is to diversify its sources of revenue. This new EMBA program will contribute to that effort and enable the Johnson School to support other initiatives in the school, especially in the area of research and faculty support.
2. *The program will allow us to grow our faculty.* One of the most constrained resources in the Johnson School is faculty. The program will allow us to hire at least three more full-time tenured or tenure-track faculty members. These faculty members will contribute to both our research and teaching capabilities, and the addition of new faculty from this and other initiatives will help the various area groups achieve a critical mass and breadth of research and teaching expertise.
3. *There is an unmet market need for a prestige EMBA in many cities. We believe that we can offer an excellent opportunity to this market.* We can offer a high-quality program using the video-conferencing technology developed at Queen's. The Johnson School can partner with Queen's to deliver an outstanding EMBA program. Such a program will allow students who have already earned an undergraduate degree to earn an EMBA degree with minimal career interruption.
4. *The proposed program will allow us to expand our current teaching expertise to include an important distance learning methodology.* Queen's is known for the delivery of EMBA programming through the use of videoconferencing technology. This program will enable the extension of this technology in an international setting. In the longer term, we see this technology as an important way to reach audiences all over the world, for degree programs and executive education.
5. *The Queen's University School of Business is an excellent school, with a highly successful distance EMBA program.* They were rated #2 among non-U.S. business schools in the fall, 2002 Business Week ranking. They have 400 students in their high-quality distance EMBA program.

6. *There is a fit with Cornell's and the Johnson School of Management's Strategy.* (See Section 3.0).
7. *Our competitors are moving rapidly.* New joint programs have been launched (e.g., the Schulich School at York University and the Kellogg School at Northwestern and Columbia and the London Business School have launched a dual degree program). Other schools are seeking similar partnerships to enhance their global reputation. We believe that this is an important first step toward building future alliances. We plan future expansion.

3.0 FIT WITH Johnson School AND Cornell STRATEGY

The proposed program fits with and would help us accomplish the goals stated by the Johnson School and Cornell:

- I. To be a quality leader in U.S. higher education, developing exceptional students and scholars for citizenship and leadership in a global society. Put very simply, the Johnson School wants to continue to set the standard for excellence in business education.
- II. To strengthen an environment that stimulates exceptional research and teaching. A dynamic relationship between scholarly inquiry and creative teaching is essential to the achievement of the Johnson School's Mission and Vision.
 - Hire and retain outstanding teachers/scholars
 - Support faculty with up-to-date facilities, information, resources and technology
 - Develop initiatives to further integrate teaching with research and scholarly activities.
- III. To be recognized around the world for unique programs.
 - Ensure curriculum and program development reflect the increasingly global context of life and leadership in the 21st century
 - Foster scholarship and interdisciplinary teaching and learning.

For some time the Johnson School has been investing in key resources to accomplish these goals: (1) hiring and retaining faculty demonstrating excellence in both research and teaching, and (2) investing in technology to facilitate high quality education and learning. The school has a strong reputation for provision of high-quality management education. The new program fits with this strategy, and it will enable us to continue to hire high quality people and develop our capabilities in distance learning.

4.0 OPPORTUNITY COSTS

The Johnson School currently has a reserve that will allow us to launch and market this program without having to take funds away from existing programs or hiring initiatives. However, we plan to conduct a targeted campaign to raise the start-up funds for this program.

To launch the program, time will be required from current faculty. This will reduce the number of hours available for research for some faculty. If all of the teaching was done by tenured or tenure-track faculty, this would be equivalent to the research done by 4 FTE (approximately 7 % of our tenured or tenure-track faculty). However, the program can benefit from the expertise and skills of our current and future adjunct faculty to reduce this cost.

the long-term to our research program. Moreover, it is projected that the program will generate funds for the Johnson School that will support our research program and public programs.

5.0 PROGRAM DESIGN

This new EMBA program will consist of 60 credits, taken over a two-year period. There will be campus residency periods that will last for approximately two weeks both at the beginning of the program and in the summer between first and second year. These residency requirements will be split between The Johnson School and Queen's, so that the students feel part of both schools. During the second year of the program, there will also be an international project that will encourage the students to work on a company project in an international setting. The intent is to have each team comprised of a mix of students from both the American and Canadian boardroom sites that work on these projects. In addition, the students will get exposed to the international business principles and practices through their coursework and the use of guest speakers and guest faculty. See Exhibits 1 and 2 for information about course curriculum and academic requirements.

6.0 PROGRAM ADMINISTRATION AND REGULATIONS

The program administration will consist of two directors (one from the Johnson School and one from Queen's) and an Academic Committee that will oversee the program. The Academic Committee will be composed of two faculty members from the Johnson School and two from Queen's, as well as the program directors.

The role of the program directors will be to develop the market for the program, deal with admission of students, under the guidance of the Joint Faculty Committee, administer regulations, and ensure that the program runs smoothly. The directors will make annual recommendations for program tuition to the respective two deans. In principle, both schools agree to follow a consistent pricing strategy for tuition, but understand that different approaches may be required over time due to currency changes, market conditions, etc. Initially, tuition will be all-inclusive. Any program fees must be mutually agreed upon. The directors shall also write a report at the end of each year assessing the quality and relative success of the program for the deans and the faculties of the two schools.

The role of the Academic Committee is to approve changes in the curriculum for the non-core courses, to ensure continued quality of the program, deal with academic standards and integrity, and provide feedback to the respective school faculties.

It is proposed that in cases where academic discipline decisions are appealed beyond the Academic Committee, that alternating classes will be designated to one of the Universities for dealing with academic appeals. This will ensure fairness and consistency for all students in a particular class year.

Exhibit 2 provides a comparison of the current academic requirements at the Johnson School & Queen's and the proposal for the academic requirements and regulations for the proposed program.

Exhibit 1

Curriculum Overview of Proposed Cornell-Queens EMBA Program

Draft: To be modified for final approval based on input from several constituencies.

The purpose of the proposed curriculum is to meet the programmatic objectives and requirements of both the Johnson School and Queen's EMBA programs, and combine them to achieve synergies relevant to the target student market.

- In terms of requirements, the proposed curriculum meets or exceeds the core and general credit requirements of the current Johnson School EMBA program.
- The program is intended to be primarily a general business management curriculum and thus give a solid foundation across management disciplines.
- The objectives of the curriculum are to meet the needs of the unique aspects of the proposed program as well. This has three elements.
 - o First, it provides a solid foundation in management theory and application. This area includes both the designated 'core' courses, as well as introductory courses on leadership, teamwork and other relevant skills. This area is meant to be designated as 'required' and thus stable from year to year. All currently designated core requirements of each school will be met (or exceeded) by the program. For Cornell, the core would include the current core in our EMBA program as well as requirements in the Queen's core of managerial (cost) accounting and additional credits in economics and international trade beyond our current microeconomics requirement.
 - o Second, the curriculum goes beyond the basics in each core area to include a related elective, which covers additional strategic and tactical issues, as well as introducing a more global perspective in that area. This area is covered by second year courses – which are designated as 'elective' to indicate that the program management team has the ability to include a set of courses most relevant to the needs of the students in any given class and the availability of faculty. The electives may change from year to year.
 - o Third, it provides an international project and more integrated global and strategic content to meet the needs of the intended target student population. It is expected that the program would include content such as global courses during the second summer session and international and new venture projects in the second year to cover meet objective.

To give some sense of how a curriculum plan can accomplish these objectives we give an "example" curriculum guideline on the attached page (with rough Cornell equivalent credits in a 60 credit program for each). This guideline is meant to indicate how a curriculum could meet the objectives and requirements outline above (rather than what will necessarily be the specific courses in the program).

Draft Curriculum

First Year Summer Session (2 weeks: 50/50 Kingston/Ithaca)

Goals: Team Building; Program Awareness; Academic Assessment; Familiarity with Program/Participants as well as both Queen's and Cornell.

Courses: Leadership and Teamwork, and Team Meetings (1.5); Role of the General Manager (2.5); Foundations of Accounting and Finance (1.5). **Total of 5.5 credits.**

First Year Coursework (21 weekends)

Goals: Fundamentals in Core Areas

Courses: Financial Accounting (2.5); Strategy (3); M&O/HR (3); Finance (3); Marketing (3); Statistics (3); Operations (3); Economics and Industry Analysis (3.5) **Total of 24.0 credits.**

Second Year Summer Session (2 weeks: 50/50 Kingston and Ithaca)

Goals: Focus on international business/strategy and international projects

Courses: Global Economy (3); Global Strategy (2.5) **Total of 5.5 credits.**

Second Year Coursework (17 weekends)

Goals: Provide a) depth beyond the first year courses in each functional area: b) broadening of international knowledge and understanding of new venture process through coursework and projects; The courses listed below are meant to be representative of those that may be offered (second year coursework is meant to be a flexible set of courses that will change over time to best meet the goals of the program), with the exception of Managerial Accounting and MIS, which are designated as core courses.

Example Courses: Managerial Accounting (2.5); MIS (3); FSA/Valuations (2.5); (Int'l) Marketing Strategy (2.5); Negotiations (1.5); (Int'l) Financial Strategy (2.5); (Int'l) Supply Chain Management (1.5); New Venture Management (2.5); Change Management (1.5) **Total of 20.0 credits.**

Second Year Projects: New Business Plan (2.5); International project (2.5) **Total of 5.0 credits.**

International Trip: A team trip is required as part of the international project.

Total credits = 5.5 + 24.0 + 5.5 + 20.0 + 5.0 = 60

EXHIBIT 2**Academic Requirements and Academic Integrity**

Draft: To be modified for final approval based on input from several constituencies.

Academic Requirements**Current, Queen's:**

1. 20 course credits
2. Average of 65%
3. No more than four grades below 65%
4. No grades below 50%
5. Actively support the Learning Team
6. Attend at least 75% of class sessions
7. Attain at least 50% on the individually graded portions of all courses.

Current, EMBA at the Johnson School:

1. 60 credits (roughly the same as 20 course credits)
2. At least a 2.7 (B minus) average
3. At least a 2.5 in the "core courses."
4. Failing grades, if any, can be made up. Any substitution must be approved in advance.
5. No team or attendance policy

Proposal:

1. The Johnson School requires 60 credits for graduation. Queen's will translate course credits into their system
2. Each school's faculty will use their own grading system, and we will have a translation process, such as:

	<u>Queens</u>	<u>Johnson School</u>
a.	< 50%	= F
b.	50 – 52%	= D-minus
c.	53 – 55%	= D
d.	55 – 57%	= D plus
e.	58 – 59%	= C minus
f.	60 – 61%	= C
g.	62 – 64%	= C plus
h.	65 – 68%	= B minus
i.	68 – 71%	= B
j.	72 – 75%	= B plus
k.	76 – 79%	= A minus
l.	80 – 89%	= A
m.	> 90%	= A plus

Note: This will be made consistent with the grading system that now exists at both universities.

3. The average required for graduation will be 2.7.
4. Any student below a 2.7 cumulative average will go before the Joint Committee. That committee will write a contract that gets the student back above 2.7. If the contract is not met, the student may be forced to withdraw. The committee will administer the process and can make exceptions, but not to the final average required for graduation.
5. The Queen's "Team and Attendance" policies will be used.
6. Any failure (F, or grade below 50%) can lead to expulsion. The joint committee will be allowed to develop an alternate plan for satisfying the requirement (such as taking a different course, or taking the course in a third year).
7. A student cannot have more than four grades below 65% or B minus.
8. If students do not have a passing grade (>50 or above F) in the individually graded parts of a course, they cannot be given a course grade above 64 or C+.

Academic Integrity

Proposal:

1. For purposes of dealing with Academic Integrity, each course will be designated as a "Queen's" course or a "Johnson School" course. We propose that each EMBA class will be designated as following the procedures of the Johnson School or those of Queen's. For example, the first entering class might be designated as a "Queen's Class," and any appeals would be handled by Queen's.
2. The instructor does the initial investigation for any violation of academic integrity. The instructor must consult with the program directors to insure consistency through time. The instructor, program directors and the student are allowed to agree on a determination and a sanction. If they do not agree the student can appeal the decision made by the instructor and program directors to the Joint Committee. Following the decision of the joint committee, we proceed with step 3.
3. Academic integrity issues will be brought to the school designated in item 1. The procedures of that school and university will be followed. The other school agrees to abide by the final decision and any sanction that is imposed. Thus, for example, if a student is expelled by one school's process, they are expelled from both programs.

Note: The "Joint Committee" will be composed of two faculty members, from each school, appointed by the respective deans. They will act as an Academic Standards Committee and as the initial Hearing Board for questions of Academic Integrity.

MINUTES OF A MEETING OF THE FACULY SENATE Wednesday, March 12, 2003

Professor Howard Howland, Neurobiology and Behavior and Speaker: "I would like to remind everyone that no photos or tape recorders are allowed during the meeting. I would like to ask everyone to identify themselves and their department when they speak. Please turn off your cell phones. We have no Good and Welfare speakers today, and you may have noticed that the agenda is shorter than usual. As Provost Martin is not here. I will start by calling on Dean Cooke for remarks."

1. REMARKS BY DEAN J. ROBERT COOKE

J. Robert Cooke, Dean of the University Faculty: "I have two fairly short updates. The first is that there is a discussion in process of Life Sciences Strategic Corporate Alliances. The administrative principles involved in the development of this are not available either today or next month at the Senate meeting. So that we have some general faculty means for input, I have asked the Local Advisory Council, which normally reviews grant proposals, (so it's a collection of individuals who have considerable experience in the area of funding for research) to look at it. Because of the time pressures, I'm suggesting that if they find nothing of any serious concern to the faculty that they would report that to the UFC, and that would be the end of it. If, on the other hand, they find issues that require your attention, then we would bring it here in May. Should you wish to interact with this group, here is the membership of that standing committee (Joseph Burns, Thomas O'Rourke, Martha Haynes, Hector Abruna, Paul Houston, Michael Kotlikoff, John Lis, Molly Jahn, Cutberto Garza). Robert Buhrman is the Chair. I'm sure they would welcome your input; they have just received the proposal, and I will keep you informed as this moves along.

"I have a very quick informational update on the Scholarly Publishing Project. Remember that we are proceeding in two parts. One is creating a digital repository that is being operated by the library, and this is a place for storing resources that are to be shared with the faculty, students, staff and the rest of the world. It can be multi-media; it can be data from experiments; it can be a number of informal kinds of materials that the faculty need to communicate with each other. If you publish a paper, you could put the massive raw data sets in this collection and refer to the address in your paper. We have a few things that are far enough along that I can report on. The Johnson Art Museum has already created about 18,000 images of its art collection and will be doing more. They have volunteered to put these on the digital repository and make them available to you. The Cornell Plantations has a new research project, in which they are going to photograph every specie of plant in the Plantations' collection for the four seasons, and they will post this and make it available to the world. There are other projects, and I want to remind you of this so that if you have other potential projects that you think we ought to be focusing on, I would be delighted to hear from you.

“We have some other things of a more formal nature that are moving along. One is that the faculty in the humanities have been faced with a considerable predicament concerning books they publish through university presses. They are being constrained now because the university presses have a financial burden to deal with, so there is greater pressure to publish things that have a commercial aspect to them in order to preserve their bottom line. We are proposing that one of the possibilities to overcome this would be to publish it on the DSpace in digital form, provide on-demand print copies, so that if you want a copy you can print it at low cost, and yet would not foreclose the possibility of publishing in the more traditional ways. Submissions would be reviewed by the press and meet the same standards, so that you would not be entitled to publish there automatically. It would still have to undergo the normal review process, and it would carry the university presses’ imprint. That is in the early stage, but it looks like we have interest in pursuing it.

We are also interested in providing on-demand printing for existing journals. We are having conversations with the *Philosophical Review*, which has been published by the Philosophy faculty for over one hundred years, and we are hopeful that we can reduce their costs. We have conversations with the Graduate School and have gotten permission to post dissertations and theses.”

Speaker Howland: “Thank you. I would like to call now on Provost Martin. Provost Martin has to leave shortly after these remarks.”

2. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Biddy Martin: “Yes, I apologize for that. Since there was limited time, I thought that I should take questions from you. If you don’t have any, I’ll make some remarks.”

Speaker Howland: “Any questions for the Provost?”

Professor Terrence Fine, Electrical and Computer Engineering: “The admissions process that has gained such notoriety?”

Provost Martin: “You mean the admissions mistake? What would you like to ask, Terry?”

Professor Fine: “I’m sure you have something to say about that.”

Provost Martin: “What I have to say about that is that I think it is a horrible thing for the young people, given all the stresses of applying to colleges and waiting to hear whether you are going to be accepted, and especially given that these were students who had Cornell as their first choice, because they were early decision applicants. I feel especially badly about it. I think that it was handled as well as it could be handled in the aftermath of a mistake of that sort. I have asked the head of Admissions to send out a letter on letterhead of apology to all of the 550 students to supplement what was e-mailed. But it was human

error; someone typed in the wrong code and ended up having the longer list instead of the list only of accepted students go out. I'm sure that Doris Davis and her staff are doing everything necessary to ensure that it doesn't happen again. It's too bad; we got a lot of press for it. I don't really believe the adage that it's better to have some press than none."

Professor Brad Anton, Chemical & Biomolecular Engineering: "Can you report on the Dean search for the College of Arts and Sciences?"

Provost Martin: "The Dean search for the College of Arts and Sciences is in its final phases. We have announced the four finalists, and their names and curriculum vitas are on the Provost's web page, a web page that I'm sure you have bookmarked and visit frequently. But in case you don't, you can find it easily by hitting 'provost.cornell.edu'. They will be coming to campus in a very narrow window, actually at least three of them will. The week after spring break, starting on Sunday evening, we will have three people here between Sunday and Wednesday, and the reason for that is a combination of their schedules and that fact that Jeff Lehman can only be here on Sunday and Monday of that week, and we are trying to get three people in to meet him while he is here. We expect that the visits will be done by April 2. The search committee will meet as soon as we have gotten feedback from the faculty, who will have a chance to meet all the candidates. Once we have your feedback, the search committee will then submit a list of candidates they deem acceptable to the Presidents (plural). We hope that we will have a new Dean in the first two weeks of April.

"There is also a search underway for a new Dean of the Law School, as many of you know. That search committee has been meeting weekly for about three weeks. We already have a relatively long list of internal and external candidates, and we will be proceeding through the summer and hope to have a new Dean by January 2004 or July 1, 2004. We will be starting the search for a new dean of Architecture, Art and Planning, once I have finished with Arts and Sciences."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "I am just wondering—the finalists are all external—but did you find any internal candidates before that didn't make it to the final list?"

Provost Martin: "Yes, there were internal and external candidates. The search committee is a rather large one. It's made up of thirteen faculty members from Arts and Sciences; it's a great committee. It has met at least once a week and sometimes more frequently since early September. After very serious deliberations about what would be best for the college and what the various profiles were of the different candidates, that group decided to go with the external group of four."

Charles Walcott, Neurobiology and Behavior: "I wonder if you would be willing to say a word or two about the financial situation, particularly in the statutory colleges. What is the current dismal view?"

Provost Martin: "Well, the current view is that it is dismal. I'm just kidding. You have to be able to joke in hard times, they say. The state's budget situation is looking worse and worse. Many of the members of the administration were in Albany yesterday. Things are looking worse rather than better from the state front. What does that mean for SUNY and therefore for Cornell? We won't know for a long time, and that's of course the problem in New York State. We probably won't have state budget until sometime in the summer, if then. Therefore we won't know how bad things look. We are doing a lot of lobbying directly with the state, the governor's office, the senate, and the legislators, as well as with SUNY. But, there will definitely be cuts and the question is only how big they will be, what the magnitude of the cuts will be. That's on the contract side. Of course, if student aid is not restored to the state budget, that will mean that on the endowed side we will have to provide more financial aid funds, and that will therefore affect the budgets on the endowed side as well. So it will affect everyone.

"On the endowed side, things are going to be tight for the next few years certainly. None of us obviously knows exactly what is going to happen in the next few months economically or militarily, so it is extremely hard to say how long this climate of constraint and limitation will last on either side. I would say, even on the endowed side, we are going to be constrained for certainly a few years. We are going to have faculty salary programs. We are not dropping our faculty salary goals. There will be differentiation across colleges in the amount of the increases. That's based not simply on the availability of funding but also on market data that shows which colleges are closest to reaching market. We will have a staff salary increase program as well, but it will probably be a little lower than we had hoped. We have modeled into the future to satisfy ourselves that we are not renegeing on our commitment to increasing faculty salaries to reach the median of our peers. We might just reach it by a different route but within the same amount of time. We are actually doing, as you all know, quite well. On the contract college side, we are getting so close to meeting the goal even after two or three years of our faculty salary commitment, that we'll probably reach that goal in fewer than the number of years we set out to reach it. On the endowed side, it is harder to reach our goal, because of the peers who are just ahead us. In absolute dollars we are doing much better and even in the percent difference, but it's hard to overtake Columbia."

Professor Steven Shiffrin, Law School: "I'm curious as to whether you know if the admissions people have yet designed the application for the fall. The Law School just recently determined to change the language of its admissions form so that whatever the court did, there will be useable information. I'm talking, for example, of asking about diversity but without mentioning race in the application, talking about discrimination and hurdles that the candidate might have had to overcome without mentioning race in the application. I'm just curious if they have focused on what they are doing with wording the application."

Provost Martin: "I think they are doing what you can imagine all admissions offices are doing and that is trying to anticipate a number of different possible

outcomes and be prepared for any number of them. There has been no official change in the form based on some assumed outcome as yet, nor will there necessarily be a change. None of us will know probably until June or July I would guess."

Professor Shiffrin: "I'm just suggesting that it would possible to change the form without changing the admissions policy. One that would allow you to implement the prior policy without having a form that would not obviously contradict what the court ruled. The court would be unlikely to say that you can't take a personal view into account of discrimination or anecdotes of that kind."

Provost Martin: "There will have to be some creative ways to deal with whatever the Supreme Court decides without being unlawful."

Speaker Howland: "Thank you, Provost Martin."

Provost Martin: "You're welcome. I'm sorry I have to leave."

3. APPROVAL OF MINUTES OF FEBRUARY 12, 2003 SENATE MEETING

Speaker Howland: "I would like now to call for approval of the minutes of February 12 of the Faculty Senate Meeting. I ask for unanimous approval. Hearing no objections, the minutes are approved. I would like now to call on Associate Dean and Secretary Charles Walcott for a Nominations and Elections Committee report.

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Charles Walcott, Neurobiology and Behavior and Associate Dean and Secretary of the University Faculty: "I usually at this time have an overhead to present to you and flash past. I don't this time, and it's not from lack of activity in Nominations and Elections; it's just that nothing fits under this particular cycle. I would like to take my two minutes, however, to urge you, when you get as you will very shortly a canvas for candidates for all the various and assorted committees, to please look it over and give us suggestions and help. Nominations and Elections meets, and we are faced with this great blank slate. We are desperate to find people we can recommend for all these various committees. We would greatly welcome self-nominations or suggestions of people who you think might fit and be appropriate for all the various committees. In addition to that, we are going to need to replace our distinguished speaker. Professor Howland has said that he does not wish to continue in this role, so we need to find somebody else. Suggestions would be most welcome. And my term as Associate Dean and Secretary of the University Faculty also ceases on June 30, so we are going to need to find someone for that position. Again, suggestions are most welcome. Thank you."

Speaker Howland: "Thank you, Professor Walcott. I would like now to call on Dean Cooke for the Dean of Faculty election results."

5. DEAN OF FACULTY ELECTION RESULTS

Dean Cooke: "On behalf of the Nominations and Elections Committee I wish to report the result of the balloting that we have just completed and invite you to join me in congratulating our new Dean of the Faculty – Charles Walcott."
APPLAUSE.

Speaker Howland: "The chair will recognize the dean-elect if he would like to make a few remarks."

Professor Charles Walcott: "I would simply like to say that I am deeply honored by this election. I feel that the former deans, here present, have set an example of open-mindedness, of a judicious frame of mind, and in my opinion have done a wonderful job as deans of the faculty, and I hope very much that I can live up somewhat to the standard they have set. I look forward very much to working with all of you. Thank you."

APPLAUSE.

Speaker Howland: "I would like now to call on the Co-Chairs of the Committee on the Status of Non-tenure-track Faculty. Professor Norm Scott is not here, but I believe that Professor Emeritus Donald Holcomb will make the report."

6. UPDATE BY THE COMMITTEE ON STATUS OF NON-TENURE-TRACK FACULTY

Professor Emeritus, Donald Holcomb, Physics and Co-Chair, Committee on Status of Non-tenure-track Faculty: "First I should say that my co-chair, Norm Scott, sends his apologies. It turns out that he had a previous commitment for giving a talk to a group and thought that he had better be there. So I will simply have to take both ends of it. I had actually been planning at the time of questions later on to take notes if some important matters come up. I see at least two of my colleagues on the committee here. Steve and Stuart, I hope if there are important questions that you will help me remember them at the next meeting."

"It seemed like a good idea to first remind the Faculty Senate of what you did last fall (October 9, 2002) and that is to direct the Dean of Faculty to appoint a task force basically to investigate various aspects of non-tenure-track faculty. We have tried to take seriously a wish list of things this committee might investigate, and I'll return to that a bit later with some slight expansion or in some cases some wording changes which seemed to us to make sense with respect to pursuing some of these tasks."

“Part C of your resolution last fall was that this committee should report to the Senate on the progress no later than the second Senate meeting of the spring, (and that’s today) but may report earlier if any specific proposals are ready for action. That was a fabulously optimistic phrase, since the charge to this committee, in fact as we talked about it, we realized extends to a huge range of policy issues surrounding many groups of faculty numbering somewhere between 1000 and 1500. So this is a big job, and the committee will undoubtedly have a report later in the spring, but what it will consist of, we don’t know yet. My remarks won’t be more than six or eight minutes, and there will be plenty of time for questions, and we can still leave early.

“Here is the membership of the committee. I will give you a moment to go down through. You will either know names, or you can read the origins of this committee of substantial size.

Committee on Status of Non-Tenure Track Faculty

Lynne Abel

Associate Dean, College of Arts and Sciences

Stuart A. Davis

Senior Lecturer in English

Donald F Holcomb, (co-chair)

Prof. of Physics Emeritus

Linda Van Buskirk

Senior Lecturer in Communication

Mary George Opperman

Vice President, Human Resources

Donald A. Rutz

Professor of Entomology

Norman R. Scott (co-chair)

Professor of Biological and Environmental Engineering

Steven H. Shiffrin

Professor of Law

Susan J. Steward

Director, Office of Academic Personnel Policy

Maria Terrell

Senior Lecturer in Mathematics

Pamela S. Tolbert

Professor of Organizational Behavior, ILR

Nancy I. Wurster
Senior Research Associate in Veterinary Medicine

Dean Cooke put this committee together, and it ended up being a substantial size because of the need to really get quite a number of different viewpoints into the considerations. If you look at it, you will find that it is a mix of faculty people, members of the University Faculty with a capital 'F', a number of senior lecturers and senior research associates and then several absolutely invaluable administrative people. Mary Opperman, Vice President for Human Resources, and Susan Steward, Director of the Office of Academic Personnel Policy, are absolutely essential, because we find ourselves already ranging over many issues having to do with personnel matters, appointments, you name it. Down at the bottom is one of the really important members of our committee and that is its web site (<http://instruct1.cit.cornell.edu/~sad4/NTTF/>). We have relied on a high-tech proficient member of our committee from the English Department, namely Stuart Davis who has set up a web site. On that web site you will find some documents and also links to many, many different places, and that web site and its links will only grow with time. I'm sure those of you who have particular interests will be able to find interesting documents thereon. If anybody is interested in that and hasn't written it down, Stuart can give it to you any time.

"Up at the top is a question which we needed to ask ourselves right away, the answer to which was not immediately obvious from the instructions in the resolution. (Appendix 1). The term faculty, for one thing, has both a capitalized version and a small letter version. The capitalized version is essentially the group that is represented in this Senate, the University Faculty. But, in fact, the motion clearly intended the term to include those folks who many outsiders would imagine to be members of the faculty, namely employees engaged in the various aspects of the teaching and research program. It seemed better to us to start with a list of those groups of people that are called academic appointments, and here it is. You will find this list of those positions, which are included as academic appointments, in the *Faculty Handbook*. Of course there are the people with the title professor. That number, roughly 1600, was my guess; it's by no means accurate. Then the positions of senior scholar and senior scientist established some years ago, of which it turns out, that according to our records, there are only four at the moment. You can go down through the list.

"For several reasons we thought that we could make most progress if we imagined a restricted group from this list for our first cut through, and that is the group in the green box. These are the lecturers and senior lecturers, research associates and senior research associates and similar for extension associates. The two numbers there in succession represent the number of senior members in that category and the other group. Within that green box there are approximately 1000 people, so that we are in fact talking about a substantial chunk of this university's teaching and research community. We chose to restrict ourselves partly because it is a huge group, and partly because it seemed to us that there are some issues there that are more or less common to those groups. Some of these groups have very special circumstances surrounding their duties,

and we felt it was wise to begin with a group with which we had some chance constraining the considerations.

"The other important group down at the bottom—librarians and archivists. We found that group already has rather more clear cut policies and procedures for handling some of the matters that are under our purview, but most importantly it is just a very different group than the group within the green box.

"I will just talk a little bit about where we are and then open the floor to any questions that people might have. These are the study areas that are taken almost directly from the instructions in the faculty resolution.

**STUDY AREAS OF COMMITTEE ON NON-TENURE
TRACK FACULTY**

- **Terms of appointment, performance review, notice, safety nets, "job security"**
- **Rights to academic freedom**
- **Knowledgeability about and access to appropriate appeals and grievance procedures**
- **Professional development** -- opportunities for appropriate leaves, conferences and workshops, opportunities for consulting activities
- **Voting Rights**
- **Titles**
- **Emeritus/a status** -- use of title, support for post-retirement professional activities, Non-\$ retirement benefits

There are, I think, seven of these. They are broken up slightly differently and there is slightly different terminology that seemed to us to more accurately guide our work as we go along. The top one you can read for yourself and see its meaning. Number two, rights to academic freedom, is obviously an important

issue. It is of course immediately somewhat different for the non-tenure people, because there has been such a tight link between academic freedom and tenure. So we need to look at that afresh. I found it interesting to look at a report of a committee that I think was chaired by one these standard committee chairs, Bill Bowen from Princeton or somebody like that, and looked at this academic freedom issue a few years ago. And there is an interesting sentence in the middle of the report where it says effectively, 'Somebody ought to look at the issues of academic freedom for non-tenured faculty.' That was their solution for the moment. Well, we are going to try and look at it. Of course the third one is more or less self-explanatory. In the original faculty resolution used the phrase sabbatical leave. It seemed to us that made a lot more sense after we had drawn that into a phrase of opportunities for professional development, which can include appropriate leaves of absence, conferences and workshops, opportunities for consulting, so we really in that case felt it appropriate to broaden that original description. Voting rights is self-explanatory, titles, and then the last one emeritus status. In this case, again, we want to broaden it beyond that specific phrase of emeritus, because what we are really talking about is post-retirement professional activities or their non-dollar retirement benefits. We will probably be guided there by the present policy for emeritus faculty, which has a long list of what is provided for such people.

"This is where we are right now.

Steps: -- Get background materials

-- Examine college/other unit differences

-- Summarize gaps/critical issues

-- Recommendations

The steps that we imagine as we have actually broken our group up. Our group was large enough so that we actually have seven little, tiny sub-groups that are looking at these different areas, and we are just getting going. We imagine going through the steps at the bottom and pulling together all the background materials, examining college differences or other units. Fortunately, those differences seem to be in the fine print rather than in the basic—particularly for those colleges that have large components of our initial target group. We are going to be looking for gaps or critical issues in those different areas and then ultimately move to recommendations. I should say that as we get to the recommendations phase, I personally will retreat more into the background. It seems to be inappropriate for an emeritus professor to be sitting around trying to decide the future of the faculty; therefore my colleagues will come more into the foreground. So that's it. I would be glad to answer any questions. There are several colleagues here."

Speaker Howland: "Do you want to field your own questions?"

Professor Emeritus Holcomb: "Yes."

Professor Stephen Vavasis, Computer Science: "Are you planning to compare Cornell to other universities?"

Professor Holcomb: "The question was whether we plan to compare the situation here at Cornell to other universities. The answer is certainly yes. In particular, if you think of an area like academic freedom, we will be very much interested in how other institutions may have handled this situation. It's clear that there will be only a certain amount of that possible. I think you can understand why because of the total available time. On the other hand, we certainly intend to use all of that."

Professor Rebecca Schneider, Natural Resources: "Are you only looking at official policies of colleges and departments or have you considered doing a survey to get at what actually happens in practice by getting some feedback from the different elements of that group?"

Professor Holcomb: "I think the answer is yes. One thing that we are trying to get under way now is an on-line forum. That is going to be on the air within a short period of time. We have talked about—in fact Steve Shiffrin may have made the suggestion—that we have some hearings available. The answer is certainly one needs to know what is happening out there, not just what is written down on pieces of paper."

Professor Peter Stein, Physics: "I have two questions: A trivial one which I am asking jointly with my colleague, Professor Fine, and a big one. The trivial one—we can only count three professorial titles and you had six. Could you explain that?"

Professor Holcomb: "If I had my *Faculty Handbook* I think I could."

Professor Stein: "Do you want me to give you the three?"

Professor Holcomb: "Yes, go ahead and give me the three."

Professor Stein: "Assistant, Associate and Full."

Professor Holcomb and others: "Visiting, Adjunct, Courtesy. There are probably more than six, actually."

Professor Stein: "Now the serious question. This notion of the rights to academic freedom—that is such a broad question, I wouldn't even know how to get a handle on it. In particular, are there extent complaints about the violation of academic freedom on the part of non-tenure-track faculty or are these only sort of hypothetical, theoretical arguments that people make? Is there really a problem?"

Professor Holcomb: "I do not know. In the debate at the time this committee was set up was there any suggestion that such might exist? The group that is looking at that will certainly want to find out what the local situation is."

Professor Risa Lieberwitz, Industrial and Labor Relations: "Just in terms of addressing what Peter raised about academic freedom, perhaps it would be helpful just to put it out there. It seems to me that one of the issues that your committee will look at is not only the question of whether there are actual complaints or, as Peter put, a theory, but also the way in which in practice there is self-censure that goes on because of the feeling of vulnerability."

Professor Holcomb: "It may well be that in response to that the committee may recommend some rather forthright attempt to set down some sort of guidelines or what have you."

Professor Lieberwitz: "It seems to me that the link, if you just follow the link that you raised between academic freedom and job security, that historically it was there for a reason. People feel more comfortable in speaking in classrooms or in their research or just generally publicly if they feel secure in their jobs. So I would assume that one of the things that your committee will look at is increasing job security and questions about historically why non-tenure-track faculty do not have job security of the kind that tenure-track faculty do or at least tenured faculty do and possibly make recommendations toward that end of increasing job security. Do you think you have some time to talk about that?"

Professor Holcomb: "I think what you have said is the central issue, really, and that is that without the protection of tenure, then it is a different playing field. That group is going to be looking at that central question."

Professor Linda Rayer, Entomology: "I'm a non-tenure-track assistant professor. Where are you placing people like me in this categorization?"

Professor Holcomb: "In the middle of it. We decided to begin with this group of 1000 people that we felt that were in categories that had enough regularity and similarity and large numbers that we would, in some sense, cut our teeth on that group."

Professor Rayer: "So I would be in the category of assistant professors or would I be in the senior lecturer category?"

Professor Holcomb: "No, you would be in the professorial category. It's just that we decided to begin with another group."

Professor Rayer: "My other question is—I've been looking over the enabling legislation for clinical professor title, so I might be a little bit out of date, but it looks like one of the goals of this is to have specific deadlines for the tenure of these positions of four to five years. How much is this being discussed?"

Professor Holcomb: "As far as I know that is not in the bailiwick of this committee."

Dean Cooke: "The clinical professor title? We provided the enabling legislation. It was sent to the Trustees; they approved it. We are now waiting for a college to come forth with a particular plan, which then will be reviewed by the Senate. We have no proposals from a college at this point."

Professor Ron Ehrenberg, Industrial and Labor Relations and Economics: "In my role as chair of the AAUP Committee on the Economic Status of the Profession, this is an issue that we are very much concerned about, and we at the AAUP are very much concerned about both non-tenure-track full-time faculty and also the role of adjunct faculty. I think it would be very useful to the committee in its report just to break out the data. Although I saw the lecturers in the slide you put up, I didn't see the non-tenure-track assistant professors, and I have no sense of the size or the usage of part-time and adjunct faculty at Cornell. It may be that we are relatively immune to that problem because of our unique location and that for us it is a benefit rather than a cost of having part-time adjunct faculty, but I think it would be really useful for the faculty to know what those numbers are."

Professor Holcomb: "I think the only thing I can say is that we are going to start with this group and from that I think we will learn something about the scope and what we can handle. Surely this and the issue about the non-tenure assistant professors are obviously central. Although this group is surely not going to enter into a review of the tenure process. That is another huge segment, and there are only so many things that even a group as large as this one can handle. The details of the tenuring process I am guessing . . . but, you know, it may turn out that if other people on the committee decide it's sufficiently important then we'll look at it."

Speaker Howland: "Additional question or comments for Professor Holcomb?"

Stuart Davis, English: "I'm a member of the committee. I'm not a member of the faculty. In response to Professor Rayor and Professor Ehrenberg's remarks, there was no desire to suppress the attention to non-tenure-track professorial faculty. We are aware of their existence, and they are not going to be put on the back burner. They are part of the design.. It's my understanding, but I would like to just confirm Professor Ehrenberg's suggestion that it would be good to have some raw data about the numbers - on matters of age and gender, as well as some other titular appointments, so I think that would be very much on our minds."

Professor Holcomb: "The committee will certainly welcome input of any sort from any direction, and we'll try to figure out what to do with it."

Speaker Howland: "Additional questions? Seeing none, thank you, Professor Holcomb. We reach now Good and Welfare, but nobody registered to speak for Good and Welfare, so the chair will entertain a motion for adjournment."

Meeting adjourned 5:15 p.m.

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary

Appendix 1**University Faculty? faculty? "Academic Appointments"?****Academic titles:**

Professors (six sub-classifications)	~1600
Senior Scholar, Senior Scientist	4
Instructor	19
Senior Lecturer, Lecturer	160 150
Senior Research Associate, Research Associate	163 244
Senior Extension Associate, Extension Associate	172 116
Postdoctoral Associate/Fellow	351
Teaching Associate	27
Visiting Fellow, Critic, Scientist, Scholar	
Librarians and Archivists (eleven sub-classifications)	133

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, April 9, 2003

Robert J. Cooke, Dean of the University Faculty: "I am calling the meeting to order for Speaker Howland, who will take the chair as soon as he arrives, so as not to take up your valuable time and get the meeting under way. I should remind you that cell phones should be turned off and that the proceedings should not be tape-recorded. We do produce an official transcript, so if you need to know what was said, there will be a record of it. I now call on Provost Martin."

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Biddy Martin: "Good afternoon. Have you all seen the Doonesbury the cartoon about faculty and parking? No? Should I pass it around? That was not going to be my presentation, but I thought you might like it. By the way, thank you for sending me a picture of my twin."

Dean Cooke: "Is she related to you?"

Provost Martin: "No. Professor Burkhauser sent me a picture of a Dutch scholar who apparently looks just like me. When I saw myself in someone else, I was stunned. Let me say no more. Many of the rest of you have done nice things for me lately. I can't recall what they are at the moment, but I thank all of you. In the way of announcements, I really don't have any significant ones. The dean searches in the Law School and Arts and Sciences continue. We hope that the search for a Dean of Arts and Sciences will be concluded in the next few weeks, and the search for a new Dean of the Law School is proceeding quickly. Other than that, we have no more budget news from the state, so there is nothing new to tell you there. I think I should leave the rest of the time for your questions."

Professor Steven Shiffrin, Law School: "I wonder if you could comment on plans for faculty participation in the strategic alliance, and what plans, if any, there are?"

Provost Martin: "What strategic alliance?"

Professor Shiffrin: "The corporate strategic alliance."

Provost Martin: "Oh, the corporate strategic alliance. As I understand it, and Bob will correct me if I'm wrong, the plans for corporate strategic alliances were shared with your Local Advisory Committee. They sent a response back to Bob Cooke who also sent that response to Vice President Reichenbach who is responsible for that planning. I believe they approved it and also emphasized the importance of having a faculty committee to review each and every agreement that got negotiated. That was actually already part of the plan to have

a faculty review of each and every such agreement. So as far as I know that was the procedure that was endorsed and that has occurred."

Professor Kay Obendorf, Textiles and Apparel: "I have a question on that. Is it possible that the Faculty Senate could hear more about this at some time?"

Provost Martin: "I don't see any reason why not. I think a report from Inge Reichenbach and maybe the subcommittee would be in order. That would certainly suit me fine."

Professor Peter Stein, Physics: "We had a mailing from the Local Advisory Committee I believe in the call to this meeting. It seemed to me (my memory may be faulty) that they expressed some serious reservations about it. I didn't read it as saying that they had given approval of it. Am I wrong?"

Dean Cooke: "No."

Provost Martin: "Is there anyone here on the Local Advisory Committee? Do you have a reading of it that you want to share?"

Dean Cooke: "They have a copy of it. There were some reservations, but the main thrust of it was that it sounds like a reasonable thing to do if there is faculty independent participation in reviewing. That was my understanding. Bob Richardson has agreed to be present and has reserved his calendar to be here next month."

Professor Brad Anton, Chemical and Biomolecular Engineering: "I have to admit to being sort of cynical and wary, but it appears to me that this is a plan that has been drafted by administrative people that commits the faculty to a certain type of behavior and activities and so forth. It's not something that was put together by the faculty as being what they envision as the best view of their future and what they want to do. Is that correct?"

Provost Martin: "No."

Professor Anton: "Then can you please explain to me why that's not the case or what is the case?"

Provost Martin: "What is the case as I understand it, and Inge Reichenbach or Bob can give you a better history, but here is what I know about it. This has been in the works for a couple of years. The people who have worked on it are primarily trustees, experts in technology transfer from this university as well as others and then those faculty/administrators who either served on what's called a sub-committee of the Board of Trustees or have been invited to participate with them. So that's one domain in which this has been developing for some time. It wasn't actually primarily administrators; it was primarily our Board of Trustees and some of the members who are interested in Cornell's seeming to lag behind other peer institutions on this front who had gotten this underway.

"However, Inge Reichenbach who is responsible for drafting a plan that might work for Cornell, actually worked primarily with faculty members in the Life Sciences with whom she has been working in any case on the fund raising initiative for the new Life Sciences. So it is not the case that it is a bunch of administrators and/or Trustees who are now hoping the faculty will either endorse this or participate. It was actually a combination of all of the above and primarily, as I say, Life Sciences faculty who have been consulting with Inge Reichenbach for probably a year, perhaps somewhat short of a year. There is actually a large number of biologists who have been working with her on the Life Sciences fund raising initiative, and I'm sure they would be willing to come and talk to you about their deliberations with her office as well."

Professor Anton: "I think that would be very worthwhile."

Professor Kathleen Whitlock, Molecular Biology and Genetics: "I second this concern. I am in the Life Sciences, and I have never heard of this until it arrived in my mailbox with the minutes for this meeting. I come from a university where they tried to do something like this, and it wasn't a big success, and there is a very prominent scientist, Frank Stahl, who wrote a wonderful letter addressing the problems of academic and corporate alliances. I really think that as a scientist I would really enjoy having more discussion on this, because it is potentially a big issue. A lot of people don't know about this."

Provost Martin: "I frankly think it is absolutely appropriate to have more discussion of it, and it is good that Bob Richardson is coming to the May meeting. I would suggest that you have Inge come as well to answer questions about those faculty with whom she has worked. As I said, it is probably wise to have some of the faculty who have been working with her on the Life Sciences fund raising initiative come and talk about their interactions with her and other members of the Development Office. I would have faculty from your own committee, the LAC, come and talk about it. The plan is based on a number of such plans at other universities with some revisions that make it more appropriate for Cornell specifically. While I share your sense that we should be wary and cautious about all such developments, they are well under way at other institutions and I think that I would urge you not to be overly cynical about how this one developed. Even if you decide in the end that you don't like it, or you think it needs more work or that it needs to be changed, or there needs to be more oversight, I can tell you in all honesty that it wasn't something cooked up by a bunch of administrators that is just now being floated for faculty. That just isn't the case. I see absolutely no reason why we shouldn't discuss it in May and beyond. It is that important. I agree with those of you who have said so. Any other questions on another topic? Anything else worrying anyone?"

Professor Elaine Wethington, Human Development: "I don't want to complain, but I'm one of the faculty who gets about 200 e-mails a day from various sources from things I'm involved in, and the conditions under which e-mail has been delivered in the past three weeks at the university are just extraordinary."

Provost Martin: "Yes, I agree."

Professor Wethington: "I have spent 72 hours without e-mails and then had to catch up with 600 e-mails coming at once. What is under way at the university level to solve this problem."

Provost Martin: "Other than Bidy Martin whining and complaining, I think there are some things. I haven't had e-mail at home since Friday, which for me actually is an enormous problem, because as at least some of you know, I do a lot of e-mail between 8:00 p.m. and midnight. They are working on it, and since I'm no technology expert, I can't tell you exactly what they are doing, but CIT is aware of the problem and they are working on it. Even when they thought two days ago that they had it under control, I still wasn't able to get e-mail and I still haven't been able to get e-mail. I know they are aware of the problem because of my own somewhat frustrated form and annoying kind of complaining. I hope it will be under control in a few days. Have you been urged to switch to Postbox 8?"

Professor Wethington: "Yes, and it crashed."

Provost Martin: "Yes, mine too. I think we are all in the same boat, and I think it's completely unacceptable. So I think you should complain as much as you wish, but be assured that I am also complaining."

Professor Wethington: "You can't do it by e-mail."

LAUGHTER.

Provost Martin: "Well, we used to have louder voices probably. All I can tell you is that I am complaining. I am without e-mail and I am complaining. I would be glad to send around a report, but you probably won't get it."

Professor Andrew Ramage, History of Art: "Is this problem confined to those people who have gone onto the POP 8 business or other people? I haven't had any problem."

Provost Martin: "No. Are you still in POP 3?"

Professor Ramage: "I don't know what POP I'm in."

LAUGHTER.

Provost Martin: "I've been in POP 8, back to POP 3 and then on an iMac using only Kerberos. Do I sound as though I know what I'm talking about? None of those has worked. I recommend that we just complain until they do something on a broader scale. Bill, do you know something about this?"

Professor William Arms, Computer Science: "I know what it's like to be complained to. I just know that CIT's budget has been very severely constrained in the last few years, and I wonder if perhaps complaining to CIT is the wrong

group of people to complain to rather than the people who decide how the resources are issued. Just a hunch.”

Provost Martin: “Why don’t you just complain to me.”

LAUGHTER.

Dean Cooke: “Do you believe it is at capacity or is it a bug or virus or some misuse?”

Professor Arms: “I have no understanding at all. My e-mail has been fine.”

Provost Martin: “I don’t think they know, because I think they thought it was a capacity problem, now it’s turning out to be something else. No one has complained that the problem and fixing it is a budget problem or a personnel problem or a resource problem. And I actually don’t think it is. Whatever one can say about CIT having budget constraints, my view is that when the Workforce Planning Review of Information Technology is done, we’ll have a better sense of whether their budget constraints are appropriate, given the fact that we are all under budget constraints. And if we were to increase the resources in CIT to the level CIT thinks it needs, then I would have to ask myself why we are not doing the same for, say, Philosophy.”

Professor Paul Hyams, History: “We received a chilling message about the demise of EZ-Remote a few weeks ago. Do you know anything about the future of this? I, like many people, yourself included probably, do a lot of my work from home and regard it as part of my job to be connected to the network.”

Provost Martin: “A few weeks ago I knew about the EZ-Remote problem, and I did understand why it was going away, because there wasn’t the use to justify the expense. I also knew the explanation for why this wasn’t going to be problem over the longer term, but, for the life of me, I’m not going to be able to rehearse it here right now. So again, if you would like me to send you an e-mail about it”

LAUGHTER.

Professor Hyams: “Could the same people who sent out the gloomy notice explain why it’s not desperately gloomy?”

Provost Martin: “Yes, that’s a good idea. I will have the same people who sent out that e-mail send out an explanation. I’m not trying to make light of the problems. They really are real. Although someone in my household did point out that it might mean we could have a life if we didn’t have e-mail at home for a long time, but I suppose that’s more or less forfeited by our jobs anyway.”

Professor Gary Rendsburg, Near Eastern Studies: “I don’t know if I’m asking this question because of my departmental affiliation or because I’m watching a lot of CNN of late, but how are we doing ...”

Provost Martin: "Is it the Provost's fault that the war is going on?"

LAUGHTER.

Professor Rendsburg: "No, no. My question is about the medical school in Qatar. This is its first year of operation if I'm not mistaken. Do we have any data on how things are going? These may be pre-med courses. Is that still correct?"

Provost Martin: "Yes, everything is going very well in Qatar. There are conferences calls daily to ensure the safety and security of the people who are there. Things are going very well; they have fabulous students, a majority of whom are young women. The faculty say that the students are of a quality that exceeds what they are accustomed to even at our own great universities or at least comparable to it, and they are enjoying teaching there. As far as we know now things are certainly going well in the program and on the security front there has not yet been a decision nor has it gotten very close to a decision that they should be moved out. So that's the situation in Qatar."

2. REMARKS BY DEAN J. ROBERT COOKE.

Dean Cooke: "Thank you. The Dean's report is very brief, and I'll not leave the chair in order to do this. One word of explanation on the strategic alliances discussion is that would have been on the agenda today had any of the three principals—Reichenbach, Richardson, or Adler—been able to be present to give competent responses to your questions. That's why it did not appear and why we asked the LAC to render some advice in this interval. I also want to make note of the final Senate meeting of the year that is late during exam week. So I hope you will put it on your calendar and remember that it is later than usual, but we still need you here, because we have a very strong list of important topics to be completed. The Associate Dean election—we are required to approve the slate by the full Senate, and we will do that by e-mail unless we receive some objection. Otherwise we will have to wait until May, the end of exam week, and then conduct a ballot and that would impact surely voter turnout. So we are trying to do something that would speed that up. I also would mention the faculty on-line forum, because we are dealing with some issues that are multi-faceted and in case you wish to submit an essay send it to the Office of the University Faculty, and it can be posted. We'll have those three topics in May. You should also be aware that it is the season for the disclosure statement. It starts April 14 and will extend through May 9. Part One is the short two or three question statement that can be completed on-line. It also can be handled as an interactive PDF, so you can do it on paper, and Part Two remains definitely on paper. So expect that. That is intentionally made to coincide with the income tax period so that you have your records handy. Finally, I would like to call on Professor Wethington for a comment."

Professor Wethington: "As announced on the slide, I am heading what I think is a relatively modest fund raising effort to fund a gift to President Rawlings in honor of his tenure as President of Cornell and his stepping down from the



Isabel Hull, Professor, History
 William Kennedy, Professor, Comparative Literature
 David Lipsky, Professor, ILR

UNIVERSITY FACULTY COMMITTEE - 3 vacancies, 3-year terms

A. Brad Anton, Associate Professor, Chemical Engineering
 Andrew Galloway, Associate Professor, English and
 Medieval Studies
 Yrjö Gröhn, Professor and Chair, Department of
 Population Medicine and Diagnostic Sciences
 David Grubb, Associate Professor, Materials Science
 and Engineering
 John Guckenheimer, Professor, Mathematics
 Francis Kallfelz, Professor, Clinical Sciences

Dean Cooke: "I ask for unanimous consent. Hearing no objection, they are approved. Moving along now to the first motion of the day, Professor Stein."

5. RESOLUTION TO ESTABLISH A UNIVERISTY CLUB

Professor Peter Stein, Physics and Chair, University Club Task Force: "I am reporting for the University Club Task Force Committee. Here are the names of the members of the committee (Carolyn Ainslie, Florence Berger, Hal Bierman, George Conneman, Henry Doney, T. Michael Duncan, Louis Hand, Lillian Lee, Vicki Meyers-Wallen, Steven Strogatz), and they have made a report to the Provost and the President. I'm bringing the following resolution to you from them, which essentially says the following—that we have discovered a problem that we think Cornell has, namely that it doesn't have an adequate University Faculty Club, and we propose a solution. The problem is very generally stated, namely it is this one over here, which says our vision of what a University Club should be. This we do not have at Cornell, and we believe that Cornell would be a better place if it had such a club. We, therefore, wrote down a very general statement about what it would take to have an organization that would accomplish this purpose. I'm doing the thing I tell people never to do, namely to whip through slides, but there are copies of the resolution and the mission and the characteristics of the club.

"Let me now tell you. I'm going to try to be extremely brief about this. The task force that was appointed by the Provost labored mightily for some six or seven months and came to some conclusions. I'm going to go through the conclusions very quickly. The first conclusion is that thriving clubs By the way it's important to understand the lexicon here. What used to be called faculty clubs are now called university clubs, and the significant difference is that it is now assumed that membership is available to any person who works at the institution. That generally, as far as I know, is what happens at all university

faculty clubs, some of whom continue to have that name but are, in fact, open to everybody who works at the university. Thriving clubs are the norm at peer institutions. We have a group of peer institutions that we use for faculty salary comparisons, nineteen institutions. We investigated those institutions and found that sixteen of the nineteen had thriving faculty clubs, conclusion number one. Conclusion number two is that the Statler Club as currently structured cannot accomplish the mission statement as formulated. I don't have time to explain why. If anyone wants to know and they would like to have a copy of the report, please e-mail me and I would be happy to send it to you.

"To accomplish this mission a university club at Cornell needs the following. (We get these needs by having studied a fair number, ten to twenty, university clubs to try to understand what their characteristics are.) It needs a rent-free facility. It needs a large special function revenue. (There isn't a single one that survives without being able to do in-house catering.) It needs an independent management. It needs distinctive high-quality food. It needs an architecturally significant facility, which is not a key word for something else. It is something that came out at a particular conference that I went to where people from university clubs said that clubs that are successful have some kind a home which catches your eye in some way or other. That's what I mean by architecturally significant; that was the word that was used to describe this. It needs a comfortable and upscale ambiance. It needs an alignment with Cornell's character and traditions. It has to be really different than a restaurant in a Hyatt. It has to be something that somehow represents the University to the outside, and it needs a location in the central campus. What it does not need is that it does not need a direct subsidy. The vast majority of these places do not have a direct subsidy from the institution itself. They make ends meet, and they make ends meet with a combination of these factors.

"We developed a conceptual plan, again coming from these studies. We felt we needed a place that was 12,000 net square feet in size; that we would be able to attract the membership of 1,000 faculty and staff, and we would be charging annual dues of \$137, and we wanted a dining capacity of 250. I can also justify all of those numbers or explain to you how we got them but not in five minutes. The estimate of the cost to do this is the following: the capital cost for a new facility is \$6,000,000, and the capital cost for putting this in a renovated facility in an existing building is \$3,500,000. According to path one, it costs \$6,000,000; according path two, it costs \$3,500,000.

"Where would we put such a club? Here is a map of the campus (Appendix 1). We did a calculation as to where the geographical center of gravity of the Cornell faculty is, and the geographical center of gravity is right here where this 'x' is. It is between Malott Hall and Bailey Hall. We made an arbitrary criterion, which says that 200 yards ... that if we are going to have a successful club, you have to be able to walk to it. Therefore, in order to service all parts of the campus.... Here is the dividing line. Here is statutory; below here is endowed. If we want to have a club that is open to all people at Cornell, it has to span this. Here is our circle of 200 yards. We found empty spots more or less here, here, here, and here, which are our sites for a new building where something of this size would

fit, and we found the A. D. House, which we believe is the ideal spot for a Faculty Club. It of course has a problem in that it is already occupied, and our hope was that we could work out a joint tenancy between the Society of the Humanities and the Club. If we can't, then it can't go there. Anyway, that's the end of my report. So what I'm essentially asking you is for approval of this concept. An approval of the concept of a facility of the parameters that I have described that would be located in this general area."

Dean Cooke: "The motion coming from the committee is the four paragraphs at the top of the page (Appendix 2). It is now moved by Professor Stein. I'll allow the Speaker to resume the duties of the Chair and then conduct the conversation."

Professor Rebecca Schneider, Natural Resources: "I'm curious. In the evaluation of the ten to twenty other university faculty clubs, I would expect that there would be changes, particularly recently, as we all change the way we function in society with more electronic mail and busier schedules, working in a different system than we did ten or twenty years ago when many of the faculty clubs may have been established. I'm curious whether you have considered the historical change and how it might affect the success of such an investment of capital here."

Professor Stein: "All I can say to that is that there are lots of hypotheses floating around. It can't work any more. People don't like social activity any more. They only want to sit at their desk and work. They want to stay home. Of course, if that's true for 100% of the people, it must fail. All I can say is that in the current environment these places are succeeding. It's not clear that they are having a decline. When ask people whether their membership was constant or declining or rising, about two-thirds, or maybe was all but one, said it was either constant or rising. Declining was a rare event."

Professor Dominick LaCapra, History and Director, Society for the Humanities: "I think the goals of the proposal are wonderful, creating collegiality, cohesiveness and a sense of fellowship. I think that some of the initiatives being taken on this behalf are undermining the goals and actually creating conflict in the faculty. Peter Stein came to talk to me about taking over the A.D. White House or a huge segment of it a few weeks ago. I explained to him the many, many functions that are being carried on there. It is a humanities center; it brings in twenty fellows a year. They have intense activities; it's a site for conferences, lectures, workshops, many, many meetings of various sorts. I think the plan is being undertaken in an incredibly abstract and utopian, deductive way, where you draw a circle and pinpoint sites as ideal sites without taking into account any history of these sites, any contact with experience and any reality testing. I think that Peter will agree that when he came to see me, he did not generate in me any great sense of fellowship, collegiality or what have you.

"But I think this brings up a general principle and a general problem. I think there is a dire need at Cornell, and it's a dire need for space for academic programs, for classes, conferences, and colloquium workshops. It's also a very

significant fact that we do not have a central university conference center as many of our peer institutions do. What the A. D. White House does is to provide this, not simply to the humanities but in related social sciences, for government, for anthropology and for history. I sent to Peter just a two-week period, just the last couple of weeks, to show the intense level of activity at the A. D. White House. I think that the question that was posed to me should not be posed to me or to any faculty member or program. That is to say, 'What 10,000 or 12,000 feet of space associated with your academic program, your department, your center, your interdisciplinary program, should be sacrificed to create a faculty club?' That for me is a totally senseless question, and I would propose very strongly at least one principle and that is no proposed site for a faculty club should take away space dedicated to academic programming."

Professor Louis Hand, Physics and President of the Statler Board: "I am rising to support the work of the committee which I'm on, not surprisingly I guess, and to argue that we are being sidetracked. There is a dire need, as Professor LaCapra said, and why don't we focus on that? I have been here for forty years. I'm old enough to remember the Rathskeller and what we lost when we lost the Rathskeller, which is quite a lot. The question in my mind is: Are we friends? Do we know people from other departments? The structure of Cornell makes it almost impossible to do that. This is a solution. It's really minor where it goes. It costs two or three percent of a new dormitory. Why don't we think about the big picture here and not whether somebody wants a piece of land?"

Professor Ray Craib, History: "I was just curious, I'm relatively new, as to why this former faculty club is gone?"

Professor Stein: "Depending on how interested you are, I would be happy to send you a copy of our report, but it devotes some six or seven pages to that. The general conclusion is that the old faculty club failed because of a variety of circumstances that hit at a particular time. The popular version is that the number of members declined, that there was a lack of interest in it; it was an empty facility and therefore it closed, this is absolutely not true. It had at the time when it was closed or was downsized more members than we are proposing for what we call a successful faculty club at that time. The reason it was closed was that the administration needed student dining badly because Sage Dining had been closed. It is our belief that it was not declining interest; it was because of a number of factors that came together."

Speaker Howland: "I think we have pretty well exhausted our time on this. If it's very brief, I'll recognize you on this."

Professor Hyams, History: "I like being at Cornell, despite the salaries. The thing that depresses me most about this is that outside Senate Meetings there are so few occasions when we identify ourselves with the University. We almost always identify ourselves with a particular department or school and sometimes with sub-groups within those departments. There are very few places where you can meet people outside your own area or discipline. Most of the friends I've got who are not historians nor humanists or whatever the tag is, I have met through

the faculty club. That's important to me, not just socially. Some of the results are in my published work. I would like to support Peter Stein, that we need some facility of this kind. How we are going to get it? Where the money is going to come from? God will provide. I'll vote for it."

Speaker Howland: "I'm sorry we have virtually exhausted the question time allowed."

UNKNOWN: "Just a question. Would the Provost care to comment or say anything regarding this issue?"

Provost Martin: "At the May meeting I'm certain we'll have good news on our improvements in faculty salaries."

LAUGHTER.

Provost Martin: "And I think this is a great motion, but I absolutely oppose having it in the A.D. White House."

Speaker Howland: "Are you ready for the vote? Hearing no objections, we'll move to the vote. All those in favor in Professor's Stein's motion say aye."

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "I think the ayes have it. The resolution is approved.

Resolution to Establish a University Club

Whereas, the Provost, with the approval of the Senate, charged the University Club Task Force to "... develop a plan for a more vital and appealing university club on the campus", and

Whereas, the Task Force found thriving clubs on 16 of the 19 peer campuses Cornell uses for faculty salary comparisons, and

Whereas, the Task Force has visited and examined the characteristics of successful clubs at a number of Universities, and based on its findings, has presented to the administration a plan to establish a self-supporting club at Cornell,

Therefore be it resolved that the Senate strongly supports the recommendation of the University Club Task Force that Cornell establish a University Club with the following mission and with the following characteristics and capabilities. (Appendix 2)

The Speaker will call now on Jonathan Ochshorn, Architecture and Chair of the Task Force on Suspension Policies for a committee report. This is suspension of the faculty, is it not?"

6. PRELIMINARY REPORT, TASK FORCE ON SUSPENSION POLICIES AND PROCEDURES

Professor Jonathan Ochshorn, Architecture and Chair of the Task Force on Suspension Policies and Procedures: "I am going to have to refer to these notes in order to get through in five minutes. I'm chairing the Committee on Academic Freedom and Professional Status of the Faculty and was also asked to chair a task force, consisting partly of AFPS members as well as other members of the faculty, to look at the issue of Cornell policy regarding the suspension of faculty members for misconduct.

"The motivation for assembling this task force was a perception that faculty here can be and have been suspended in some cases without recourse to ordinary forms of due process other than appeals through grievance procedures that of necessity only can happen after the sanction has already been invoked. The task force has been meeting since mid-March and has had a series of extremely useful discussions, also consulting with the University Counsel's Office and several so-called consultants who bring valuable expertise and experience from around the University. We started by attempting to assemble information on Cornell policy governing faculty misconduct in general and discovered a web of policies that have been promulgated incrementally in response to various internal and external pressures.

"First, the primary organizational division of Cornell policies on faculty misconduct seems to be between non-job related and job related misconduct. (Appendix 3). Non-job related misconduct is governed by the campus code while job related misconduct is governed by a series of autonomous policies including academic misconduct, financial irregularities, conflict of interest and commitment, and sexual harassment. In addition the University by-laws as you see on the left contains a procedure for an ultimate sanction of dismissal from the University. Each of these policies has its own internal set of procedures, mostly giving faculty certain rights and protections. However, what we noticed is that there seems to be no general policy for faculty accused of misconduct that does not fall into the specific policy areas listed, and this missing piece is represented by the black box with nothing in it.

"Finally, the last level of the chart shows the various procedures for appeal. Where dismissal is recommended, the formal appeals procedure of the University's dismissal policy is invoked, no matter under which policy the recommended sanction originates. That's this horizontal arrow which leads from all of these various policies to the dismissal policy whose appeal is governed by panel of faculty members appointed by the President. The dismissal policy sanction is not implemented until the appeals process has run its course. On the other hand, all other job related sanctions are implemented before any appeals process. Those processes being the college grievance processes and in cases

where academic freedom is at issue review by the AFPS Committee. I hope that's clear.

"The questions for the task force are therefore broadly speaking to: First, should faculty threatened with suspension have the same rights of due process including investigation and hearing as faculty members threatened with dismissal? Or are the existing college-level grievance procedures adequate or should suspension be removed as an option entirely? Second, should there be a policy governing job related faculty misconduct not covered by existing policies on sexual harassment, academic misconduct and so on? That is, should we fill in the empty black box?

"The task force is making progress in addressing these questions and hopes to bring a recommendation to this body for discussion and implementation in the near future. We urge you to contact any member of the task force, myself or any of the others. There are hard copies of this list on the table, if you have any comments or suggestions about this issue. Thank you."

Speaker Howland: "Thank you. The speaker now calls on Brian Earle."

UNKNOWN: "Could we give up some time from Good and Welfare for discussion?"

Speaker Howland: "We can if there is unanimous consent to give half of the Good and Welfare to this discussion. Hearing no objections, yes, we will go on for five minutes if there are questions. Fine, no questions? We'll move on. I will now call Brian Earle, Co-Chair of the Ad Hoc Committee on University Advising for a committee report on Academic Advising Best Practices Survey for the First Year Students."

7. Committee Report on Academic Advising Best Practices Survey for First Year Students

Brian Earle, Senior Lecturer, Communication and Co-Chair of the Ad Hoc Committee on University Advising: "Thank you. I'm not wearing this tie today due to the President's budget but rather because I gave a lecture on excessive executive compensation earlier today."

LAUGHTER.

Brian Earle: "Not that those two had anything to do with each other. First of all, a little history, and I want to introduce my colleague. This is Jessica Saunders."

Jessica Saunders: "We have done the research together. I am a senior Communications major."

Brian Earle: "Jessica helped with the research. She is also a writer for the *Cornell Daily Sun* and an excellent writer and that also helped me out a great deal. First, some history. Many of you know that starting about seven years ago the College

of Agriculture and Life Sciences did a curriculum review. That was a five-year process. As part of that, they did a survey of the undergraduate students, and the undergraduate students as a whole were relatively happy about different things that were going on in the college. One of the things they felt that needed some changes or improvements were the first-year experiences, and some of them felt they didn't get oriented very well. So I was charged with surveying—what do we do?—What goes on?—before we make any rash judgments as to what is broken or what needs to be fixed. I did a survey of all the departments in the college and published it in a *Handbook of Best Practices*.

“Our Dean of Academic Programs, when that was passed out, challenged each department chair and individuals involved with the undergraduate program to take one practice out of that handbook and try it. Just try one new practice, even if you are doing something already, try one thing in addition. Many things came out of that. Some were really exceedingly successful, beyond our hopes. One was from the Biological and Environmental Engineering Program. The chair there met with every single new incoming student for lunch at some point during the course of the semester, in small groups of five or six. A number of chairs adopted that, including the chair of my department, Communication, and the chairs were immensely pleased with what happened. They got direct communication with the freshmen and transfer students; they found out a lot about what was going on in their introductory classes, sometimes good and sometimes not so good. So they got really direct feedback as to how people felt about what was going on within the department. It was a great conduit for information, but it also made the students feel that they were really cared about a little bit.

“Some of the rationale about why first-year experiences are so important really comes from the research of John Gardner. Some of you may have read his work before. He is currently the executive director of the Policy Center for the First-Year Experience at the University of South Carolina. He has really devoted most of his academic career to studying the first year experience. The bottom line of his research is that: Number one, it affects student satisfaction long-term. So that first semester has an impact for the entire four years. Second, it affects their turnover or longevity. So if the first semester is not very strong, your odds of keeping them are less. I know that Bidy in putting together the Freshman Book Project, I'm sure looked at some of this research. There are a number of programs doing a great job of it. But it's certainly well supported in the research that a good first-year experience is good for the university or the institution. It retains the student and makes them happier. They leave more satisfied and probably more likely to give a donation.

“We did the same thing for all of colleges on campus. We researched 120 departments. What we tried to do was talk to the faculty, the chair, the faculty undergraduate program director or someone who was involved in advising as a whole. That was occasionally really disappointing to me. I consider myself a good faculty advisor, and I really tend to bond with my students a little bit. I just an announcement of the student who became an executive vice president who I had in class twenty-eight years ago, which I can't believe I'm still on his mailing

list. One of the things that bothered me is that I got some responses from people who said, 'I don't care. I don't give a hoot about protecting or caring for the first-year experience. They are bright enough to get into Cornell. They should be able to fight their way through the process, and they are better for it.' I thought that was just a little bit of a cynical approach. We combined all of that material. We are going to publish it in a *Handbook of Best Practices*, and the next step is—what should we do with this?

"My Co-Chair, Graeme Bailey, and I have already contacted some faculty members about doing a faculty panel of best practices and just putting it out there for all of you. I'm thinking of maybe some more administrative ways to do it."

Speaker Howland: "Thanks a lot. Questions for the presenters?"

Brian Earle: "Jessica is here as a resource as to some of her experiences as part of it and some of her evaluation of other student activities."

Dean Cooke: "When would the handbook be available?"

Brian Earle: "Ideally it would be this summer, so that some of those practices could be implemented for the fall semester."

Professor Susan Piliero, Education: "Brian, the experience for first-year students in the College of Agriculture and Life Science seems to me to be very different than for other students in other colleges, because students are admitted into departments where they have a faculty advisor assigned to them that is ostensibly theirs for the duration, and that doesn't happen in the other colleges. Will you be recommending changes in how other colleges work with students?"

Brian Earle: "No, we are not in a position to tell anyone what to do. Although, colleges like Engineering and Hotel really do work hard with the first-year experiences even though they may not be in a particular major or functional area at that point. Even within Arts and Sciences, wasn't it the Physics Department?"

Jessica Saunders: "The Physics Department did have a good program. Students who are interested in physics were able to say, 'I'm interested in getting involved,' and there were different clubs for them. What we found in Arts and Sciences very often, because students weren't declaring a major from the start, they had no where to go to, no academic support. This was different from my experience in coming from a terrific department where I had a great student advisor and a permanent faculty advisory, I always had some place to go."

Speaker Howland: "Additional questions or comments?"

Brian Earle: "Well, I'm hoping to suggest.... My e-mail is BOB1, and I would really like to hear from you as colleagues as to what might be the best way to get this word out and really enhance that experience for the students. One other example of a somewhat cynical faculty member, Ed McLaughlin, when we were

talking about he said that he is not cynical about this process. He didn't think that a freshman course for the AEM program was necessarily a good idea when it was first set up and we talked about it. He came to me this past year and said, 'Brian, you know, it really worked far better than I ever anticipated.' He said the one thing he didn't anticipate was the esprit de corps it generated amongst the freshmen students. He saw them really excited about the program and really far more involved than they have been in previous years where they were in classes but it wasn't really aimed at them only and solely for their benefit. So those are the kinds of things we hope will happen."

Professor Kay Obendorf, Textiles and Apparel: "I'm aware that a few years back the University put some effort into bringing department chairs together from across the University to share ideas and discuss things of mutual concern. I think we do have various titles of people who are directors of undergraduate studies or have some responsibility in that. I am wondering if having them get together, share ideas and talk about some of the best practices and at least get some discussion of what you have found."

Brian Earle: "OK. So target the directors of undergraduate programs within each department. So send me lots of e-mails."

Speaker Howland: "Thank you very much. The speaker will now call on Susan Piliero, Education and member of the Educational Policy Committee for a report on the committee's Survey of Undergraduates."

8. REPORT ON EPC'S SURVEY OF UNDERGRADUATES

Professor Susan Piliero, Education and member of the Educational Policy Committee: "I have about fifteen minutes. So my plan is use about fifteen minutes to give you an overview of the survey that was conducted by the Educational Policy Committee and allow a fair amount of time for questions and feedback. You might remember about two years ago, I think it was in May, the Educational Policy Committee prepared a report on the compression of the academic calendar, looking at issues about how to schedule. We're having stress points in terms of facilities, students feeling stressed-out about various issues, so a lot of the work that we have done in the past few months really reflects almost two years of thinking about some of these issues.

The committee has focused its attention on these issues in particular: evening prelims versus in-class prelims and the ever-increasing percentage of students enrolled in night classes; also more than two final exams in twenty-four hours. Most students think that there is a rule that they don't have to have three exams in twenty-four hours. At this point it is not a rule; it is a recommendation of the faculty. At some point something needs to be done about that, but what should we do about that? Then class attendance before Thanksgiving and spring breaks. I'm sure this hasn't happened in your class, but in my class I know that the Wednesday before Thanksgiving break sometimes I don't have 100% attendance."

LAUGHTER.

Professor Piliero: "It turns out that this is a problem from a couple of points of view. Partly because you have prepared a lecture and nobody shows up, but also if you cancel (and we have some anecdotal evidence that says there are some faculty who are actually canceling the class), which can be a problem for the student whose parents have spent \$1,500 for a plane ticket to get them home on the most heavily traveled day before Thanksgiving, only to find out that the class is canceled, and they could have left earlier. So all of these were issues that were pushing us to think about these issues. We also have been looking at alternatives to some of the issues already on the table, like the evening prelims. If we got rid of the evening prelims, let's say we did that, could we find another time period, like the 4:30 to 7:30 time period? Sneaking an occasional prelim in there. Or how about 8:00 to 10:00 in the morning? We know that 5% of all classes happen at 8:00 in the morning. So why not use it for testing? Could we think about final exam schedules? Could we think about making the Thanksgiving break longer to kind of relieve the pressure on little Tompkins County Airport? So we were thinking about those kinds of issues.

"We decided to do a survey, and as part of the survey we would also seek additional information on attitudes towards distributed learning on campus, the daily sort of circadian rhythms of students, and some of the special constraints that are faced by varsity athletes. I know that FACAPE is often working with athletes, and we sometimes have potential conflicts there. So we decided to do a survey and make it web-based since we were going to have a fairly large number of potential respondents. We started working on the questions a year ago and piloted the survey in the summer to a group of graduating seniors. Professor Rosemary Avery did the pilot test in Policy Analysis and Management. Then the survey was administered this January to all registered Cornell undergraduate students. That is over 13,500 students. The survey was open for two weeks; they got an initial e-mail and then four reminder e-mails.

"We were very happy with the results in terms of the respondents, because we had a 43.1% return of students who completed the entire survey, and there were quite a few questions on the survey, which is very good if you know any of the research on web-based surveys and evaluations. Just 3.7% only completed the first two questions on scheduling, but that still made almost 47% who we got information about on scheduling. So we were pretty pleased with the results. That I would say is a good result.

"As far as some of the results that we found, I won't be able to go through the results for everything, and I should also point out that the results that you will see is only for the aggregate group of students. This is all students responding (Appendix 4), but the way we conducted the survey is that we were able to use the net ID and then link that net ID information with demographic information from the Office of the University Registrar. So we have a lot of variable information on the students. We know their gender, their ethnicity, if they are international or domestic, if they are freshmen or seniors, we know what college

they are in, we know if they are on financial aid, if they are work-study students, so we know a lot about them.

“Here are the results on preliminary examinations (Appendix 5), again aggregated. We may find that this will be different for the students in the College of Engineering versus the Department of English, but in general the preference overall is that 64% would like to see them go. They don’t like them. So that’s about two-thirds. On the other hand, 26% prefer to have evening prelims to in-class prelims. One in four students want to keep them, which is actually significant enough for us to wonder why.

In the large courses (Appendix 6) the preference for having evening prelims is greater; it’s 37%, which is again kind of high. So we thought while we are asking what they prefer, we should find out why. Here is the distribution that shows why they prefer evening prelims (Appendix 7). For in-class prelims (Appendix 8) three out of four students say that they are less stressful—their circadian rhythms; they don’t think as clearly in the evenings and this correlates with later data that we found on their sleep and alertness patterns. Of those surveyed, 70% think the evenings should be free of academic activity. This we thought was interesting, some people thought prelims in class were better, because you couldn’t ask them as many questions. You have to dumb down the test in order to get everything in there, lower level questioning, which we thought was maybe a little problematic for us. By the way, we have a higher percentage available, but I just rounded everything to the nearest percent for the purposes of this presentation. Those people who preferred evening prelims, 87%, which we thought was extremely significant, want them because it would give them more time to think. So those who prefer them said this was important to them. Interestingly enough, 59% say they think more clearly in the evenings and that’s why they want evening prelims. They found that less stressful. You can ask more questions, which I assume would lower the weighting on any particular problem, and it would be a better way to measure their knowledge. We were very impressed with the fact that they actually wanted to have their knowledge measured.

“The second area we looked at was final exam scheduling. There has been a lot of controversy about final exam schedules. I recall a meeting a couple of years ago where Professor Galik presented some options, and the *Cornell Sun* said that the faculty were trying to get out of exams and end the semester earlier. This is the current final exam schedule (Appendix 9) we have, as you well know. Before there is Slope Day, then you have the weekend. Sunday is considered a study day and Monday, Tuesday and Wednesday are study days. Then you have the exam days, with a couple of study days interspersed. We asked them about that schedule and asked them about some options that have been developed over the past couple of years as plausible alternatives. Having the study days taken up completely and just dispersed through, would result of course in many fewer conflicts and more than two exams in 24 hours. That would be the advantage of that. Then something sort of in between, where you have a couple of study days and then the rest interspersed. Here are the student results on that one (Appendix 10). You can see it’s actually fairly split. There is

nothing that jumps out at you as preferring one or the other. There is a general tendency among students to prefer the status quo. That's the one they know, and it's sort of hard to think about the other ones. That's possibly the explanation. If they do choose another one, there were slightly more for having more study days in the beginning. Not too many of them were interested in having exam day/study day/exam day/study day.

"Then we asked about the time periods in the day to try address compression of the day (Appendix 11). Again, over 60% want to keep the status quo, but 45% thought it would be fine to offer classes during the 4:30 – 7:30 time slot as long as it might be sections and you had sections at other times. Some didn't even care if you had sections at other times. They would like to have classes 4:30 – 7:30. They like having classes 7:30 –10:30 but not as much here as here, and only one if four thought it would be nice to have prelims from 4:30 – 7:30. But that's sort of like saying, 'When would you like to take your medicine?'

"Thanksgiving (Appendix 12). This is kind of fun; you're going to enjoy this one. Of the students, 34% say that they attended classes on the Wednesday before Thanksgiving, and 46% say that the last day they attended classes before going home for Thanksgiving was on the Tuesday before, 14% the Monday before, 6% the previous Friday and 1%"

LAUGHTER.

Professor Piliero: "So something is happening. Either students are skipping a lot of classes or faculty are canceling class. It turns out that the number of classes canceled (Appendix 13) —28% of the students said they had no classes canceled before Thanksgiving. One third of them had one class, 27% had two classes canceled, 10% had three classes, 2% said that four or more of their classes were canceled. That was an interesting statistic to us. In defense of the faculty, if you have a lecture with 175 people and four people show up and you know that after seven semesters and having many repeated experiences like that

"Distributed learning was another area we surveyed (Appendix 14). We asked them what they would like to see at Cornell, and they thought that interactive tutorials and interactive testing and feedback, such as are being developed in some courses now, are useful, and they like it. They are less likely to go with recorded lectures and streaming audio. Live office hours with the professor via on-line chat rooms, even less. Having the entire course on-line, 26%, one in four students, thought that was maybe a good idea. So three out of four students don't like that. That's not why they came to Cornell. That's probably a statistic that we would want to think about.

"We also have results for the circadian rhythms, for the stress patterns and sleep patterns, alertness patterns and athletes, but in the fairness of time, we are going to go to overall results. The results on the prelims (Appendix 15), as you saw, there is preference for in-class prelims even in large classes, and there is a strong second preference for the 7:30 – 10:30 time slot. There is very little support for prelims in other time slots. And reasons on both sides, no matter which time slot

was preferred, was related to clarity of thought and less stress. On the final exams (Appendix 16), I think we sort of reviewed that. There is a weak preference for the status quo schedule, and it wasn't clear to students that any alternative schedule would encourage better performance or reduce the stress. People have their own reasons that make them stressful, and it's sort of hard to capture. Again, on the 4:30 – 7:30 time (Appendix 17), there is a strong preference to continue the status quo, the restricted time period. Although, one-fifth to one-third of the students would like to use this time for prelims or classes. So it might be an interesting thing to experiment with, possibly. That might be what is indicated. At this point the committee has made no recommendations about what we ought to do with this, and we certainly haven't looked at what the ramifications are particular groups of students. It may be that any kind of recommendations would have to depend on the group of students.

"Thanksgiving results (Appendix 18). Almost 46% are leaving campus on the Tuesday before Thanksgiving, and 20% are leaving on or before Monday. Over 70% of students had at least one class canceled.

"We saw the results on distributed learning (Appendix 19); about three out of four don't want entire courses on-line, but they like having other aspects on-line.

"I will share with you just the gross results on some of the daily patterns (Appendix 20). About one-third of the students are somewhat or very sleepy during class. About one in three students report that they are a little bit sleepy during class. Their alertness is very different than ours. It peaks between 10:00 a.m. and 2:00 p.m., which is actually good, because that's when most of them are in their classes. Their alertness dips between 4:00 and 6:00 p.m., and then it goes back up again. So the curve goes up and then it goes down between 4:30 and 6:00 and then it goes up a little bit. Only about one-third of the students report being very alert between 6:00 and 11:00 p.m., which again is problematic if we are increasing the number of night classes and they have prelims, they may be feeling their best.

"The story on athletes is pretty good (Appendix 21); 40% of the athletes feel that the balance between athletics and academics in season is appropriate. One-fourth of them would like more time for academics during their season, and one-third of them would like more time for athletics during their season. The good thing is that half of them don't feel any pressure at all from either their coaches or faculty to devote more of their time either way. About one-third feel some pressure and 10% feel considerable pressure, but it was remarkable how evenly split that was between pressure from the faculty versus pressure from coaches.

"We have no recommendations at this point. We will probably be spending most of next year looking at these results, but we will have them forthcoming and once we have a complete report, it will be available on the web site. In addition, Dean Cooke has set up an on-line faculty forum so that if you have input that you could share with the committee, we would love to see it, and we can use that medium."

Speaker Howland: "Thank you very much. It is open for discussion. Questions?"

Professor Steven Beer, Plant Pathology: "Did you detect any differences in the responses of students in the various colleges?"

Professor Piliero: "We suspect that there will be differences. I hesitate to report too much on those differences, but yes, there are. For example, on the question of science versus non-science major types, there are preferences for scheduling. Once we take a look at that, we'll make some recommendations.

Professor Peter Stein, Physics: "I wondered if you looked for any correlation between the preference for evening and in-class prelims against GPA's or other measures of academic performance?"

Professor Piliero: "We have the GPA. We have that demographic data, and we haven't done that analysis yet. The data does suggest that there may be a pattern."

Professor J. S. Butler, Policy Analysis and Management: "I'm Rosemary Avery's colleague. My specialty area is econometrics. I have been consulting with Professor Avery; I hope to continue consulting. First of all, these results are based on 43% or 47% response rate. I believe it would be possible to construct sampling weights to correct for that. We also have plenty of data with which to model the selection process into the sample and correct for selection bias. If it's present, I hope to do some serious econometric analysis here before any sort of recommendation would happen. I wouldn't want to base recommendations personally on uni-variant analyses for the usual reason why—multi-variant analyses are better. I was, however, able to do one analysis that you might find interesting. Bearing in mind that it is not corrected for the sampling and so on, I took the data on hours of sleep, and on the assumption that a normal distribution is underlying it, I used a maximum likelihood estimation of the data to infer a mean and a variance for the students. The result was the mean number of hours of sleep on weeknights was 6.5, with a standard deviation of 1.0, and on weekends 8.1, with a standard deviation of 1.3. If you multiply those out, you get an average of 49 hours or almost exactly 7 hours sleep per night. Now, that's the kind of analysis I personally would hope to do in some serious statistical analysis with this, and I'm working with Rosemary Avery on that."

Professor William Arms, Computer Science: "I belong to a department, I don't know how many departments have this, where the students do very large projects. The projects come to a head at the end of the semester. I would guess that is the principal source of stress for those students. Is this common across the University? Are there many departments like this? Did you make any observations?"

Professor Piliero: "We didn't look at stress by week in the semester, but we did offer the options on final exams, and we suspect that having those four days (reading days) before the first exam is probably used in two different ways by

students. Some of them go home or go on vacation, and the others are madly finishing up projects.”

Professor Ronald Booker, Neurobiology and Behavior: “I’m in Neurobiology and Behavior, and we experimented once with courses that offered night exams to students. There was sometimes a difference between perception and reality. One thing we noticed when we looked at the grades, the performance on the exam, we tried to find a way to set the exam up so it actually matched another regular in-class exam, there was no difference in performance. Although if you asked the students some said, ‘It’s much better, because I am better prepared; I think more clearly; I have more time.’ And it may be. Even though we did give them a little more time, it made no difference in the average grade. What we did find was seemingly more students who felt pressured by a night exam. Basically, what it means, if you think about how their day, their schedule, is that takes away their time to actually prepare for the next day’s assignment. So we thought it actually added a lot of pressure on the student. And the other thing I am worried about is that students have perceptions, like right now there are a lot of faculty who are actually sort of dozing and the reason why is that their blood sugar levels are low, some students may actually say things like I would like to take a class between 4:30 and 7:30. But what we need to do is make sure and keep in mind that even though they have a perception that that would be of some benefit to them, that the long-term effect could actually be detrimental. For instance, if you’re going to take that class, you will skip a meal, and clearly if your cognitive processes will be diminished by not eating, it actually may do more harm than good, even though you have the perception that this is actually beneficial.”

Professor Piliero: “That’s one of the reasons that we wanted to capture some of the demographic variables on the students, for example with financial aid, to see if they are on work-study or not. In some of the focus groups that we’ve had so far, we see that some students are opting for evening sections or alternate sections, because in order to be able to work, they need lots of time during the day so that they can have a job. So some students are opting for night classes, not because they like night classes because they are more alert then, but because they have to work during the day. We want to make sure that we are not disenfranchising those groups of students by the kinds of recommendations we make to the Senate.”

Professor Brad Anton, Chemical and Biomolecular Engineering: “I wasn’t being as attentive as I should have been, and I wanted to double check some data you put up. Do more than half of Cornell faculty cancel class the day before Thanksgiving or Spring Break? Is that what the data said?”

Professor Piliero: “That data says that almost two-thirds of the students have at least one class canceled.”

Professor Anton: “OK. I still find that shocking. You take the tuition money we are charging and divide it by the number of lectures that we give, we charge those kids something like \$85 every time they walk in a classroom to see us stand

up there and teach. I don't insist that my students come and see what I have to say. I don't force them to do it, but I sure insist that I am there to do it, because that's my job. And people who cancel class the day before a break, because it's convenient or there won't be a good turnout or something like that, I think that's misconduct."

Professor Piliero: "My recollection is that we usually get the e-mail from the Dean of Faculty's Office reminding us of that responsibility."

Professor John Guckenheimer, Mathematics: "Did you collect statistics on how many hours students spent in evening prelims? I have the impression that particularly engineering freshmen spend a very large number of evenings taking prelims during the semester."

Professor Piliero: "We didn't collect that on the survey, but we have that. Dean Cooke has all that information in a large administrative data set."

Professor Gary Rendsburg, Near Eastern Studies: "I think this question is related to the previous one. What percentage of students at Cornell actually do take evening exams during the semester? Do you have any data on that? Are we talking about 20% of our students or 50% of our students?"

Professor Piliero: "We do. That was something that we asked. We have that actually in the database—each student who has ever taken an evening prelim during the semester. We can tell by semester, because we can correlate it with the classes they are in and look at what classes are registered to have evening prelims, because you have to do that. Now, if somebody chooses to give an evening prelim and goes off the books, we don't know that."

Professor Rendsburg: "I was asking about in a given semester. I was thinking it would be closer to 80% or 90% at any time during their four years."

Professor Piliero: "Yes, Dean Cooke has that information."

Dean Cooke: "I'll put the report, the study on the web, so that you can see it."

Professor Butler: "The mean number of classes canceled is about 1.25. I'm reasonably good at multiplying numbers without writing them down. Assuming the average student is taking between four and five classes, that implies between one third and one fourth of the classes, not 70%. One class canceled per student does not mean that the majority of the faculty are canceling classes."

Professor Anton: "That's why I asked the question."

Professor Stein: "Do you know what the driving force is for scheduling classes at night? I understand why we offer them a night. Is it that there are simply not enough classrooms during the day? Are they forced to the evening period or do people prefer that or what is it?"

Professor Piliero: "I don't think we know that. We do know that the increase has been fairly exponential over the last few semesters of the number of FTE's in evening hours. I think that's what we know. Bob?"

Dean Cooke: "I'll put that also on the web. The thing that came as a shock to me is that we have roughly as many students taking evening courses as take evening prelims. That's just looking at the evidence. We don't know why it happens, whether that's when the student wants it or when the faculty wants it, so they can travel or what. The thing that struck me from the data was that it is going on in a very substantial way. There are evening courses on Monday and Wednesday evening in substantial numbers."

Professor Stein: "It seems to me that is worth investigating to see why it is that that is happening."

Professor Emeritus Tobias de Boer, Mechanical and Aerospace Engineering: "Is there any evidence that make-up classes are offered when these classes are canceled before Thanksgiving?"

Professor Piliero: "We didn't capture that information, but I could see, possibly, a faculty survey. We didn't ask that. It's a good question."

Professor Terrence Fine, Electrical and Computer Engineering: "Is it possible that the evening classes are only offered once a week? Do people use the evening to run a full week's class in one shot?"

Dean Cooke: "One of the other trends that became very obvious is that historically class periods were 50 minutes three times a week. There is a major shift towards twice a week instead of just doing it on Tuesday/Thursday also doing it on Monday/Wednesday, so two times for a longer sitting has become the big trend. And we probably ought to think about whether that should become the standard, given the extent to which it has shifted already without discussion."

Professor Kathleen Whitlock, Molecular Biology and Genetics: "Just to give you some insight into evening classes in Genetics and Development. Many of our classes pile up on Tuesdays and Thursdays. A lot of times, we have scheduled evening classes so we can avoid conflicting with the other classes that are required by our major, because otherwise we lose students. So we will actually have more students who will take a class in the evening where it doesn't conflict with the other lumps of classes for our concentration."

Professor Booker: "I'm a little bit concerned about faculty canceling classes. What it does is it places pressure on the student for instance that can go home a little earlier. When they have two classes scheduled on the last day before break, if one of the two classes is canceled, there is strong tendency for them to want to leave town earlier. I'm one of those individuals that even if it was the last scheduled class of the day before break; I would probably stand there and give a

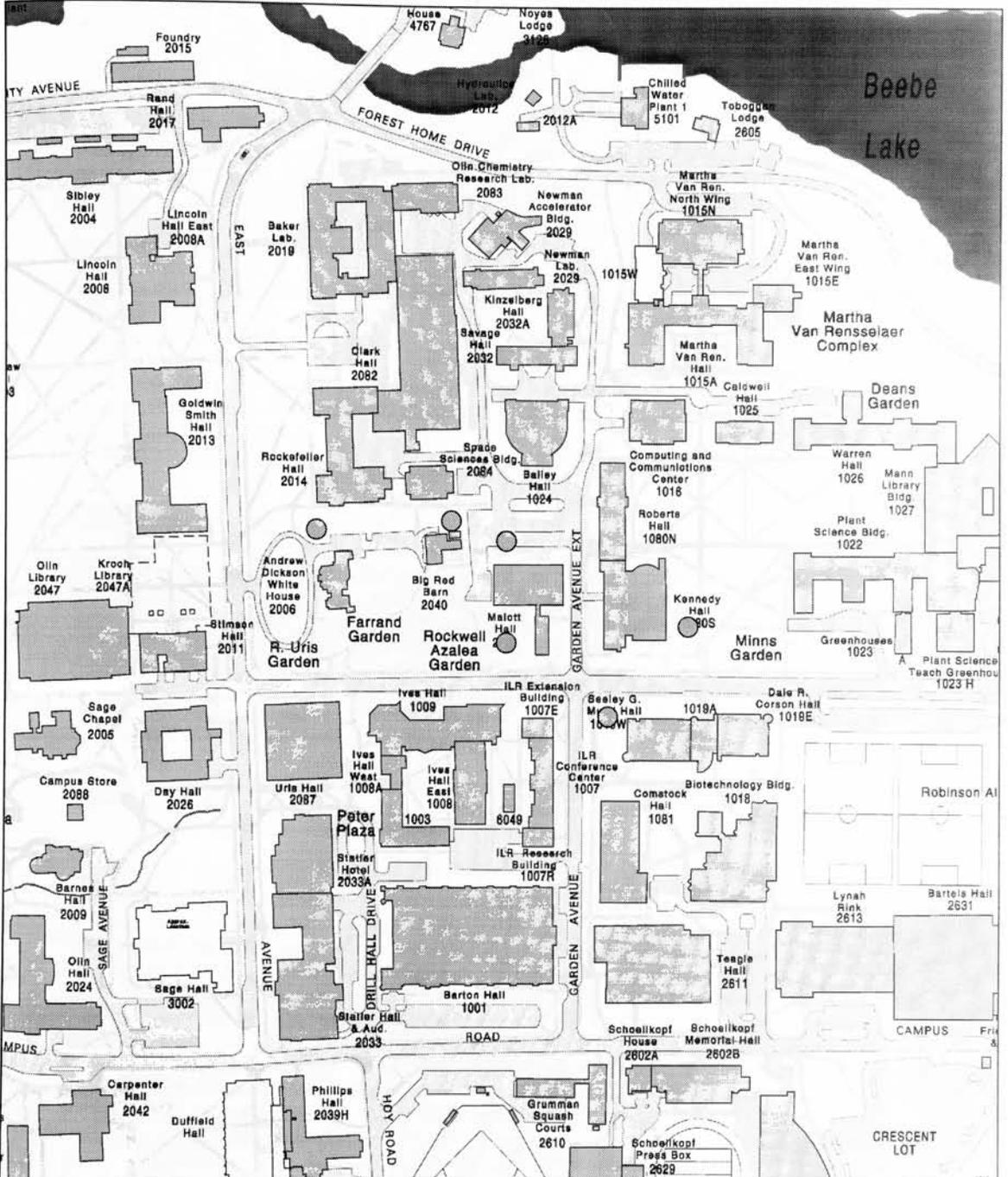
lecture even if there were only two students in the room. I think probably we should at least address it early, because it might get worse. I actually think that perhaps we should request that the Provost address the faculty on that issue and try to come up with some message that would discourage that kind of behavior, because I think the students expect it nowadays. What it really comes down to is that the breaks start earlier in their schedules. I think that actually is a bad sign in terms of what students will learn about what academic institutions are all about."

Speaker Howland: "I think we have reached the end of the discussion. Thank you all very much."

Meeting adjourned at 5:58

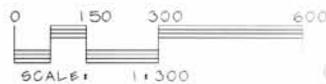
Respectfully Submitted,

Charles Walcott, Associate Dean and Secretary



CORNELL UNIVERSITY
Central Campus Area Map

Campus Planning Office



© March 2007
 Campus Planning Office

Appendix 2

Resolution to Establish a University Club

Whereas, the Provost, with the approval of the Senate, charged the University Club Task Force to " ... develop a plan for a more vital and appealing university club on the campus", and

Whereas, the Task Force found thriving clubs on 16 of the 19 peer campuses Cornell uses for faculty salary comparisons, and

Whereas, the Task Force has visited and examined the characteristics of a successful clubs at a number of Universities, and based on its findings, has presented to the administration a plan to establish a self-supporting club at Cornell,

Therefore be it resolved that the Senate strongly supports the recommendation of the University Club Task Force that Cornell establish a University Club with the following mission and with the following characteristics and capabilities.

Mission of the Cornell University Club

In 1921, president Nicholas Murray Butler of Columbia University created the Columbia Faculty House to provide a place and a setting that would bring together "scholars having diverse intellectual interests ... in a social unity that will both increase their satisfactions and add to their influence in the community as individuals or as a group The Faculty House ... is as much a part of the equipment of the University as is a library or laboratory". Because Cornell in 2003 is far more complex, broad and diverse than Columbia was when those words were written, the goal of a university club, to forge a social unity and increase the satisfaction, effectiveness and cohesiveness of its faculty and staff, is even more vital to Cornell's well-being today than it was to Columbia's in 1921.

A Cornell University Club that fulfills its purpose will be far more than a good restaurant. Its aim will be to become a symbol of what Cornell is, a place whose appearance, style, ambiance and programs will foster an...reinforce a sense of fellowship between the men and women whose joint and separate labors make Cornell great.

The Cornell University Club will be a key element of the University. Faculty and staff will find it a convenient and attractive hub for meeting, talking and dining with friends and colleagues from across the campus. Its dining facilities will present opportunities for scholarly discourse, administrative matters and social interactions. It will make a major contribution to building a sense of community and fostering pride in and allegiance to Cornell. It will serve as the University's premier venue to welcome and entertain visiting scholars, corporate leaders, recruiters, alumni and donors. It will contribute to the intellectual climate and work of Cornell by hosting lectures of general interest to faculty and staff, receptions, and departmental retreats. Faculty and staff will find it a welcoming place in which to conduct business or to honor special occasions and accomplishments. New faculty and staff, initially in a social void, will acclimate to the Cornell community through its congeniality. The Cornell University Club will further provide faculty and staff a convenient opportunity to bring their spouses and children into the university environment, and in so doing, demonstrate Cornell's commitment to family.

In summary, the Cornell University Club will be a cornerstone of the Cornell community.

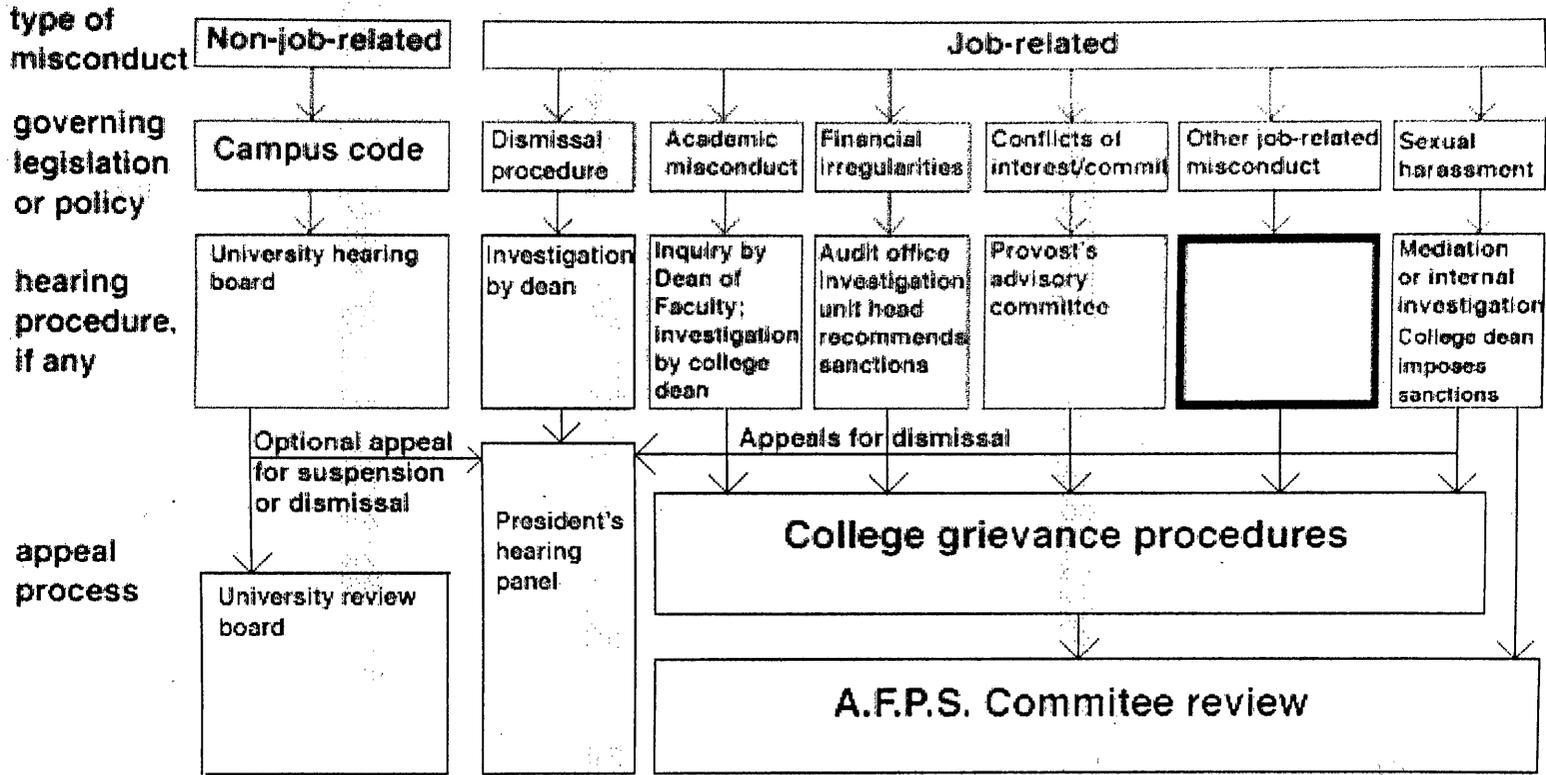
Characteristics and Capabilities of the Cornell University Club

The club will be a membership organization open to all faculty and staff, housed in a rent-free architecturally significant facility, located no more than a five minute walk from Bailey Circle (the geographical center of the Cornell faculty). The club will be a self-governing unit within Cornell, with responsibility for its financial affairs. It will not receive financial support from Cornell beyond in-kind contributions for major structural repairs and utilities. It will have the capability to provide distinctive, high quality food and beverage service, maintain a comfortable and up-scale ambience, and attract a substantial special function revenue from its members. In its appearance and programs, it will visibly demonstrate alignment with Cornell's quality, traditions and character. It will occupy roughly 12,000 net square feet, and will have a maximum seating capacity of 250 diners.

University Club Task Force

3/31/03

Cornell procedures governing faculty misconduct



Sample

• Completed full survey	• Completed only Questions 1 & 2	• Did not Complete	• Total
• 5,874	• 501	• 7,240	• 13,615
• 43.1%	• 3.7%	• 53.2%	• 100%

Preference for Prelim Exams

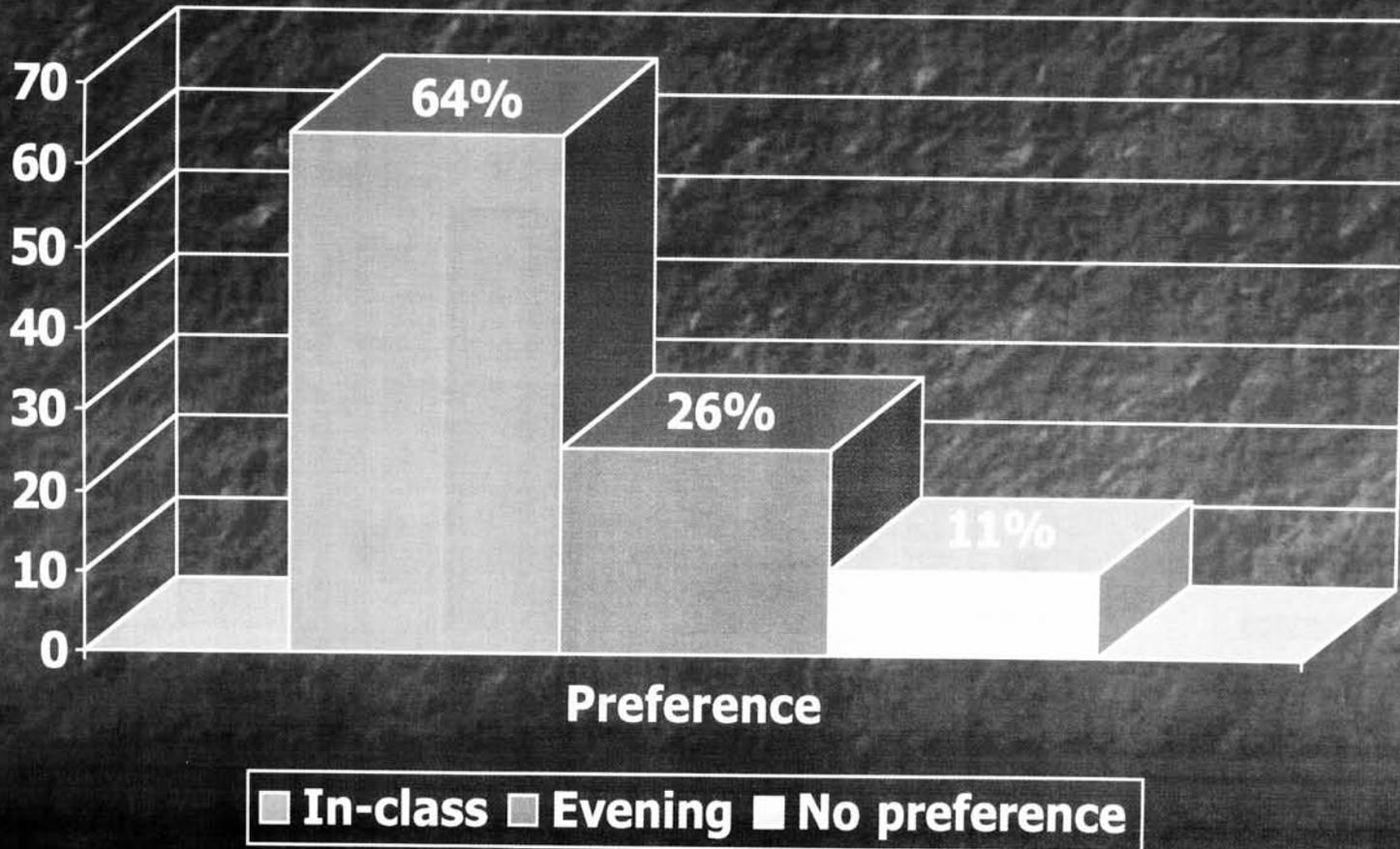


Chart 1. Prelim Schedule Preference for Large Courses

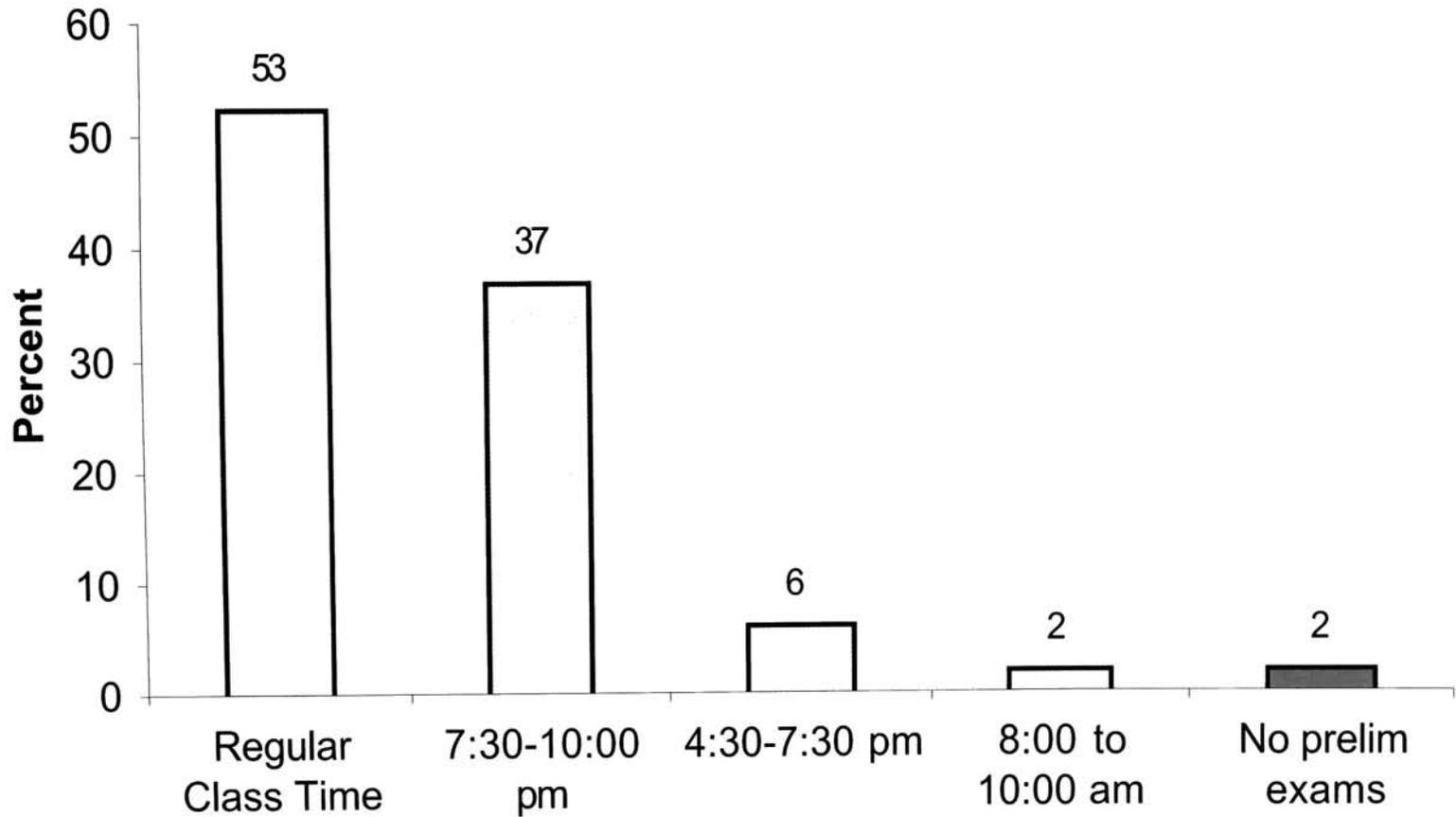


Chart 2. Distribution of Explanation of Preference for Evening Prelims

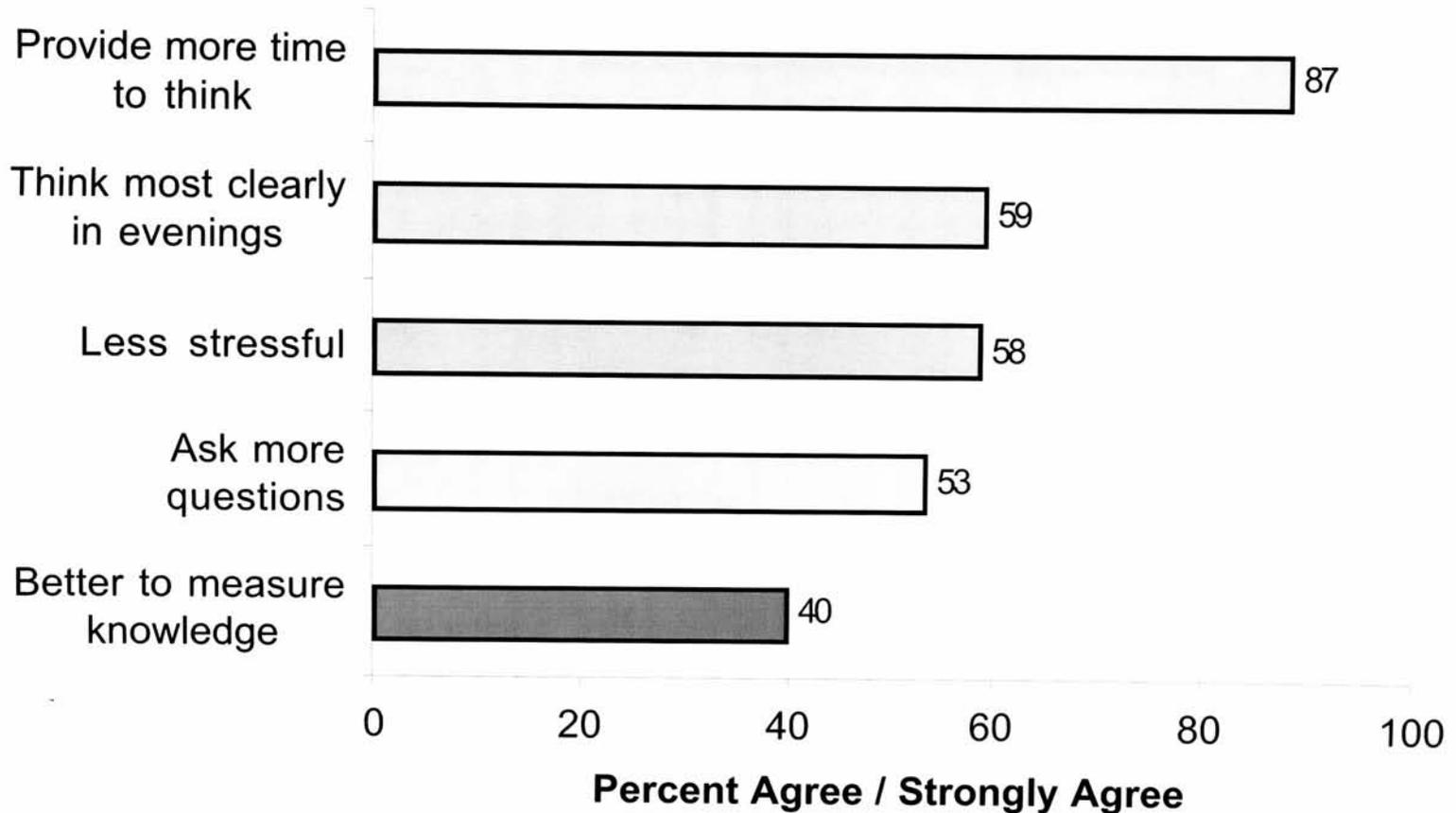
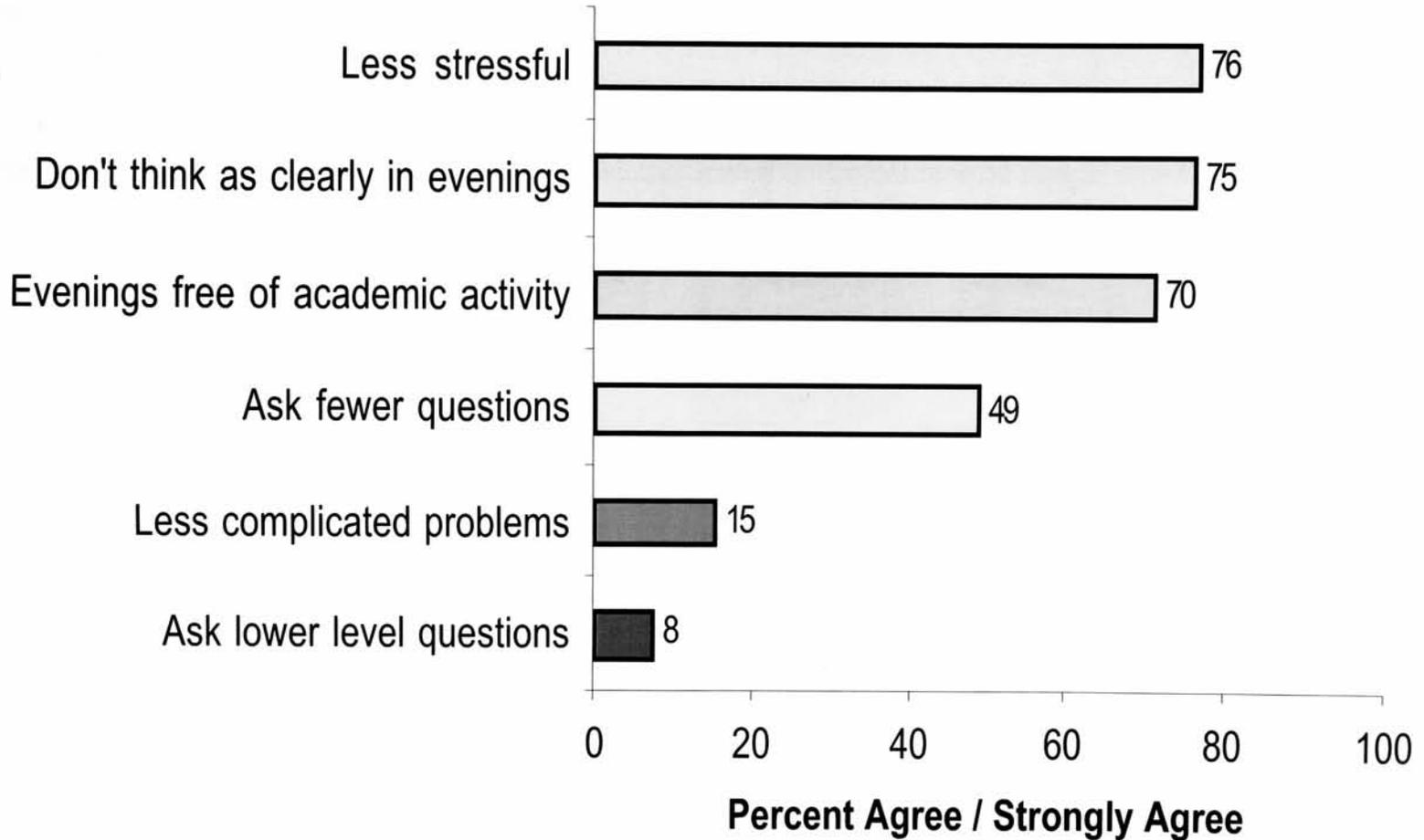


Chart 3. Distribution of Explanantion of Preference for In-class Prelims



CURRENT FINAL EXAMINATION SCHEDULE

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Study day	Study day	Study day	Study day	Exam day	Exam day	Study day
Week 2	Study day	Exam day	Exam day	Exam day	Exam day	Exam day	

OPTION 1

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Study day	Exam day	Study day	Exam day	Study day	Exam day	Study day
Week 2	Study day	Exam day	Exam day	Study day	Exam day	Exam day	

OPTION 2

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Week 1	Study day	Study day	Exam day	Exam day	Study day	Exam day	Study day
Week 2	Study day	Exam day	Exam day	Study day	Exam day		

Chart 4. Comparison of Scheduling Options

■ Current CU schedule ■ Option 1 ■ Option 2

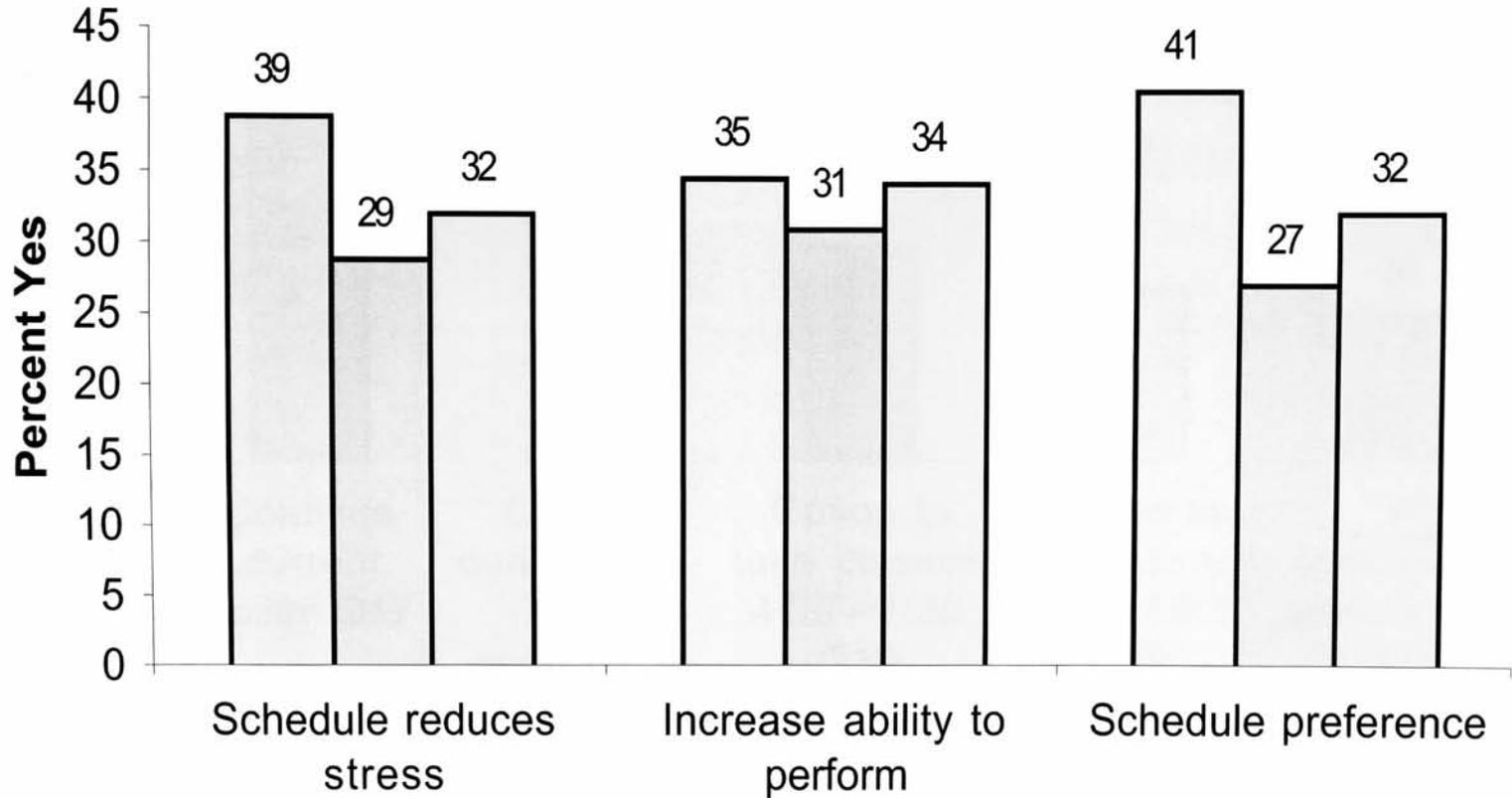


Chart 5. Distribution of Agreement with Time Period Questions

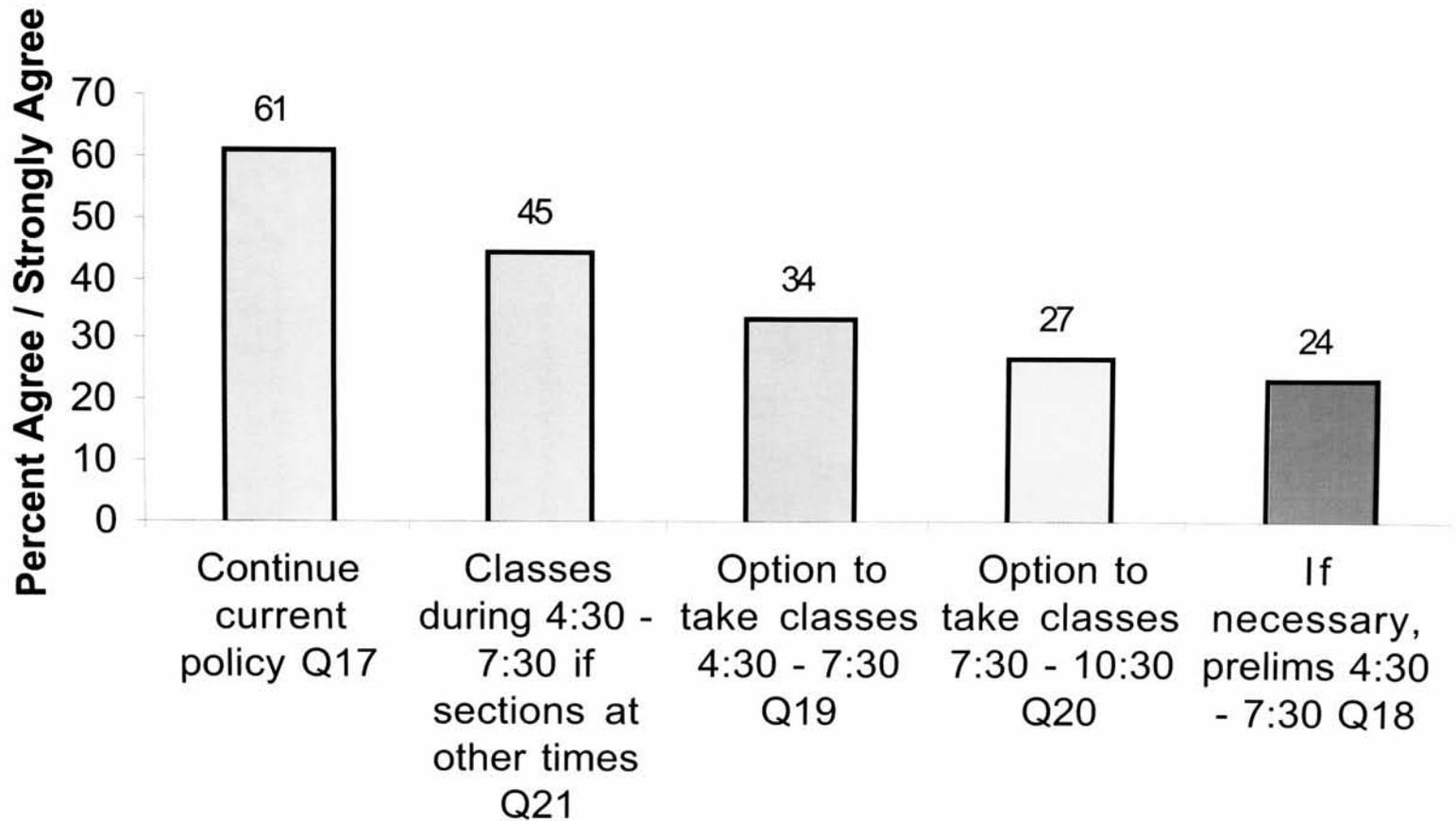


Chart 6. Distribution of Last Day Attended Class Before Thanksgiving

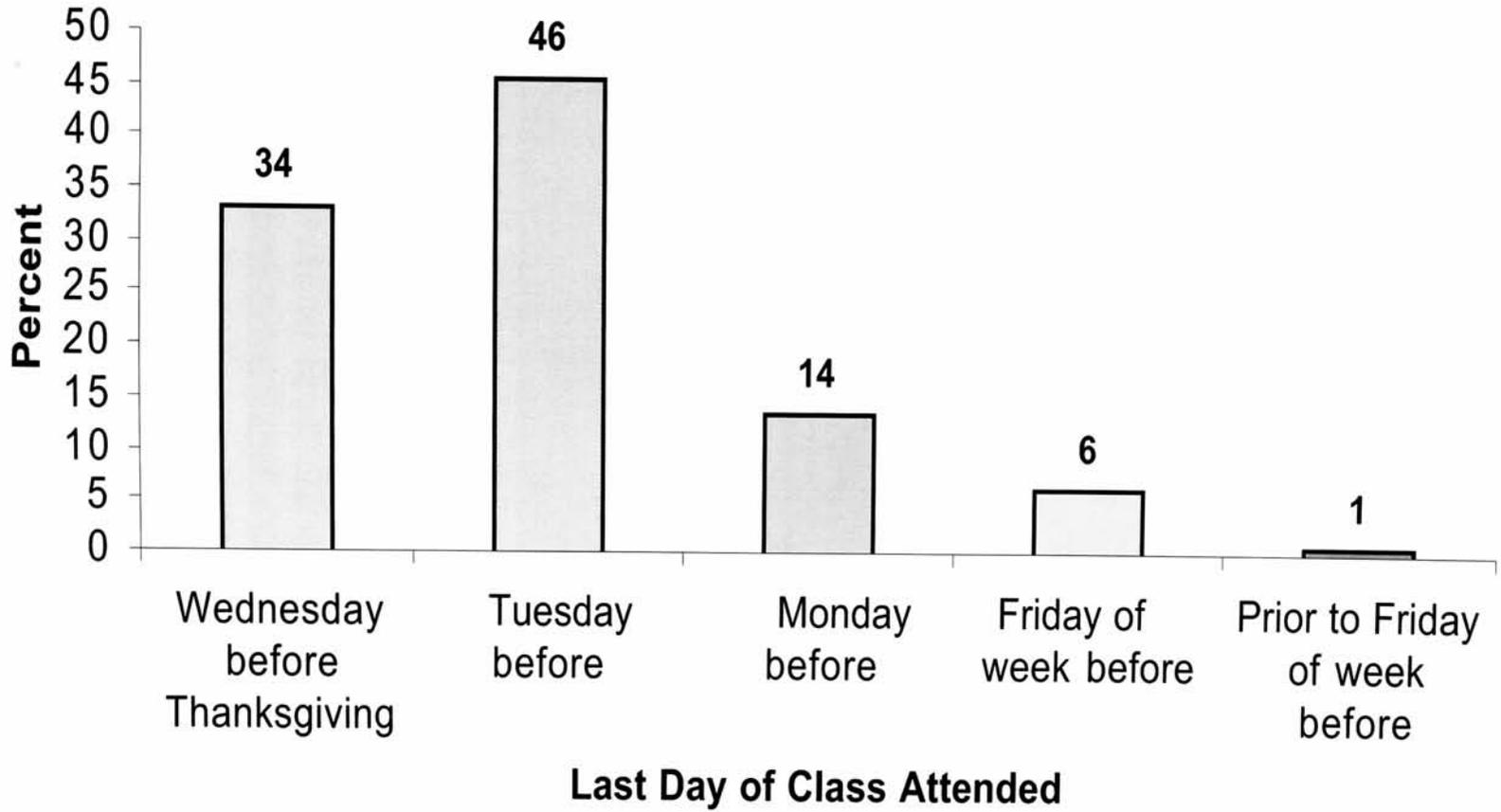


Chart 7. Distribution of Number of Classes Cancelled by Instructor Prior to Thanksgiving Break

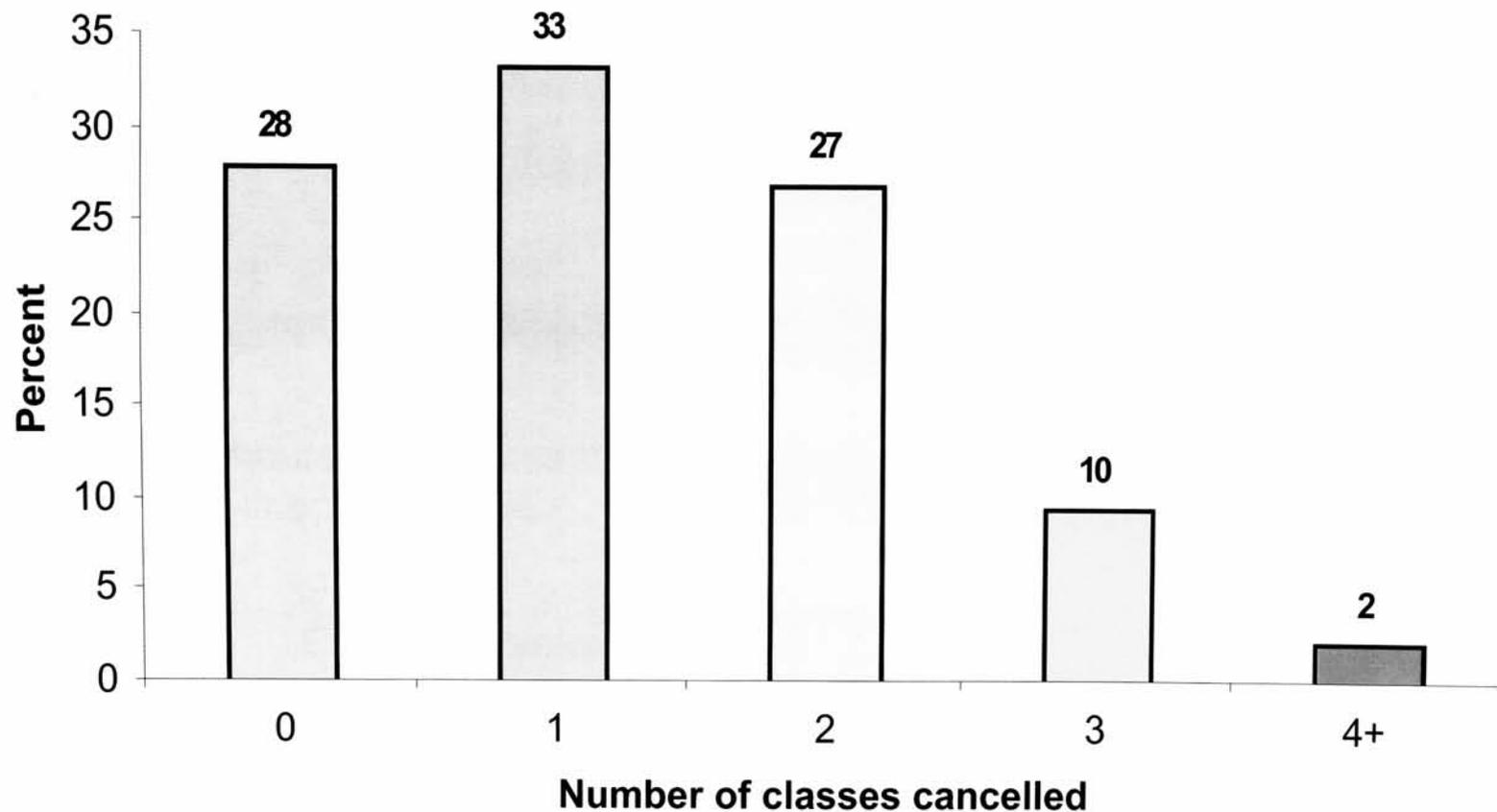
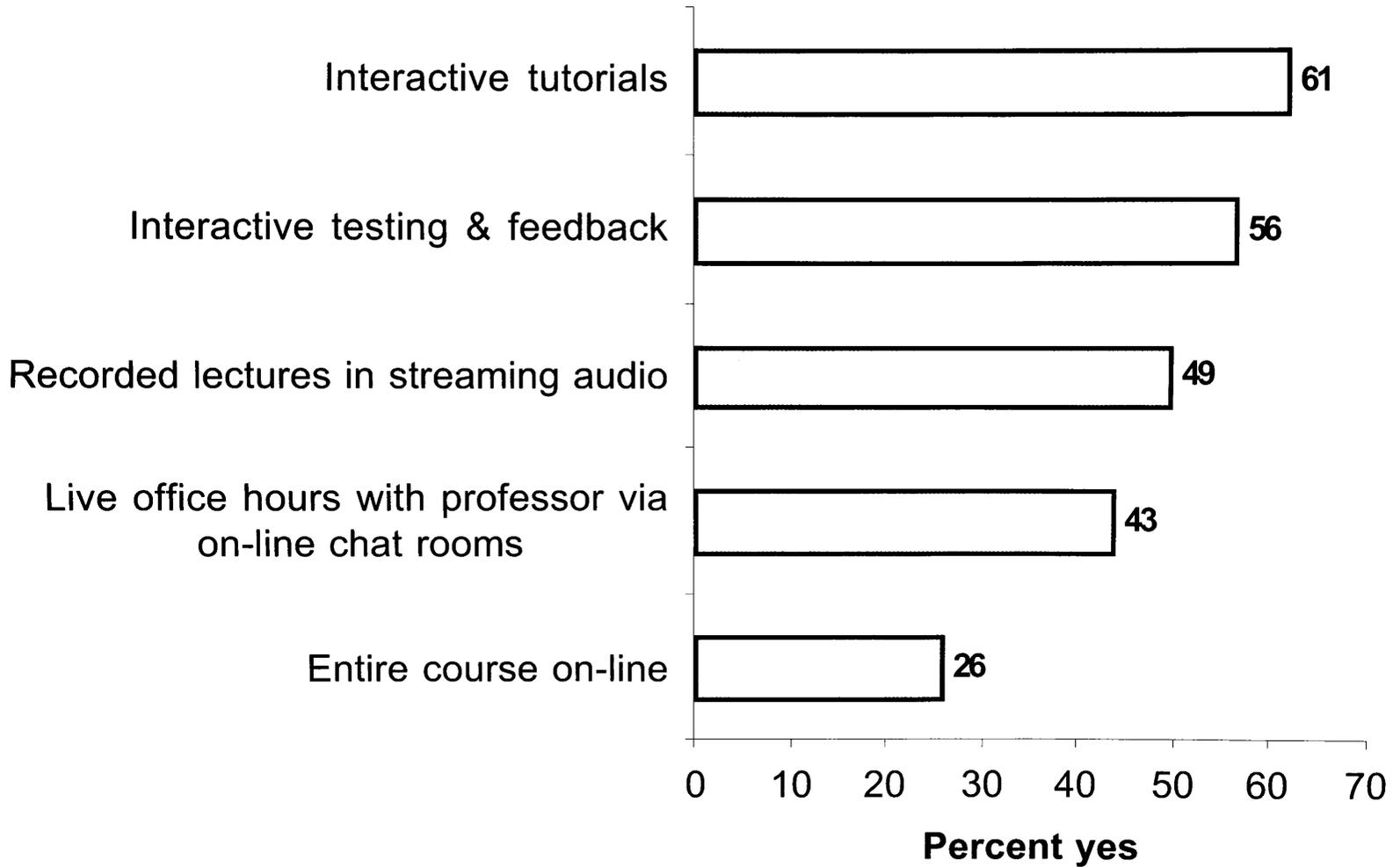


Chart 8. Appealing Aspects of Distributed Learning



Results: Prelims

- Preference for in-class prelims, even in large classes
- Strong second preference for 7:30-10:00pm
- Very little support for prelims in 4:30-7:30pm or 8:00-10:00am time periods
- Reasons on *both* sides relate to:
 - Clarity of thought
 - Less stress

Results: Final Exams

- Weak preference for status quo schedule
- Not clear to students that any alternative schedule would encourage better performance or reduce stress

Results: 4:30-7:30

- Strong preference to continue current policy of restricted time
- Some support for classes during this time period if comparable sections offered during regular time
- Approximately $\frac{1}{5}$ – $\frac{1}{3}$ of students would like to use this time for prelims or classes

Study Results: Thanksgiving

- Almost 46% are leaving campus on Tuesday before Thanksgiving; 20% are leaving on or before Monday.
- Faculty are canceling classes, too. Over 70% of students had at least one class cancelled, and over 10% had three or more classes cancelled.

Results: Distributed Learning

- 74% of students do not want entire courses on line
- A majority of students would like some aspects of courses on line, e.g., interactive tutorials or interactive testing / feedback

Results: Daily Patterns

- Approximately 1/3 of students are somewhat or very sleepy during class
- Alertness peaks from 10:00-2:00pm
- Alertness dips from 4:00-6:00pm
- Only 1/3 of students report being most alert during the 6:00-11:00pm periods

Results: Athletes

- 40% of athletes feel that the balance between athletics and academics in season is appropriate
- 1/4 of athletes would like more time for academics in season
- 1/3 of athletes would like more time for athletics in season

Results: Athletes

- 50% of athletes feel no pressure from either coaches or faculty
- 1/3 feel some pressure and 10% considerable pressure – but the pressure comes equally from coaches and faculty
- 90% of coaches are perceived as being “understanding” or “very understanding” of travel time conflicts
- 13% of faculty are perceived as being “not understanding” of travel time conflicts

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, May 14, 2003

Professor Howard Howland, Neurobiology and Behavior and Speaker: "I would like to remind everyone that no photos or tape recorders are allowed during the meeting. I ask everyone to turn off his or her cell phones. Please remember to identify yourself when you speak. At this time we have just one Good and Welfare speaker. I would like now to call on Provost Martin for remarks."

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN.

Provost Biddy Martin: "I would like to take my five minutes to give a very brief update on dean searches. I hope all of you know we have appointed Peter Lepage, chair of Physics, to be interim dean of the College of Arts and Sciences. We are delighted that he is willing to serve. We are in the midst of reappointment reviews for two deans, the Dean of Human Ecology and the Dean of Computing and Information Sciences. We are beginning a search now for the Dean of Architecture, Art and Planning. It will begin in earnest at the beginning of the fall semester. Those are your updates on deans. And what could be more important than deans? I actually have a number of other updates I could give you, but since there are only five minutes, I'll take questions. I would like, however, to use 30 seconds here now, as I did last Friday at the reception for Bob, to thank Bob Cooke for the great working relationship we have had over the course of his tenure and mine in Day Hall and to thank him for his commitment to the faculty and to faculty governance, which has served us all well. Thank you."

APPLAUSE.

Provost Martin: "Any questions? Yes, Doug."

Professor Douglas Fitchen, Physics: "Tell us your favorite update."

Provost Martin: "My favorite update?"

Professor Fitchen: "You said you had several updates."

Provost Martin: "Oh, I thought you meant could I choose among the ones I had already given and rank them. My favorite update would be that I will visit Albany on Wednesday of next week to meet with the Vice Chancellor. At that point I suppose the governor's vetoes will have been overridden, and we will have a state budget. The purpose of the all day visit to Albany is for me to work with the Vice Chancellor to decide how they are going to deal with Cornell. I'll do my best, and I'll come back bloodied for Commencement. Let's see if there are other updates about which you should really know. I can't think of anything immediately pressing. The dean searches were important. You have gotten the faculty salary information we have, which is excellent. We are now beginning in earnest the work of campaign planning, and we have received from the deans of every college and the head of every unit a list of

campaign needs and wishes and priorities. We are now beginning to compile these lists from the colleges, trying to make sense of them, finding redundancies and creating something that seems rational. We will then go back to the deans to talk with each of them about the lists and how we are thinking about consolidating them and aligning some of these priorities. We will be working closely with Inge Reichenbach throughout this process to get to the point where the major capital campaign, that we are already in the midst of planning, can get underway. The new president will be here soon. Those are the things that take up my time.”

Speaker Howland: “I would like now to call on Dean Cooke for remarks.

2. REMARKS BY DEAN J. ROBERT COOKE

J. Robert Cooke, Dean of the Faculty: “I have actually three things. The first is to call your attention to a SARS report, a thoughtful document that is on the University web site, on the front page. In case you have any visitors coming from abroad during commencement, it has some advice you may want to read. I sent a note this week concerning the Ph.D. ceremony. Last year we had 300 Ph.D. students show up and only 120 faculty participated. Unless my calculations are wrong, that means that there were some Ph.D. students who did not have a supporting mentor present to help at the celebration. So I invite any of you who have students graduating. The rest of you are invited, too, but especially those who have students graduating. The final thing—as I do each year, I write a report for the Trustees, which is a summary for the year of the faculty views. It’s on our web site under Dean’s Reports in case you are interested in reading it.”

3. APPROVAL OF MINUTES OF THE APRIL 9, 2003 SENATE MEETING.

Speaker Howland: “Thank you. I would like now to call for approval of the minutes of April 9, 2003 Faculty Senate meeting. Any corrections? Additions? I ask for unanimous consent. Hearing no objections, the minutes are approved. I would like now to call on Associate Dean and Secretary, Charles Walcott, for an update and an Elections Committee report.”

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Charles Walcott, Associate Dean and Professor, Neurobiology and Behavior: “First, I have this announcement of the report of the elections for the spring. Associate Dean and Secretary of the Faculty will be Cynthia Farina, Law, and you can read the rest of it as well as I. That is the report.

**REPORT OF UNIVERSITY FACULTY
ELECTION OF SPRING 2003**

Associate Dean and Secretary of the Faculty
Cynthia Farina, Law

Faculty Senate-at-Large, Tenured
Cornelia Farnum, Vet.
Howard Howland, A&S

Faculty Senate-at-Large, Non-Tenured
Antje Baeumner, CALS

Nominations and Elections Committee
Brian Chabot, CALS
Richard Galik, A&S
John Hopcroft, Engr.
Isabel Hull, A&S

University Faculty Committee
Brad Anton, Engr.
John Guckenheimer, A&S
Francis Kallfelz, Vet.

To a matter that demands some attention from us, we have here a slate of candidates for speaker of this august body and speaker pro-tem. This is a suggestion from Nominations and Elections. I have talked to these people and they are willing to do it. The question is whether you as a body have any suggestions for others, because we can accept nominations from the floor."

**REPORT FROM THE COMMITTEE ON NOMINATIONS AND
ELECTIONS**

SLATE OF CANDIDATES*

SPEAKER OF THE FACULTY SENATE (2-year term)
Mary Beth Norton, Professor, History

SPEAKER PRO TEM OF THE FACULTY SENATE (2-year term)
Rosemary Avery, Professor, Policy Analysis and Management

Speaker Howland: "The floor is open for additional nominations. If I could explain that the rules say that this is a mail ballot, but we are at the very end of the semester. If there are no additional nominations, I am going to ask permission of the body to pass

out written ballots so your privacy is preserved. We would like to collect them during the meeting, and we'll announce the results at the end, if I have approval for this procedure. It seems we do. Why don't we pass these ballots out now? While our Secretary is doing that I will call on Professor Jennifer Gerner, chair of the Committee on Academic Programs and Policies for a resolution to create a Master of Engineering Degree Program in the major field of Biomedical Engineering."

5. COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES RESOLUTION TO CREATE A MASTER OF ENGINEERING DEGREE PROGRAM IN THE EXISTING MAJOR FIELD OF BIOMEDICAL ENGINEERING

Professor Jennifer Gerner, Policy Analysis and Management and chair of the Committee on Academic Programs and Policies: "The Committee on Academic Programs and Policies looked at the proposal and brings to you this resolution (Appendix 1) for your consideration. Do you have questions you would like to ask?"

Speaker Howland: "Questions on the motion? Can everybody read it? The operation portion of the motion is 'Be it resolved that the Faculty Senate approves the creation of the Master of Engineering Degree Program in the Existing Major Field of Biomedical Engineering and urges the administration to place this on the agenda of the Board of Trustees for approval.' Is there any discussion? Hearing no discussion, seeing no hands, I guess we are ready for the vote. All those in favor, say aye."

AYE.

Speaker Howland: "Opposed? It passes unanimously. Thank you very much. The Speaker now calls again on Jennifer Gerner for a resolution to establish a Graduate Field and Ph.D. Program in Information Science."

6. COMMITTEE ON ACADEMIC PROGRAMS AND POLICIES RESOLUTION TO ESTABLISH A GRADUATE FIELD AND PH.D. PROGRAM IN INFORMATION SCIENCE

Professor Gerner: "We have a second resolution for approval of the Ph.D. Program in Information Science, and Professor Arms is here to answer questions if anyone has questions about our resolution."

Speaker Howland: "Can you all read it? I worry about those in the back row. It says 'Be it resolved that the Faculty Senate approves the establishment of a Graduate Field and Ph.D. Program in Information Science (Appendix 2) and urges the administration to place this on the agenda of the Board of Trustees for approval.' Any questions?"

Professor Gary Rendsburg, Near Eastern Studies: "Is this mainly in Computer Science or what department is it in? Where is the faculty going to come from?"

Professor Gerner: "Professor Arms would you like to speak to that?"

Professor William Arms, Computer Science and Information Science: "It's very interdisciplinary. The largest part is probably Computer Science, Communication Department and Science and Technology Studies and probably another dozen or so departments are represented."

Speaker Howland: "Any further questions? I assume you are ready for the vote. All those in favor of the motion, say aye."

AYE.

Speaker Howland: "Opposed? The motion passes. Thank you very much. Now, I would like to call on Professor Bill Arms to move a resolution on intellectual property and to present an overview of a resolution to revise the copyright policy."

7. RESOLUTION TO REVISE COPYRIGHT POLICY

Professor Arms: "As people know, the rules of the Faculty Senate state that resolutions should be moved by a member of the Faculty Senate. I am going to formally move the motion and then hand it over to the chair of the committee, which is Professor John Hopcroft. The background to this is that about two years ago, the Faculty Senate passed a motion asking the Dean of the Faculty and the Provost to set up a committee to look at copyright and intellectual policy. They set up this committee, chaired by Professor Hopcroft, and this is the result of the committee's work. So I would like formally move the motion (Appendix 3). The motion itself is quite long; it runs to several pages, but this is the business part of the motion.

'Resolution to Revise the Copyright Policy

Whereas the Faculty Senate passed a resolution at its meeting of Feb. 14, 2001 requesting that the Dean of the Faculty work with the Provost to review the university copyright policy; and

Whereas the Provost in consultation with the Dean of the Faculty appointed a committee to review the university's copyright policy; and

Whereas the committee has widely circulated a draft of its report, reviewed the comments received, and finalized the report;

Be it resolved that the Faculty Senate accepts the report, and requests that the University revise its Copyright Policy in line with the report'

Speaker Howland: "Thank you. Professor Hopcroft."

Professor John Hopcroft, Computer Science and chair of the Committee on Intellectual Property: "Very quickly. The committee (Appendix 4) has been working on this problem for about a year now. When we started we wanted to go out and get input from the broader community, and the way that we felt that we could best do that was to write a draft report, circulate it widely, speak to various groups on campus, get

whatever input we could get and then rewrite the report and bring the motion to you. And that's what we did.

"I'm going to just summarize some of the salient points of the resolution. To start with, I thought I would put up the preamble (Appendix 5) to the existing copyright policy, because the committee believes that the preamble has it right. It says 'Cornell University is committed to providing an environment that supports the research and teaching activities of its faculty, students and staff. As a matter of principle and practice, the University encourages all members of the Cornell community to publish without restriction their papers, books and other forms of communication in order to share openly and fully their findings and knowledge with colleagues and the public. The copyright policy has been prepared in this spirit.' Basically, as you read that preamble, we didn't think we could improve on it. So what our motion does is suggest how to update some of the content that follows after the preamble. Unfortunately, it took nine slides for the motion, and I don't think that it's too useful for me to actually go through the individual slides. So what I'll do instead is put up this one slide (Appendix 6), which I think shows the major changes that we are suggesting to the copyright policy.

The first one and probably the biggest is that the policy should be independent of media. The current policy makes a distinction between encoded works (things which are in your computer) and things which are written on paper. We can see no justification to have a different policy for paper, for things in computer format, video, film, speech or whatever it is. We didn't find anybody in the community that disagreed with this. So I think that's very non-controversial.

"In general the policy says that if you are academic, you own the copyright. If you are staff, then it is work for hire, and the University has the copyright. In the case of academics, there are four exceptions, and we thought that at least one of them should be clarified, and that is if there is a substantial use of university resources. It's not clear what substantial use is, so we gave a better definition. Basically, if you are using resources that are available to all members of your community and your community is defined as your department or field, then it is not substantial. Use of the telephones, workstations, and things of that type are ordinarily available to everybody. But we feel that it has to be field independent. For example if you are in chemistry, the use of a chemistry lab is not a substantial resource, because everybody in chemistry would have access to that. But if you were an historian and for some reason the University made a chemistry lab available to you, then it would be substantial use. That's why when we went into that to clarify it we had to make it field specific.

"Ownership, in cases of non-academics, is one issue where there is a broad range of opinions as to how non-academics should be treated. We feel that there should not be a distinction between academic and non-academic in the policy. That is not fundamentally what the distinction should be. It should be on whether it is independent, whether it is creative, and things of that type. However, we were not willing to recommend a change in the policy for several reasons. First of all, this was not an issue that anybody had raised before, and so there was no compelling reason to change it. Secondly, when we looked at other universities, no other university has changed it yet. We weren't sure what kinds of problems we might be creating for the

University if we went out too boldly. We took a more conservative position and said here is what the general principle ought to be, however as a first cut, we are going to retain the distinction between non-academic and academic, but recognize that there could be exceptions. These exceptions should be made in writing up front before people start so that there will be no misunderstanding. Probably the kind of exception you may want to think about is a case where an academic might not own something that they developed. Assume a college, let's say the Vet College, decided that they could improve their curriculum and get a competitive advantage over other institutions by doing some case studies which would be proprietary to Cornell University, and the dean of the college asks some faculty members each to individually develop a case study. In that case it seems appropriate, as long as the dean tells them up front that he is asking them to do this as part of their job and the college is going to keep this proprietary to the college and the use of its courses. As long as everybody understands up front, it seems to me that is a legitimate restriction. The faculty member could say that under those circumstances they would not want to do the case study for the dean.

"We think that the resolution of disputes should be clarified. It is our understanding that there has been no dispute over the copyright, but nevertheless we thought we ought to have the procedure in place. So there is material on that.

"Rights reserved by the University in instructional materials — that is the case that I just mentioned. If you, as a faculty member, write a course description, clearly the University has to have the ability to publish its course descriptions and things like that.

"Then there is a section that we think the University should try to educate faculty and staff about copyright management. When you submit something to a journal, you don't necessarily have to transmit the copyright to them. You can negotiate that. Those are the salient points. I think I'm going to stop here. If anybody wants me to put up the portion of the motion dealing with any individual part, I would be happy to try and find it and do so."

Speaker Howland: "Thank you. Questions for Professor Hopcroft?"

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "John, the only question I have is about delineating substantial use by field. The reason I raise the question, I can conceive of it having an inhibiting influence on engaging in cross-disciplinary or inter-disciplinary research, and I fail to see the real gain to the University that you get by making these delineations across fields."

Professor Hopcroft: "What we wanted to do is reduce the definition of substantial. By making it field specific, it gives you greater freedom. Otherwise, we would have had to take the least common denominator. That was the reason that we moved that way."

Professor Peter Stein, Physics: "What about the issue of distance learning and the whole business of who owns the material that is being used for that? Is that a special case? Or is that dealt with on a case by case basis?"

Professor Hopcroft: "Are you talking about eCornell? Is this what you have in mind?"

Professor Stein: "Well, I did have that in mind, but then also who knows where the future is going to go."

Professor Hopcroft: "My understanding is that eCornell is a separate entity. A faculty member, before they would get engaged with eCornell, would enter into an agreement that would specify what the terms were, and they would be negotiable between the faculty member and eCornell. If it was distance learning that was done by your department in some other format, then as far as what the policy says, it would be no different than course materials, and faculty would own course materials."

Professor Richard Durst, Food Science and Technology, Geneva: "I assume the committee looked at policies of this sort for other universities. I'm just curious about how we compare in terms of being more restrictive or less."

Professor Hopcroft: "I think the policies are pretty similar. If you want to look at them, the one we thought was best was Michigan's. In fact, unfortunately, we didn't find Michigan's when we first went out and looked. If we had, we might have asked Michigan if we could just copy their policy and end our committee. But there is nothing in our policy that is fundamentally different from other universities. I think we moved a little bit more towards openness and so forth, but not in a substantial way."

Professor Robert Richardson, Physics and Vice Provost for Research: "I want to comment on a related issue about intellectual property for patents. The rules will be different, but we have to eventually engage in a significant review of that. There is an intellectual property committee that CRF has that would be delighted if you guys could pay the same attention to that as you did to this issue."

Professor Hopcroft: "I should point out one thing, that in the case of software, which can be both patented and copyrighted, the patent policy takes precedence over the copyright policy. So that is one important thing that you should know."

Provost Martin: "I think you already agreed to take up patents, didn't you, John?"

Professor Hopcroft: "Well, that was before I talked to the rest of the committee. The committee is tired. They also say that you really have to look at the expertise of the committee. We don't feel we have the right expertise."

Provost Martin: "But you do."

LAUGHTER.

Speaker Howland: "Thank you. Are there additional comments or questions? Seeing no hands, I take it that you are ready for the vote. All those in favor of the motion, say aye."

AYE.

Speaker Howland: "Opposed? The motion passes (Appendix 3). Thank you very much. I would like now to call on Professor of Physics and Vice Provost for Research,

Robert Richardson, for a discussion of Cornell University's New Life Sciences Strategic Corporate Alliance Plan."

8. CONTINUED DISCUSSION OF CORNELL UNIVERSITY'S NEW LIFE SCIENCES STRATEGIC CORPORATE ALLIANCE PLAN

Professor Robert Richardson, Physics and Vice Provost for Research: "I feel like I'm jumping in the middle of the conversation, because this has been on the agenda for the Senate for at least one previous meeting. Part of the background for this is a report prepared by Vice President Reichenbach, but the central part that I want to endorse is a report prepared by Bob Buhman, chair of the Local Advisory Committee, which analyzed the issue.

"Briefly stated, what is the purpose of the Strategic Corporate Alliance Plan? By the way, I would like to broaden the statement in the consideration. There is first targeted the area of life sciences, but that is not the exclusive area in which corporate alliances will be considered. The fundamental idea is that we would try to make a comprehensive agreement with a corporation to sponsor research at the University. The particular corporation and the particular agreement are going to depend upon their interests. At the time the Corporate Relations Office has a potentially live customer that might be interested in the arrangement, there would be an invitation to faculty to join. There would be specific contacts with the faculty who were experts in the field that the corporation might have. The principles associated with the agreements will be identical in spirit and we hope in detail to the type of corporate research agreements individuals make. That is, we have certain University principles about who Cornell is and what we stand for that cannot be violated under any circumstance. No classified research. Everything has to be open. No prior restraint on publications. Anything that is sponsored on this campus has to be available for the entire community to participate in and read.

"The particular arrangement, though, and the details of the agreements can be very complex, and I am frankly delighted with the report of the LAC. I don't know whether all of you have read it. They point out that there can be pitfalls in any agreement. They caution against the exclusivity that might be in an agreement. The general final recommendation is that there be a university committee that goes through the details of the agreement to see that it doesn't violate any Cornell principles. Also I would enjoy having a thoughtful committee like the LAC look at it to see if there are any things that should be added to the discussion or significant modifications. It can only help to have a larger group of thoughtful people examine the details of where we are going with this.

"I would reiterate that this is primarily designed to be able to be a more comprehensive program that might be attractive to an industry that might then feel compelled to be generous to the University in some of our other activities and in fundraising. I would like to add one thing, though. I would hope that the LAC, which is slated to look at it first, would even consider at the outset the potentials for institutional conflict of interest. To make an extreme cartoon of the worst type of conflict of interest, recall where institutions, research universities, in the 1960s undertook research for the

American Tobacco Company that proved that cigarette smoking was good for you. That's an overstatement, but we have to be very careful about the possibility of an institutional conflict of interest where the results of the research and the announcement of it has a significant impact on the evaluation of a product that a company makes. I don't know how much further I should go. People might want to ask questions about this. I think it's more useful to answer questions that people might raise."

Speaker Howland: "Why don't we open it to questions? I would also like to announce that the Vice President for Alumni Affairs and Development, Inge Reichenbach, is also present to respond to questions."

Professor Kathleen Whitlock, Molecular Biology and Genetics: "I am a bit confused. Presently, if I clone a genome and I want to strike up an agreement with a company, we have an infrastructure legally to do that. So how does this differ from what we have now? Are you going out to look for companies to bring them to the University? Is that the idea?"

Professor Richardson: "Yes. You will always be free to do it. What we are interested in doing is modeled on what Stanford, MIT and Mass General do. Actually a group went to Boston to look at what MIT and Mass General do. They have been very successful in going to a corporation like DuPont. Now DuPont is primarily chemistry, so most of the agreements made are in the Chemistry Department, but they say, 'Look, we have this group of faculty in the Chemistry Department who are really interested in these problems.' There might be eight or nine, and they put together a coherent program that is then to interact with people at DuPont, so that once the thing is initiated, there is a regular schedule of joint meetings where there are research targets that are supposed to be achieved. The people from DuPont go to MIT and see poster sessions of the graduate students and see what they are doing. The qualitative difference between this and the individual one is that you have many more people interacting in joint research. Our dreams are that we will have many fields, so that it might not necessarily be in one department only, but it would be cross-college, cross-department, with research being multi-disciplinary."

Professor Whitlock: "Is this something you sign up for?"

Professor Richardson: "Yes. People would be made aware of it. We are going to need help in some cases, so there are entrepreneurial Cornell faculty who say these guys are ripe for the picking, and we'll go to Vice President Reichenbach and look for some way to develop the arrangements for the discussion."

Professor Ted Clark, Microbiology and Immunology: "The faculty is the only body that would look at those alliance agreements?"

Professor Richardson: "No. We have university institutional bodies, because Sponsored Programs is the gatekeeper for those, but the LAC would look at it with the faculty interest to make sure that . . . And I think it is also useful to have a group like LAC, which is broadly representative of the natural science research faculty, being aware of it and thinking about it and participating in it. It has that turn over; it's an educational process. This is not going to work unless the faculty want to do it, and we

have to do it in such a way that the transaction costs per professor are not so outrageous that they will say to hell with that and walk away, and it will fail. So we have to be careful about what we agree to but then make it attractive to the faculty so that they in turn will be attractive to our client.”

Professor Risa Lieberwitz, Industrial and Labor Relations: “I wanted to raise some points on a principle basis that goes broadly to underlying principles. It seems to me that we are losing sight of some very important principles that the University stands for. I just want to state them briefly, because I think that there are other people in the Senate who probably have some similar thoughts about this.

“If you think about the University as a place that we value in society as an independent institution that places research and teaching into the public domain as the traditional status of the university, then we can see how far we have come with this. It seems to me that by adopting this corporate strategic alliance, we are really moving far from the traditional role of the university. If we think about academic freedom, putting information in the public domain, independence from funders, and compare that with what you are talking about, which is the kind of dependency that an entire department or program will have on a corporation like DuPont or Monsanto or Novartis or whatever it is, then we are talking about the kind of direct influence that these corporations will necessarily have, because they are no longer just giving us money and we are doing what we want with it; there is quid pro quo involved. The greater dependency and extension from individual faculty to an entire program, I think, provides an enormous problem from a principle basis with regard to the kind of dependence that we are going to be having on corporations and the kind of direct influence they will have over departments and with the kind of tens of millions dollars that we are looking for from corporations in this way, then the likelihood of exclusive licenses increases as well. So this concern for exclusivity is one where it seems to me that probably the patenting and exclusive licenses at quid pro quo is almost a definite likelihood or probability and then we are really moving so far from the notion of the public domain that we are really servicing corporations rather than serving the public.”

Professor Hopcroft: “I understand your point; I disagree. I think that it’s overstated. One of the most active advisors we have had on this has been Sam Thier, head of Mass General. He is a Trustee, and he is a former President of the Institute of Medicine. He cautions us very strongly about exclusive licenses. We ought to talk about the different between exclusive licenses and exclusive research deals, because in exclusive research agreements you might take a defined set or area of research and agree with a corporation that you will not sign an agreement to do an almost identical line of research for a competing entity. That’s one form of exclusivity. There is also the issue of exclusive licensing. That’s already an important part of almost all of our corporate research. There are questions about what is going to be the output of the corporate research. There is a matrix: exclusive, non-exclusive, royalty-free, royalty-bearing. Each one of the corporate research agreements that is made has built into it a discussion of that. Our favorite ones are royalty-bearing, non-exclusive. The favorite ones of the industry are exclusive and royalty-free. We get involved in long negotiations on those, and the expectations on how that will work depend very much on the particular industry that you are involved in. In any case, the Mass General ones (and I don’t know about the MIT ones because I have talked to them) are very rarely exclusive in the

agreements to undertake research. That is they will have related but not identical research agreements with a lot of different pharmaceutical companies."

Professor Lieberwitz: "But they do have exclusive licensing?"

Professor Richardson: "No."

Professor Lieberwitz: "For these kind of corporate strategic alliances?"

Professor Richardson: "It depends on the particular corporation that is doing it. In pharmaceuticals there tends to be exclusive licensing for the output of that particular research."

Professor Bard Anton, Chemical and Biomolecular Engineering: "You describe as a big benefit of the strategic corporate alliance approach that large interdisciplinary groups could work with corporations and receive support for their research. I wonder what is it about the current legislation under which we operate that prevents that from happening now and requires that we have this new policy."

Professor Richardson: "Nothing that I know of. It's just the desire mutually of everyone to have a discussion when we are changing the direction."

Professor Anton: "OK."

Professor Richardson: "The rules are the same as what we have right now, except it's just a broader view."

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "I just want to first observe that money corrupts. It doesn't matter what the source of it is. That's why we put in place the checks and balances. That's why we have it in place with the federal government, and that's why I think it's absolutely essential to put your checks and balances in place. But I remember as an undergraduate in 1956 at Yale, A. Whitney Griswold announcing with pride in a speech to the public that we had never accepted one dollar of federal funding. I repeat not one dollar of federal funding. Of course, that was in the wake of the McCarthy era and the notion was federal money corrupted, which it indeed still does depending on how it comes and flows to the university. I think the important thing is that we have the checks and balances and adhere to that and review it continuously."

Professor Nicholas Calderone, Entomology: "Maybe one way to look at this is what percentage or how often does it happen that these arrangements actually result in a subsidy of the university towards the corporate partner, taking into account all the costs related to the university, salaries, etc.?"

Professor Richardson: "Well, first we charge full indirect cost on all of these, so that to the extent that the university is subsidizing that research we are probably also subsidizing government research."

Professor Calderone: "Is that at the high rate?"

Professor Richardson: "Fifty-five percent or fifty-six. There are no special deals on any of our accounts."

Professor Stein: "The part that concerns me are the issues that got raised by the LAC. I don't think I have heard a clear answer to them. My understanding from what I read in the report by the LAC is that they express concern about the University not allowing competing lines of similar research to be done at the University, and the other thing that they raised a concern about was the exclusive or preferential access to university facilities for the corporations that become the strategic alliances. Those things seem to me to be quite different than what we have at the moment. They sound to me like substantial steps towards having the University essentially"

Professor Richardson: "So, let me read what the LAC report says on that, because I agree with it word for word. 'In reviewing the draft of Strategic Alliance Plan, members of the LAC identified a number of phrases and statements in the document that do raise some concerns. These largely have to do with the issues of exclusivity and with "preferred access" to research results, faculty, students and research facilities, which are mentioned as possible components of an alliance agreement in several places in the draft plan document.' First, there will be no exclusive agreement that everyone at Cornell will only work with one corporation on this. Individuals who decide to sign on to a research agreement will find it is qualitatively the same as the kind they are already signing as individuals. People that don't join into that can have agreements with any of the competitors. There is no institutional total exclusivity involved in it."

Professor Stein: "Is that already written in or is that your view, or what?"

Professor Richardson: "That's the University's rules. That's university policy."

Professor Stein: "So what exactly were they talking about in this?"

Professor Richardson: "In the discussion as edited by the Trustees, there were words that could be interpreted as though it might be exclusive, but in every discussion we have ever had with the faculty, it is completely open for people to join in or not join in."

Professor Stein: "But is it also open for people who don't join in to follow similar lines of research"

Professor Richardson: "With somebody else. Absolutely. There is no restriction whatever."

Professor Stein: "Would people in those competing efforts as it were have the same access, equal access?"

Professor Richardson: "To any university based equipment. Absolutely."

Professor Stein: "That helped. Thank you."

Professor Lieberwitz: "I think that the reference back to this as what we are already doing doesn't really answer the concerns. Perhaps what we are already doing on an individualized basis in terms of research contracts with industry is a problem. It seems to me that you are not really acknowledging the realities of extending this type of research contract to large corporations whose expectations will be if they give \$25,000,000 or more dollars, for example, to a program that what they will be getting in exchange, and I think that it is the expectation of the University as well, that what the University will be doing is research that will add to the corporate profit. This is the exchange. We do research so that they can profit from patented . . ."

Professor Richardson: "And that's certainly true even in the individual case."

Professor Lieberwitz: "Right. And as I said that doesn't make it a good idea just because individuals do it. But what we are doing here is extending this to an entire program, which will be doing research for the profit of the corporation. Now if the University wishes to do that, it seems to me that what should be acknowledged is that it is a qualitative shift from our role as a university viewed as primarily in existence to add information and research to the public domain. Because this is going to be University patented research, but which will then in all likelihood under these arrangements have exclusive licensing arrangements, for example with a pharmaceutical company. In terms of subsidizing, we are clearly subsidizing the industry in terms of basically selling our research services so that they could have this sort of exclusive license arrangement."

Professor Richardson: "There are others that would argue that that is the most effective mode of technology transfer. Before Bayh-Dole in 1988, the rate of transfer of technology from the university research community into society was very low. This depends on what you think drives the world, but by introducing the requirement that federally funded research lead to patents that would belong to the University, it would belong to the University; it would get licensed by the University. The design there was to ensure that there was more application of university based research to society."

Speaker Howland: "I think we have time for one more question in the back there."

Professor Rebecca Schneider, Natural Resources: "One of the issues I am interested in is what is said in theory, how does that translate into what is in practice? I'm concerned about what does that do to the freedom of interactions among graduate students. Let's say, they belong to the group that happens to have support from this corporate funding, and there is a student whose work is only slightly different from that or may contradict that, it is going to start to effect what is really key parts of the way the University functions, which is the interdisciplinary interaction among graduate students across departments and within departments. There will be a stronger sense of unity among the group that works for that company, and the same applies to the faculty as well. There will be less incentive for freedom of speaking among students and among faculty when they are in a strong alliance because their funding is based on it. So what is the reality? Have you ever talked to the people at MIT?"

Professor Richardson: "And Stanford. Yes, both. That didn't happen, because usually the people that are involved in this have four or five other funding sources. The poor

individual investigator, we're talking about the physical sciences and engineering, just to keep a group together has to have three or four grants from three or four different sources anyhow. This would be just another piece of it. What's the amount of funding that a typical researcher might get out of it if he or she is lucky? It's probably one graduate student and half a post-doc. That's the reality."

Speaker Howland: "Thank you, Professor Richardson. I'm sorry that our time for discussion is past. I would like now to call on Associate Dean and Secretary Charles Walcott, member of the University Faculty Committee, for a resolution regarding the New Life Sciences Strategic Corporate Alliance Plan."

9. RESOLUTION REGARDING NEW LIFE SCIENCES STRATEGIC CORPORATE ALLIANCE PLAN

Professor Charles Walcott, Neurobiology and Behavior, Associate Dean and Secretary of the Faculty Senate and member, University Faculty Committee: "I would just like to present a resolution to you which basically says that any such alliance be presented at some early stage to the Local Advisory Committee, which is a committee of the faculty to examine it and look at the details and report prior to its being finalized." (Resolution – Appendix 7)

Speaker Howland: "The motion is open for discussion."

Professor Richardson: "I know I'm not a member, but I would like to make a friendly amendment. I recommend deleting Life Sciences so that it covers all possible strategic corporate alliances."

Professor Walcott: "That would certainly be acceptable. We were just given a document that said Life Sciences initiative, so that's what we were responding to. What is the parliamentary procedure here?"

Speaker Howland: "We can ask for unanimous consent for the amendment."

Professor Douglas Fitchen, Physics: "What is the amendment?"

Speaker Howland: "To delete Life Sciences."

Professor Richardson: "It's right at the top - Resolution Regarding Life Sciences Strategic Corporate Alliance Plan. Just make it more general."

Speaker Howland: "The motion is 'therefore be it resolved.' But we will ask for unanimous consent. Let me first just ask for unanimous consent to strike Life Sciences wherever it appears in this document. Do I have unanimous consent?"

NO.

Speaker Howland: "No. Fine, thank you. Let's proceed. Comments here and then here."

Professor Anton: "I don't think you need to do anything to it. The 'whereas' says the one we talked about and what we 'resolve' about is any proposed alliance agreement."

Professor Francis Kallfelz, Clinical Sciences: "I'm curious as to what value added there is in the clause 'and reported to the Dean of the Faculty'? I'm not quite sure what that provides to the resolution. Reporting to the Dean of the Faculty doesn't suggest the Dean of the Faculty can do anything with the report that he gets."

Professor Walcott: "I think the rationale was that it would be good for him or her to know about this. I think the other issue is that the LAC is a joint faculty / administration committee, and it could make its report entirely in confidence, not including the faculty, and this ensures that the information becomes available to the faculty at large. I think that is the real purpose of it."

Professor Kallfelz: "Perhaps that should be added to the resolution that it be reported to the Dean of the Faculty and made available to the faculty at large."

Professor Walcott: "If I may comment on that suggestion. I think one of the problems with this is that these kinds of agreements tend to be confidential until they are fairly well finalized, and so I think to have it spread widely is probably going to cause unhappiness in some quarter."

Professor Terrence Fine, Electrical and Computer Engineering: "I think the larger point as I understood it, being a member of the UFC, was that there might be some individual confidential aspects to this, but that by informing the Dean, who could be trusted to deal with anything confidential, the Dean could then filter it, and if there were issues that were faculty issues, he could extract those and bring them to the faculty. So he was just a trusted office to hear anything and then filter it with respect to our interests."

Speaker Howland: "I'm sorry to cut this conversation off, but as you know, our time is very limited. I'm going to ask for a vote, unless there is any serious objection."

Professor Anton: "Just because we have run out of time, does it mean we vote?"

Speaker Howland: "We can keep talking, and it will roll over to the next meeting if that has to be."

Dean Cooke: "You may move to postpone it if you wish."

Professor Anton: "Move to postpone."

Speaker Howland: "To a definite time?"

Professor Anton: "Next meeting."

Speaker Howland: "Motion is made to postpone to the next meeting. It is a debatable motion, and it needs a second."

UNKNOWN: "Second."

Speaker Howland: "It has a second. It needs a majority vote."

Professor Stein: "Mr. Chairman, isn't that out of order with a body like this, as it's the last meeting of the year? I thought it was."

Speaker Howland: "Continuing body. No, it's not out of order, I rule. All in favor of the motion to postpone to the next meeting, that would be the first meeting of the fall, all in favor, say aye."

AYE.

Speaker Howland: "All opposed?"

NO.

Speaker Howland: "Let's have a count. All in favor of the motion to postpone, raise your hands. All opposed to the motion to postpone, please raise your hands. The motion to postpone passes 34 to 26, so it is postponed to the next meeting. I again will call on Professor Robert Richardson, Vice Provost for Research for a briefing on research compliance issues."

10. RESEARCH COMPLIANCE ISSUES

Professor Richardson: "I guess one way to view this topic is the price we are paying to the federal government for doing research for them. The days are long since when we could have the Yale resolution. There are many compliance-related issues. I'm not going to discuss them in any systematic way, but I want people to be aware that there are a few consequences of Patriot Act I and Patriot Act II that have the potential of affecting the way we do business and central values of the University. So I am going to mention just a few of the topics.

"One issue is select agents. 'Select agents' is a word that appears in the Patriot Act legislation and refers primarily to a class of pathogens. You might think anthrax if you want to. Because of concern that the bad guys could get hold of select agents and make biological weapons, there had to be greater control over the use of it. On one level, it shouldn't be that big of a deal, because in our own handling of such pathogens, there has been a very careful set of regulations and rules. You can't just leave the things out on the table or throw them down the sink to dispose of them. They have to be kept under lock and key. But the additional constraints on the use of select agents imposed potentially a great deal more hardship on the faculty who would like to use those. So in the year between the time when Andres Garcia-Rivera polled faculty to see how many of them were using select agents, and this February when we had to register the select agent users with the Department of Justice for FBI checks on them, the number of Cornell faculty using them went from 87 down to 3. There are widespread stories, and they are true, about the difficulties of getting rid of the darn stuff. The biggest horror story is a professor at Texas Tech that flushed them down the toilet and lied about it, and he is in prison now. The constraints can be large. I am really upset that as a matter

of national policy that the inadvertent consequence of the Patriot Act decreased the number of the members of a faculty like Cornell from 87 who might be able to make a vital contribution to the science related to that subject down to 3. That's one of the things that I'm discussing at the national level.

"Now, let's talk about what the rest of the select agent rules are, because we have the potential of having a real crunch with our fundamental values. In order to be permitted to use a select agent, there used to be a self-declaration. There was a long form that people filled out, and you had to aver that you were not insane or alcoholic, not a drug addict, not a felon, and that you were not from one of the seven terrorist sponsoring nations. The terrorist sponsoring nations are five African and Near Eastern nations, plus Cuba and uh Well, you know which one I'm talking about. New Jersey! Right!"

LAUGHTER.

"What has happened instead—the names of our registered select agent users have been turned over to the FBI, and they are conducting a background check on them. They will now verify that they are not insane or felons or drug addicts or alcoholics and are on the up and up. That's fine. We don't want any of those people with dangerous stuff I guess. But what I'm more concerned about are the people from the seven nations, because Cornell is an open university. All of our research has to meet certain criteria. One that there are no prior restraints on publication. With increasing frequency we are having to, through Sponsored Programs, reject agreements with funding agencies that say we will fund this but you have to send the results of this to us before there is any oral or written communication of the results. We just don't do it; we refuse it, the money gets turned down. When we hit the point where there is an individual that is a legitimate member of our community who is forbidden to use select agents because of the country of national origin, that's when we hit a crunch. MIT has considered this policy, and they say there is a difference between access to information and access to materials. I'm frankly uncomfortable with that distinction, but one of the things that I want the LAC to examine next year is the question of the balance between academic freedom and necessity for certain faculty members whose careers really depend In the diagnostic laboratory a huge fraction of what they have to do in the College of Veterinary Medicine is related to pathogens, and what are the appropriate university policies to make certain that that type of research can continue for our faculty and still keep in balance our central values that there is open access for all?"

"The other one you need to be aware of is the log jam in the visas. Right now, it is agreed that there are at least 15,000 academic scientists either at the student level or post-doc, graduate student level, stuck outside of the country. Of those 15,000 there are about 250 that are from the seven terrorist sponsoring nations. It's a very large fraction from the Asian nations. The underlying problem there is that the FBI just does not have the manpower or the modern computer equipment to be able to keep up with it. There has been a great deal of discussion between the AAU and the American Association for the Advancement of Science and Cornell faculty in trying to sort that out, but we are not optimistic that that will be resolved quickly or that the length of the queue is going to be decreased."

Speaker Howland: "Thank you. I would now like to ask you to pass the ballots, if you can, to the side here, and the secretary will collect them. I would like to call on the co-chairs of the Committee on the Status of Non-tenure-track Faculty, Professor Emeritus Donald Holcomb and Professor Norman Scott for an announcement of the preliminary report from the committee and request for feedback. There will be no oral presentation. The report is on the table here. I hope you all picked up a copy."

11. ANNOUNCEMENT AND REQUEST FOR FEEDBACK, PRELIMINARY REPORT FROM THE COMMITTEE ON THE STATUS OF NON-TENURE-TRACK FACULTY

Professor Norman Scott, Biological and Environmental Engineering and co-chair, Committee on the Status of Non-tenure-track Faculty: "We are here just to receive feedback to the report (Appendix 8). Are there any comments at this point?"

Professor Lieberwitz: "Something I wanted to emphasize as a positive thing, because there is some contrast to the Faculty Handbook quotation. Where you have the language under voting rights about 'lecturers and senior lecturers are members in both college/ schools and department faculties and shall participate fully in decisions that are relevant to their roles within the college/school or department' That part of it is, to my understanding, as originally passed by the FCR in 1994, and I hope that you do retain that language, because it is different from what is in the Faculty Handbook, which currently uses the words 'directly related to their roles.' So I hope that we keep that broader language.

"Just a question that I have related to page 4 when you say 'Our committee has only scratched the surface of the question of how to give solid protection of academic freedom without the protection of tenure.' Should that be understood as meaning that the committee has decided that you will not be looking at the possibility of extending tenure or is that just simply part of the broader question?"

Professor Scott: "No, it's not that we won't look at it."

Professor Lieberwitz: "OK. So that is on the table."

Professor Scott: "Yes, it's on the table."

Professor Emeritus Donald Holcomb, Physics: "It's a complicated issue that institutions all over the country are grappling with, and we certainly intend to grapple with it."

Professor Scott: "By the way, the committee has a web site. As it turns out, it's linked to the Dean of the Faculty web site, so you can get there quickly either way. There are two very interesting references that are mentioned in here. One of them is a study, which recently reported to the University of North Carolina, with basically the same title, and also a book from Johns Hopkins press that deals with teaching without tenure. Both of them are referenced if anybody wants to dig more deeply."

Speaker Howland: "Additional comments or questions? If not, then I would now like to call on Professor Terrence Fine, Electrical and Computer Engineering, and member of the UFC for a preliminary report of a proposal for new academic titles from the College of Engineering. There will be no motion today, but the Committee on Academic Freedom and Professional Status of the Faculty will receive input and bring a recommendation to you next semester."

12. PRELIMINARY REPORT OF PROPOSAL FOR NEW ACADEMIC TITLES FROM THE COLLEGE OF ENGINEERING

Professor Terrence Fine, Electrical and Computer Engineering and member, University Faculty Committee: "At the initiative of Dean Fuchs from the Engineering College, then the Engineering College Policy Committee and the Engineering College faculty considered first the possibility of research professor titles. After some discussion, they decided that was a problem best left to full service faculty, and considered two new titles of Research Scientist and Principal Research Scientist. These are titles that are in use at other universities for similar purposes, and the hope is that would enable departments to be more flexible in keeping up with research opportunities, perhaps make them more competitive in hiring and also maybe contribute towards partially solving some body problems.

"The idea was that these new titles would be pretty well keyed to the level of associate and full professor, that is with respect to their research accomplishments, they would be comparable and go through a comparable process of evaluation as that which is currently done by departments for promotion to associate professor or promotion to full professor. So an initial appointment as a research scientist would mean an evaluation under our proposal of their research competence that would be equivalent to whatever a department would make for associate professor, etc. So these are fairly well defined with respect to qualifications in that regard. The idea was that these would be prestigious. They would be non-tenure-track. They would be term appointments of no more than five years. They would be renewable. They would be typically supported through external money, not internal money. They would have a greater degree, at least expressed degree of independence than is probably associated with the current titles of research associate and senior research associate. So more independence, comparable to that of associate professors and full professors and their research would be encouraged at these ranks.

"What is expected from them is that they would engage in research of a high quality. They would direct graduate students, with the approval of the appropriate graduate field of whatever department they were associated with, and perform many of the functions including external representation, raising funds, etc. The hope was that these new titles and the qualification process that undergirds them would give them the prestige and the independence that would make them much more successful than the current title of research associate and senior research associate and raise the external funds and attract highly qualified individuals for these positions.

"However, they are not viewed as full service faculty. With respect to that, the College of Engineering motion did talk about teaching responsibilities and limitations upon

them. While to recognize that that would occasionally happen, they attempted to put some degree of limitation upon the extent to which such a person could engage in teaching for credit and similarly some limitation on how long they could be supported on internal funds. It's not an algorithm. It's an idea that it could not go on for too long. There might be transition periods in which a department is willing to carry an individual for some length of time on internal funds. But primarily they are expected to be funded independently and externally, and there would be limits requiring dean approval for such things.

"To maybe explain better what we have in mind with respect to the currently existing positions of research associate and senior research associate, our view of the promotion process was that it would be possible for a research associate or senior research associate to become a research scientist, but they would have to go through that process of research evaluation comparable to promotion to associate professor, and possible then for research scientist and principal research scientist, again if they could meet the qualifications that would be comparable to the research activities of a full professor. So our hierarchy would be the currently existing titles of research associate, senior research associate, then research scientist, then principal research scientist, and this is fairly well keyed into the standards that we have for the regular academic rank. There is a lot more detail in this. It will have to go through the AFPS, probably also the Holcomb/Scott committee that you just heard from. They also have an interest in titles for non-tenure-track faculty. But I hope in the fall there will be a reconciliation, and they will be able to report to you a motion on this issue."

Speaker Howland: "So we have a little time for feedback to Professor Fine."

Professor Fine: "This did pass the Engineering College Faculty."

Professor Martin Lindau, Applied and Engineering Physics: "The previous discussion we had on this Clinical Professor and so on, one thing that came out of the discussion was that the title might affect the possibility of getting funding from certain sources. So not using the title of research professor make it more difficult to get funding? Was this discussed?"

Professor Fine: "Absolutely. There are clearly better titles. The chaired professor of X would be an even better title to have with respect to external funding agencies. However, the committee felt that this was a much better title in the sense that it would be undergirded by a very clear assessment of quality, and it would also come with an expression of independence that is not explicit with respect to the other titles. The word associate kind of subordinates someone. The very word itself has some implications of subordination, which is absent from these other titles. Yet, there are people who would prefer research professor because that would be more attractive and so would other things as well."

Professor Richard Durst, Food Science and Technology, Geneva: "I'm just concerned about people who are presently in the research associate and senior research associate positions. Isn't this going to have a negative effect on their positions in terms of their status and their self-esteem?"

Professor Fine: "Well, they are open Should this come to pass, I don't know what will be brought to you in the fall, but should a motion like this come to pass, they would also be eligible for consideration, as I said, if they could pass the qualifications needed to reach these other titles. It would be open to them. In the initial process, there never was such a consideration for these titles that went through a formal departmental evaluation of research accomplishments equivalent to that which we do for associate professors. So they would then have to do that."

Speaker Howland: "I'm sorry. The time for this discussion is up, but you can contact Professor Fine if you have a suggestion. I would like now to call on Kate Whitlock, Assistant Professor Molecular Biology and Genetics, for a resolution on paper usage at Cornell. The resolution is co-sponsored by Professors Drew Harvell, Duane Chapman and Thomas Hirschl.

13. RESOLUTION REGARDING PAPER USAGE AT CORNELL

Professor Kate Whitlock, Molecular Biology and Genetics: "We have only four minutes, so I am going to make this really quick. Hopefully, everybody read over the resolution that was sent out in campus mail. Who put this resolution forward? It's the Tree Free Group here at Cornell. It was headed up at the time by Garrett Meigs, who is an undergraduate here at Cornell and a runner-up for the Udall Scholarship for Environmental Science. He is away on an internship. We have an undergraduate here, Stephanie Juice, who will help me answer questions as soon as we are done.

"Why are we interested in using only recycled paper here at Cornell? The only way I can really try to bring this home to everybody is this is the cover of *Nature*, for those of you who aren't scientists. It says 'On the Brink: Gorillas and Chimpanzees Facing Extinction.' So at the time that we sequence the genome of the chip, we are about to annihilate it. Why are we about to annihilate the chimp? Because we are destroying the forest; that's half the reason. Why are we destroying the forest? Because we want paper. What percent of the forests go to paper? Right now, Cornell uses 4 million sheets of paper a year in the Print Shop; 40% of the logging done in the world is for paper. So we really need to think about this. We need to think about our everyday actions, and our students here at Cornell are pushing the University to think about their actions. In trying to do that, they have presented this resolution. The resolution has been passed by the Graduate Professional Student Assembly, the Student Assembly and the University Assembly; they have over 1,000 signatures on the petition supporting this resolution. Right now 25% of campus is using tree-free recycled paper.

"I would just like to read the resolution, and then I am going to invite the students to come up and help answer questions that you may have.

'Whereas, Cornell is a large teaching and research university that encompasses a broad range of intellectual activity within and between a variety of disciplines, and

Whereas, Cornell's own mission statement includes the following phrase: "We foster initiative, integrity, and excellence, in an environment of collegiality, civility, and responsible stewardship," and

Whereas, the Cornell community uses a significant amount of paper every year in the pursuit and administration of such intellectual activity, and

Whereas, such paper usage poses an unnecessary strain on the environment, and

Whereas, the technology producing 100% post-consumer recycled paper has undergone dramatic improvement in the last 5 years and has become a viable economic option , and

Whereas, CIT tests in Net-Print computer labs have shown no difference in the performance between 100% post-consumer recycled paper and copy paper products that are currently used, and

Whereas, other universities have already adopted the use of 100% post-consumer recycled paper, and Cornell is in a unique position to lead the Ivy League in using 100% post-consumer recycled paper;

Be it therefore resolved that the Faculty Senate strongly urges Cornell's departments, schools, libraries, administration and all other units to make the transition to 100% post-consumer recycled paper a high priority for paper-copying needs and to focus on making the transition in an expedient and timely manner, and

Be it finally resolved that the Faculty Senate urges Cornell's administration to set a goal and timeline of exclusively using 100% post-consumer recycled paper for paper needs (where possible) university-wide."

Speaker Howland: "We have just about 40 seconds to comment."

Professor Fine: "I oppose the motion, not on the grounds of the substance but on the grounds of its relevance to the Senate. I do not believe that this is our business. There are many, many important moral, ethical, what have you, issues that are not the concern of the Senate. The Senate, if it is to maintain respect, needs to focus on what is its concern. This is not a particular concern of the Faculty Senate, and on that ground I oppose it. It also came before the UFC before. It was not put forward by the UFC for rather similar grounds. So I hope that it will not be passed."

Speaker Howland: "Our time has come for a vote. All in favor of the motion, say aye."

AYE.

Speaker Howland: "All opposed?"

NO.

Speaker Howland: "The motion clearly passes. I call on Professor Kate Whitlock for a resolution regarding a renewable energy endowment at Cornell. Again, the resolution is co-sponsored by Drew Harvell, Duane Chapman, and Thomas Hirschl."

14. RESOLUTION REGARDING A RENEWABLE ENERGY ENDOWMENT AT CORNELL UNIVERSITY

Professor Whitlock: "So once again, this is a resolution (Appendix 9) put forward by the undergraduates here at Cornell. I would like to point out that this is put forward by the Kyoto Now Group. The president of Kyoto Now is here with us, Abigail Krich. For those of you who read the *Cornell Chronicle*, Abby won the Udall Scholarship awarded by the Udall Scholarship and Excellence in National Environmental Policy Foundation. We should all be proud of the very high quality undergraduates we have here at Cornell. I think they are great. So the students have put together the resolution that is before you.

"Again, why is it important that we pass such an initiative? Right now, we are investing in the life sciences. The life sciences are a balance; it's a balance between technology and taking care of the world life. What is life? Life is dependent upon our climate and upon our oceans and our atmosphere, which we are now severely disrupting through climate change. We feel that as a responsible university that if we accept the rewards of reaping the harvest of technology, we must do so responsibly. As an example of what kind of responsibility we need to pay attention to is Duffield Hall, which is almost done. It will increase the energy use on campus by 10%. This is after an effort over the last 15 years to reduce energy use on campus by 10%. So if we are going to invest in technology, we actually have to also invest in sustainable energy, so that we can balance the intense energy use this campus is taking part in. Of course the life sciences building that will go up and open, hopefully, in the year 2006-2007 will also be a very energy intensive building.

"I would like to invite the Kyoto Now students up here, and I would like to take questions on this resolution."

Professor Elizabeth Earle, Plant Breeding: "I would like to ask how large of an endowment would be required to cover 10% of the energy costs as proposed?"

Abigail Krich: "At the current rates of about 1.7 cents per kilowatt hour for extra renewable energy, it would be about an \$8,000,000 endowment for a permanent fund to get 10% of our renewable energy from that. The price is dropping every year, though. So you could expect that with an endowment of that size, the amount of energy that we would be able to purchase would go up each year."

Professor Earle: "An \$8,000,000 endowment or \$8,000,000 income from an endowment?"

Abigail Krich: "An endowment of \$8,000,000."

Speaker Howland: "Professor Fine."

Professor Fine: "Move to postpone indefinitely."

SECOND.

Speaker Howland: "A motion to postpone has been made and seconded. It is debatable, and it takes precedence, and it requires a majority. Are there any comments on the motion to postpone? Hearing none, we will take a vote on the motion. All those in favor of postponing the motion, say aye."

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "I think it is no."

Professor Whitlock: "I have 54 seconds left in my time."

LAUGHTER.

Professor Stein: "Could you explain your calculation of that \$8,000,000 to support 10% of the utility costs at Cornell? I find that very hard to believe."

Abigail Krich: "We have definitely worked with the managers in utilities to get these numbers. I don't have all the calculations memorized, but I know that it would be about \$300,000 to \$400,000 a year for the increase in cost. It wouldn't cover the entire energy cost; it would just cover the incremental cost. The current utility purchasing would remain exactly as it is. This would be the increase cost to purchase the renewable energy."

Speaker Howland: "We are at the end of our time for discussion of this motion. I'll call for a vote. All those in favor of the motion, say aye."

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "Will the ayes please raise your hands? All those opposed? The motion passes 32 to 14. Thank you very much. The chair now calls on Professor Charles Walcott, Secretary of the Faculty, to report the results of the balloting for the speaker."

Professor Charles Walcott: "I can report that the vote was unanimously in favor of Mary Beth Norton, Professor of History, to be our new Speaker. There were two blank ballots returned. I assume that they were just spares and not somebody abstaining from this close and controversial vote."

LAUGHTER.

Speaker Howland: "Thank you. The chair now calls on Professor Charles Walcott for Good and Welfare."

15. Good and Welfare

Professor Charles Walcott: "Thank you very much. Well, this is the end of another year, and in particular two of our very important people in this Faculty Senate will be retiring from their positions this year. I would first of all like to pay tribute to our distinguished Speaker, Professor Howard Howland, who I think has done an absolutely splendid job of keeping us in order and on time and facilitating the work of this body. Then I would like to join Provost Martin in paying tribute to Dean Cooke, who has set a standard for Dean of the Faculty and for leader of this body which I think is truly outstanding, and I just want to tell both of these people that their contributions and their help will be sorely missed. I hope that you will join me in saying thank you to both of them."

STANDING OVATION.

Speaker Howland: "The meeting is adjourned."

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary

Appendix 1

Resolution to Create a Master of Engineering Degree Program In the Existing Major Field of Biomedical Engineering

WHEREAS, the Committee on Academic Programs and Policies has reviewed a proposal for the creation of a Master of Engineering Degree Program in the Existing Major Field of Biomedical Engineering, and

WHEREAS, the Committee recommends creation of this new degree program,

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the creation of the Master of Engineering Degree Program in the Existing Major Field of Biomedical Engineering and urges the administration to place this on the agenda of the Board of Trustees for approval.

Rationale: Bioengineering and biomedical engineering in particular are emerging areas of scientific and technological opportunities that cross the traditional boundaries of biology, chemistry, physics, medicine, and engineering. Biomedical engineering is an intellectual endeavor in which scientists and engineers in different disciplines can explore entirely new territories by working together. Cornell University's outstanding faculty in engineering, human and veterinary medicine, and the life sciences and its strengths in interdisciplinary research and graduate field structure provide unique opportunities for the institution to develop and lead biomedical engineering in the next century.

Critical to this success is the existence of a structure designed to catalyze teaching and research efforts related to biomedical engineering, serve university-wide instructional needs, and act as the identifiable entity to promote these university-wide efforts: the Biomedical Engineering Program (BMEP). The BMEP was activated in April 2002 with Michael L. Shuler as Director and Donald L. Bartel as Associate Director.

Cornell University's Biomedical Engineering Program (BMEP) is a university-wide unit that bridges biology, medicine, and engineering. The program is responsible for:

- coordinating and delivering educational programs in Biomedical Engineering (BME);
- collaborating and coordinating with other programs in facilitating the transfer of life science concepts into engineering and engineering approaches into the life sciences, and catalyzing interactions associated with medicine and human health between biologists, physical scientists, and engineers;

- taking leadership within the Cornell bioengineering community on matters relating life sciences and human health and medicine; and
- promoting and enhancing the visibility of the BME community and BMEP program for attracting faculty, students, and research funds.

The BMEP director works with colleges to identify university-wide curricular needs in BME related areas and facilitate inclusion of those needs into undergraduate and graduate course offerings. BMEP develops and delivers new courses to meet instructional goals.

To prepare students for professional practice as biomedical engineers is a challenge as the breadth and depth of knowledge required to be effective is difficult to impart in a four year BS degree program. The BMEP is designed to address this challenge by offering an M.Eng. degree in Biomedical Engineering.

Educational Goal of M.Eng. in BME

We expect to prepare students for professional practice in BME. Students in the program will acquire a broad perspective of the biomedical engineering discipline that complements their undergraduate training in engineering *or* science, and an in-depth knowledge of an essential area in biomedical engineering. Graduates will be equipped to design biomedical devices and develop therapeutic strategies within the bounds of health care economics, the needs of patients and physicians, the regulatory environment for medical devices and pharmaceuticals, and stringent ethical standards of biomedical engineering practice.

Students will acquire breadth in biomedical engineering by participating in a bioengineering seminar and by satisfying specific course requirements in the curriculum. Students will acquire depth by extending undergraduate specializations, by selecting one of three areas for concentrated study, and by completing a design project in their selected area of concentration. Design projects will be carried out in teams to take advantage of the diversity of student backgrounds and, when possible, projects will be done in collaboration with industrial partners.

We expect the program will attract a diverse applicant pool, including students with the following educational backgrounds:

- i) Cornell undergraduate engineering students who minored in BME
- ii) Cornell undergraduate engineering students who did not minor in BME
- iii) Non-Cornell students who majored in biomedical engineering
- iv) Non Cornell students who majored in traditional engineering disciplines
- v) Cornell undergraduate biology students who completed a program of study in BME (currently in discussion)
- vi) Undergraduates from Cornell and other universities who majored in biology (or a closely related life sciences field) but did not complete a BME program of study
- vii) Undergraduates from Cornell and other universities who majored in physics or chemistry.

We believe that an M.Eng./BME degree program will serve Cornell well. Historically, BME programs attract higher levels of women (> 40%) and under-represented minorities than other engineering disciplines.

The BS/M.Eng. Option

The current M.Eng. option in bioengineering does not fill the role projected for the M.Eng. in BME. The M.Eng. in BME will serve a different student population than the current bioengineering option.

Addition of the M.Eng. degree in Biomedical Engineering will enable the BMEP to provide students the opportunity to complete a BS in one of the traditional departments (in COE, BEE, or in Biological Sciences) while completing a minor or program of study in BME and then to complete a Master of Engineering in BME. It is believed the BS/M.Eng. combination will serve students well who expect to enter professional practice as biomedical engineers by providing a strong combination of biology and engineering.

An M.Eng. BME and the BS/M.Eng. combination will enhance diversity in the COE. Additionally, BME attracts many of the best students. Two anecdotal examples are the University of Wisconsin and Georgia Tech. At the University of Wisconsin a GPA of 3.5 is required for undergraduates to affiliate with BME. At Georgia Tech over half of the entering freshman projected a BME major; enrollment in BME was capped at 50/year resulting in a minimum GPA of 3.7 to affiliate. Should Cornell lack an attractive BME option, we believe it would be detrimental to the diversity and quality of the student pool available to the COE. Implementation of a M.Eng. in BME is critical to our strategy for Cornell to remain attractive to the broad base of prospective engineering freshman.

Another component of the strategy of a BS/M.Eng. combination is practical. The alternative would be to begin, as most others have, a BS in BME. Based on discussion with BME advisory board members we believe that a 5 year BS/M.Eng. will be a more marketable degree for BME students than the BS in BME. With a BS/M.Eng. combination and a BME minor available to all students, the presence of BME enhances all units. Thus, establishment of a M.Eng. is a critical element in a strategy to develop a "win-win" situation for BMEP and all other units associated with the COE.

5/6/03

Appendix 2

**Resolution to Establish a
Graduate Field and Ph.D. Program In Information Science**

WHEREAS, the Committee on Academic Programs and Policies has reviewed a proposal for the establishment of a Graduate Field and Ph.D. Program in Information Science, and

WHEREAS, the Committee recommends creation of this new graduate field and Ph.D. program,

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the establishment of a Graduate Field and Ph.D. Program in Information Science and urges the administration to place this on the agenda of the Board of Trustees for approval.

Rationale: Digital technologies have become pervasive in culture, economy, law, government, and research, dramatically changing the way people work and live. The proliferation and significance of these complex technological systems of information demand a new focus in academic scholarship – one committed to cross-disciplinary study, astute about both the technical and the social, and devoted to integrating theory, investigation, design, and practice. Information Science at Cornell is an interdisciplinary program that studies digital information in its human and social context. Cornell has vigorous research programs in Information Science, but until recently there was no organized academic program. The Information Science Program was established in 2000/01, to develop academic programs and to be a focus for research.

The field of Information Science studies the design and use of information systems in a social context: it studies the creation, representation, organization, application, and analysis of information in digital form.

The focus of Information Science is on systems and their use, rather than on the computing and communication technologies that underlie and sustain them. Moreover, Information Science examines the social, cultural, economic, historical, legal, and political contexts in which information systems are employed, both to inform the design of such systems and to understand their impact on individuals, social groups, and institutions. The field's interdisciplinary research combines multiple methodologies, including mathematical analysis, computer modeling, software system design, experimental studies, and critical social evaluations, from such traditional disciplines as computer science, cognitive psychology, social science, cultural studies, and history.

The primary reason for proposing a new graduate field is to recruit graduate students. When a student has research interests that fit naturally within an existing field, then the students should register in that field (e.g., Communication, Computer Science, Linguistics, Operations Research, Psychology, etc.). However, this is awkward for those students and faculty whose interests are genuinely interdisciplinary. At present,

the university does not have a good way to attract such students; potential students do not know which field to apply to or even whether to apply to Cornell.

The Ph.D. in Information Science is intended for students who are interested in all aspects of how digital information is created and organized: by computer systems, by people, and within social systems. The program explores the interface between people and information systems, the technical ideas behind computer-supported information systems such as the Web, and how society shapes these systems and is shaped by them. The Cornell program has a strong emphasis on interdisciplinary research that bridges the gap between scientific and technical fields, and the social sciences. The focus is on long-term fundamental research, allied to innovative applications. The program has four concentrations:

- *Information Systems* examines the computer science problems of representing, organization, storing, manipulating, and using digital information.
- *Human Computer Interaction* uses an iterative, user-centered design approach to study the interplay between technology and what people do with technology.
- *Cognition* focuses on the human mind, which is the ultimate producer and user of information.
- *Social Systems* studies the cultural, economic, historical, legal, political, and social contexts in which digital information is a major factor.

A student who is awarded a Ph.D. in Information Science will need to achieve three objectives: (a) breadth in the disciplines that contribute to the field, (b) depth in several aspects of the field, (c) original research, on a topic from one or more of the Information Science concentrations.

Student Characteristics

A primary goal of the proposed field is to attract excellent students to Cornell. From our experience with undergraduates we know that a substantial number of students are interested in the inter-relationship of computer science, people, and society. The Information Science Program already receives many inquiries from well-qualified students. Currently, students do not have a have an appropriate field at Cornell for graduate work, and we have had to advise some first-rate students to apply elsewhere. Other universities that have introduced Ph.D. programs in related areas (e.g., the University of California at Berkeley and the University of Washington) report considerable demand from well-qualified students.

At Cornell, some graduate fields expect entering students to have majored in specific disciplines (e.g., Physics or Computer Science). Others (e.g., Science & Technology Studies) recruit strong students irrespective of background. Information Science will follow this second model. There will be no special admissions requirements. The field will be looking for highly able students who can demonstrate strong potential in both computer science and the social sciences.

The program requires strong analytical skills, breadth in a number of the focus areas, and depth. An ideal entering students will have an undergraduate degree in a related

area, with solid writing skills, computing experience, and a mathematical foundation that includes probability, statistics, and linear algebra. However, the program is designed so that students have an opportunity to fill gaps in their background at the beginning of their studies. In practice we expect that most entering students will have a strong undergraduate degree, with a major in a relevant field, including a significant quantitative or technical component.

Students leaving the program will have a very strong knowledge of the intersection between computer science and the social sciences. There is great demand for students with such skills. As such they will be very well placed to follow professional careers in either the commercial or not-for-profit sectors, or to enter a research career.

The name "Information Science" has different shades of meaning in other universities. In particular, some universities consider a degree in Information Science as professional training, whereas we see the field as an area of inquiry in the liberal arts tradition. A Ph.D. in Information Science could be the basis for an academic or research position, or the basis for a professional career in any aspect of digital information.

Administrative Support

Administrative support for the Ph.D. program will come from the Faculty of Computing and Information Science and the Information Science Program. During the past two years, Computing and Information Science has augmented the administrative structure of the Computer Science Department to support new programs, including both the undergraduate and graduate programs in Information Science. This support includes student advising, computer facilities, research administration, and general administration.

Student Support

All students will receive full support. We have initial funding for six students in the first year (Teaching Assistantships and Graduate Research Assistants). Additional support will be provided by individual faculty members from their research grants. The Dean of Computing and Information Science has committed funds for several Teaching Assistantships.

Information Science is a field with excellent opportunities for external funding, notably from the National Science Foundation, and the faculty have a good track record of raising grant money for Graduate Research Assistants. In recent years, without the benefit of a graduate field, we have had more money available to support students than suitable students.

Space

The program has newly refurbished space at 301 College Avenue. This provides excellent space for the medium term. The area has modern computing facilities and a usability laboratory for research on human-computer interaction.

Appendix 3

Resolution to Revise the Copyright Policy

Whereas the faculty senate passed a resolution at its meeting of Feb 14, 2001 requesting that the dean of the faculty work with the provost to review the university copyright policy; and

Whereas the provost in consultation with the dean of the faculty appointed a committee to review the university's copyright policy; and

Whereas the committee has widely circulated a draft of its report, reviewed the comments received, and finalized the report;

Be it resolved that the faculty senate accepts the report, and requests that the university revise its Copyright Policy in line with the report, as follows:

DEFINITIONS

Change the subtitle from "Definitions of Copyrightable Material" to "Definitions".

Delete from the Copyright Policy the definitions of "traditional work" and "encoded work" as well as the paragraph leading into those definitions.

Add to the policy the following definitions:

"works of authorship": material that is copyrightable; may include lecture notes, textbooks, articles, works of fiction, visual arts, software and musical compositions regardless of the media in which the works are produced or the forms of dissemination e.g. print or electronic.

"substantial use of University resources": the use of University resources such as funding, space or facilities not ordinarily provided to or available to all, or virtually all, members of the faculty of that department or field. For example, contributions of instructional and/or technical support to create digital course materials and/or to transform existing materials into digital format can constitute "substantial use" of University resources where such contributions exceed the level of support available to faculty in that department or field. For any given department, unit or individual, what constitutes a usual resource will depend upon the functions and responsibilities of that department, unit, or individual. For example, access to a chemistry laboratory may be a usual resource in chemistry, but would probably be considered an unusual resource in English literature. A further elaboration of this concept can be found in the "Elaboration of Definition of Substantial Use" included as an Appendix to this Policy. Questions about whether use of a particular resource constitutes substantial use should be directed to the individual with administrative responsibility for the resource.

"work for hire": the Copyright Act. provides that "a work prepared by an employee within the scope of his or her employment" is a work for hire. The employer (i.e., the

University) is the "author," and hence the owner, of works for hire. There is a long-established tradition within academia exempting scholarly publications by faculty from the "work for hire" doctrine.

OWNERSHIP AND DISPOSITION OF COPYRIGHTABLE MATERIAL

Revise the existing language under II. Work for Hire to read:

The copyright to material that is created by a non-academic employee within the scope of University employment shall be the property of the University unless there is a written agreement to the contrary. Such agreements may be appropriate where a staff member is creating an academic work such as a scholarly article or conference presentation with the permission of, but little guidance from, his or her supervisor.

The copyright of material that is created by an academic employee pursuant to a specific direction or assigned duty from the University or any of its units shall be the property of the University. Such specific duties may include requests that a faculty member develop labs, case studies or other curricular material to be used by members of the department or college other than or in addition to the faculty author. Other examples include course descriptions written for the course catalog and works created in the course of an administrative assignment, e.g. committee reports. A teaching assignment shall not constitute a specific direction or assigned duty conferring on the University copyright ownership in lecture notes and other instructional materials.

Revise the existing language in the first sentence of III. Use of University Resources to read:

Copyright ownership of works of authorship that are created with substantial use of University resources shall reside with the University.

Substitute "Faculty Senate" for "FCR" in the last sentence of this section.

RESOLUTION OF DISPUTES

Replace the first sentence with:

Disputes arising out of the application of this policy and the ownership of copyrights shall be brought to the Provost. The Provost will appoint an ad hoc committee and designate a chair. The committee will consist of a combination of administrators, faculty, staff and/or students as appropriate given the nature of the complaint and the respective roles of the parties involved.

Insert the following new sections into the policy:

COLLABORATIVE WORKS

Unless the contributions are made under circumstances that bring them within one of the exceptions delineated in OWNERSHIP AND DISPOSITION OF COPYRIGHTABLE MATERIAL above, the allocation of rights among multiple authors is largely a matter for them to resolve, ideally through an explicit agreement about these matters.

RIGHTS RESERVED BY THE UNIVERSITY IN INSTRUCTIONAL MATERIALS

In order to carry out its mission, the University retains a non-exclusive, no-cost license to use, re-use, reproduce, display and distribute and make derivative works (such as compilations, archives or composite works) of instructional materials for the education of Cornell students. Instructional materials may include syllabi, course descriptions, reading lists, assignments, slides, lecture notes, lab exercises, tools, simulations, multimedia, web-based pages, exams, student assignments, and recorded discussions. In accordance with academic custom, the University will acknowledge the authors of these works unless the authors request otherwise.

COPYRIGHT MANAGEMENT

Authors are expected to manage their copyrights in support of the mission of the University. When entering into publishing agreement, Cornell authors should, whenever possible, reserve certain rights to the University by including the following provision: "The author retains the right to make copies of the work for internal distribution within Cornell University." The Copyright Information Center (at <<http://www.copyright.cornell.edu>>) has more information and suggested language that can help authors develop a publishing license. Sample language for author's rights is also available at the SPARC (Scholarly Publishing and Academic Resources Coalition) *C r e a t e C h a n g e* website, <<http://www.createchange.org/faculty/issues/controlling.html>>. Authors may also wish to develop a license using the tools available through Creative Commons <<http://www.creativecommons.org>>.

COPYRIGHT NOTICE AND REGISTRATION

In those cases where the University is the owner of copyright, the following notice should be included:

Copyright © [year] Cornell University. All Rights Reserved.

The date in the notice should be the year in which the work is first published, i.e. distributed to the public or any sizable audience.

Within the University, the individual colleges or administrative units in which works are created have responsibility for the administration of copyrights and responding to requests for permission to use the copyrighted material for nonprofit educational

purposes. It is therefore recommended that the name and address of the department to which readers can direct permission requests be included in the notice:

Requests for permission to reproduce this work should be referred to the Department of _____ at _____ . The Office of University Counsel and the Cornell Research Foundation are available to assist with commercial sales or licenses.

Departments may opt to register the copyright with the United States Copyright Office. Forms to do so may be obtained from the Copyright Office web site, <<http://www.copyright.gov>>. Questions concerning copyright notices and registration should be addressed to the Office of University Counsel.

WORKS BY NON-EMPLOYEES AND INDEPENDENT CONTRACTORS

Whenever possible, the University should acquire copyright ownership, as well as ownership of the physical work, with respect to works created for the University by independent contractors such as consultants, photographers and web page designers. A written agreement is needed to achieve this result. The Office of University Counsel is available to assist in the preparation of such agreements.

COPYRIGHT INFRINGEMENT

Respect for intellectual property is essential in an academic community. The University supports full utilization of the rights of fair use and the rights granted to educational institutions and libraries under copyright law. Where uses of copyright material will exceed those permitted by fair use and other statutory exceptions, permission to use the copyrighted material should be obtained from the copyright owner. Information on copyright and obtaining permissions can be found at <http://www.copyright.cornell.edu>. Copyright infringement is a violation under the Campus Code of Conduct, the Code of Academic Integrity and the Policy on Responsible Use of Electronic Communications.

May 1, 2003
Committee on Intellectual Property

Appendix 4**Members, Committee on Intellectual Property**

John E. Hopcroft (Chair), jeh@cs.cornell.edu
Professor, Dept. of Computer Science

William Y. Arms, wya@cs.cornell.edu
Professor, Dept. of Computer Science

W. Ronnie Coffman, wrc2@cornell.edu
Professor and Chair, Plant Breeding

Bruce Ganem, bg18@cornell.edu
Franz and Elisabeth Roessler Professor, Chemistry and Chemical Biology

Peter B. Hirtle, pbh6@cornell.edu
Digital Library Info Tech Archivist, Director, Cornell Institute for Digital Collections

Peter William Martin, martin@lil.law.cornell.edu
Foster Professorship of Law

Patricia M. McClary, pam4@cornell.edu
Assoc. University Counsel

Polley A. McClure, Polley.McClure@cornell.edu
Vice President/Information Technologies and Professor, Ecology & Evolutionary Biology

Douglas D. McGregor, ddm7@cornell.edu
Professor, Immunology

Tracy Beth Mitrano, tbm3@cornell.edu
Policy Advisor, Director of Computer Law and Policy, Office of Info Tech

Maureen O'Hara, mo19@cornell.edu
R. W. Purcell Professor of Management, Johnson Grad School of Management

Appendix 5

The Committee endorses the introductory language of the existing University Copyright Policy:

Cornell University is committed to providing an environment that supports the research and teaching activities of its faculty, students and staff. As a matter of principle and practice, the University encourages all members of the Cornell community to publish without restriction their papers, books, and other forms of communication in order to share openly and fully their findings and knowledge with colleagues and the public. The Copyright Policy has been prepared in this spirit and with this intent. The Copyright Policy is intended to promote and encourage excellence and innovation in scholarly research and teaching by identifying and protecting the rights of the University, its faculty, staff, and students.

Copyright ownership and the rights thereof are concepts defined by federal law. University policy is structured within the context of the federal copyright law. The long-standing academic tradition that creators of works own the copyright resulting from their research, teaching, and writing is the foundation of the University's Copyright Policy. Exceptions to this rule may result from contractual obligations, from employment obligations, from certain uses of University facilities, or by agreement governing access to certain University resources. This Policy addresses these exceptions.

Appendix 6

Policy independent of media

Clarify substantial use

Ownership

**Nonacademic within scope of employment
Property of university unless written
agreement to contrary**

**Academic – copyright normally owned by
academic**

Resolution of disputes

Rights reserved by university in instructional material

Copyright management

Appendix 7

Resolution Regarding Life Sciences Strategic Corporate Alliance Plan

WHEREAS, The Faculty Senate reviewed and discussed the March 28, 2003 report of the Local Advisory Committee on the Life Sciences Strategic Corporate Alliance Plan,

THEREFORE, BE IT RESOLVED that the Senate concludes that any proposed alliance agreement should be discussed and approved by the LAC and reported to the Dean of the Faculty before being finalized.

University Faculty Committee
Approved 7-0-1 on 5/6/03

Appendix 8

Interim Report of the ad hoc Committee to study the status of Non-Tenure Track Faculty (NTTF)

Submitted on behalf of the Committee

by
 Donald F. Holcomb, Professor Emeritus, Physics (co-chair)
 Norman R. Scott, Professor, BEE (co-chair)

I. Introduction

Faculty not on tenure tracks, including lecturers and senior lecturers, research associates and senior research associates, extension associates and senior extension associates, and librarians serve the University, its colleges, and its departments in capacities that are essential to the mission of the University. Because the work of this faculty is so important, the University recognizes its responsibility to consider the appropriate academic protections for its non-tenure track faculty.

Dean of Faculty Robert Cooke, as directed by the Faculty Senate (10/1/02), appointed an *ad hoc* committee to address the resolution:

"The Faculty Senate directs the Dean of the Faculty to appoint a Task Force or Task Forces to investigate and make recommendations concerning the status and conditions of employment of non-tenure-track faculty, paying particular attention to such matters as titles, job security, rights to academic freedom, access to appropriate grievance and appeals procedures, eligibility for sabbatic/study leave, eligibility for emeritus/a status, and voting rights".

The Committee (thanks to Stuart Davis) developed a web site to assist Committee members (<http://instruct1.cit.cornell.edu/~sad4/NTTF/>) and others interested in the work of the Committee to exchange and access information. We expect to use the site on a continuing basis, to report further work of the committee. This web site is linked to the Dean of Faculty web site at: <http://web.cornell.edu/UniversityFaculty/> under the section on Active Forums/Discussions.

II. Instrument for Campus Input

The Committee decided to focus on a limited number of issues of direct and immediate importance to the governance policies of the University. An e-mail invited comments from tenured and tenure-track faculty as well as non-tenure-track faculty and sought responses to:

1. The first concern is academic freedom to teach students and to conduct research in ways appropriate to a leading university. As broadly construed by the AAUP, academic freedom includes:
 - Economic and job security
 - Grievance procedures
 - Freedom in research and publication

- Freedom in the classroom
 - Due process in all professional matters
2. The second focus of concern was the status of the non-tenure track faculty within their departments and colleges. While recognizing that the particular definition of responsibilities and privileges will necessarily vary, the committee wished to explore issues such as
- Titles
 - Career development
 - Participation in university and academic life
 - Accountability, evaluation, and standards for renewal of contracts

We sought responses to this inquiry in whatever form a person found most suitable and informative. We invited respondents to rank the several concerns listed in order of importance to them; to isolate those that one considered particularly important and comment on them; to consider existing policies and practices and suggest reforms to them. Replies by email were directed to Sandie Sutfin (Dean of Faculty's Office) or through the University Faculty Senate website.

III. Summary of Campus Responses

The response from NTTF to the Committee's request for feedback was excellent. We received 62 replies, almost all from NTTF. Respondents expressed appreciation for an opportunity to provide their thoughts to the Committee. The overwhelming majority of NTTF responding expressed an appreciation for this opportunity, which most indicated was the first time that such input was sought from them. In order of frequency of importance to persons the responses were directed to:

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

Generally, NTTF perceived that they are able to enjoy academic freedom in the conduct of their studies, whether in research, the classroom or in outreach. However, there were a number of responses, primarily in the Extension area, where individuals felt substantial pressure from their administration to worry about the impact of their work or statements on outside persons or groups who might perceive a negative impact on their interests.

Very few persons had sought to employ the existing grievance procedures. Almost all respondents expressed a lack of understanding about such procedures, often expressing uncertainty about whether such existed for NTTF.

To conclude this section: One response particularly captured the ideal situation for NTTF as, We want to “1) feel that our contributions are valued by the University just as faculty programs are, 2) work in an atmosphere where colleagues treat us as equals, 3) have the ability to gather resources (e.g. grants) necessary to support our program area, 4) have avenues for promotion built into the system and 5) be adequately compensated”. Our Committee’s work should provide a roadmap to support these ambitions!

IV. The Role of Non-Tenure Track Faculty

At the present time, the Cornell professorial faculty numbers roughly 1600. In the NTTF ranks, there are approximately 170 persons in each of the most numerous NTTF positions -- Senior Lecturer, Senior Research Associate, Senior Extension Associate.

As our Committee addressed its charge, it took some time to reflect on the role of this substantial cadre of NTTF at Cornell University. Why have NTTF? In addressing this broader question we became aware of two particular studies related to our task, both referenced in the Committee’s web site: (1) A report by Baldwin and Chronister and (2) the recent report of a Committee on NTTF at the University of North Carolina. These studies and our perceptions suggest that our report needs to help Cornell better understand and address the role of NTTF to ensure quality research, education and outreach at Cornell.

We perceive the driving forces for appointment of substantial numbers of NTTF to be:

- The academic profession is in a significant transition as the roles of faculty and higher education evolve in response to changing campus and societal environments.
- There is a reduced cost to the institution because these appointments are made at lower salaries than tenure track faculty. Quality appointments are possible because there is an available academic labor pool.
- There is an ability to fill specific roles and job responsibilities that are not considered comfortably fitted into the broad responsibilities of tenure-track faculty.
- Flexibility comes with short-term contracts, providing an ability to adjust quickly to changing enrollments and fluctuating research funding.
- NTTF carry heavier teaching loads, providing budgetary efficiencies in supporting the basic teaching activities.
- In Ithaca there is a pool of well-educated persons seeking employment, often as a part of a two-body problem, who welcome an opportunity to participate in the academic life.
- Although there is a natural concern that there may be a gender related issue (exploitation of women), the Cornell numbers do not suggest a major problem in gender balance. It is, of course, possible that appointments are made to NTTF positions, rather than an appropriate professorial appointments.

- Aging of faculty, including phased retirements, create a need for NTTF to cover the workload.

V. Preliminary Analyses or Assessments from our Committee

A. Terms of Appointment, Performance Evaluation & Job Security

University bylaws provide specifications for academic appointments. The authority comes from the Board of Trustees via “broad strokes” and from other Trustee legislation, hand-in-hand with University Faculty legislation. There do not appear to be problems in the appointment process, although one area that may need some increased flexibility in implementation is spousal appointments to support dual careers. The Academic Personnel Policy Office is working with others on policies governing early termination and non-renewal.

Performance reviews are not required in general at the University level. Good human resource management would suggest an annual review should be conducted and the Committee is likely to recommend implementation of a process of annual reviews.

Job security was a principal concern among respondents to our feedback instrument. A common suggestion was a “pool” to help a person for a short time between funding sources, particularly in the case of unavoidable breaks between research grants.

B. Academic Freedom

The ninth edition (2001) of the AAUP *Policy Documents and Reports* restates that the AAUP has focused on the principles of academic freedom since its inception in 1915. Of special relevance is a section from the Conclusions of this document, *“Individuals who are offered full-time service only on non-tenure track lines lack the financial, intellectual, and pedagogical security needed for the profession to be an attractive career choice for young scholars. Moreover, and of even greater importance, faculty members who hold such positions lack the security without which academic freedom and the right to pursue one’s own contributions in research and teaching are but illusions.”*

The AAUP (in its 1986 report) raises concerns about the adverse effects of NTTF appointments in the four categories: those on the non-tenure track faculty members, those on the students and learning process, those on institutional morale and academic governance and those on the future of the profession. Our Committee has only scratched the surface of the question of how to give solid protection of academic freedom without the protection of indefinite tenure. It will address this area in significant depth during its future deliberations.

C. Professional Development

Non-tenure track faculty (NTTF) are faculty in their schools and colleges and not members of the University Faculty. But many of them are continuing long-term employees of the University who support the central mission of the institution in teaching, research and outreach. Because the University has a positive interest in the

professional and intellectual growth of all faculty, because resources made available for supporting this growth will need to come from the University as well as from the schools and colleges, and because equity across college and school boundaries requires similar treatment of faculty in similar titles, the Committee expects to call upon the Provost and the school and college deans to establish mechanisms whereby professional development opportunities in the form of paid and unpaid leaves, and, where they do not already exist, resources for attending conferences and professional meetings, can be made regularly available to NTTF. A sub group of the Committee has developed a tentative, detailed plan for a professional development leaves policy. This proposal will be found on the Committee website.

D. Voting Rights

The *status quo* in this area is described in print on pp. 3 and 4 of the 2002 Cornell Faculty handbook. That entry is a slightly condensed version of an earlier statement approved by the Faculty Council of Representatives (Predecessor of the Cornell Faculty Senate) on March 9, 1994. That statement is reproduced below.

"Each college/school faculty, except the Graduate Faculty, shall be composed of the President, who shall be the presiding officer; the dean or director of the college/school; and all professors, associate professors, assistant professors and instructors in the department or departments under the charge of that faculty. Instructors, senior research associates, senior extension associates and those bearing the adjunct title shall be nonvoting members, unless given the right to vote by the particular faculty. Each college/school faculty may, in its discretion, grant voting or nonvoting membership to senior scholars, senior scientists, and other professional personnel for whom such membership is deemed appropriate by such faculty. Lecturers and senior lecturers are members in both college/school and department faculties and shall participate fully in decisions that are relevant to their roles within the college/school or department and in decisions that pertain to the hiring in their rank or below, **and in any other matters the particular college/school or department may deem appropriate.** In departments where the number of lecturers and senior lecturers is comparable to the number of professorial faculty, the Provost may modify this policy in regard to curricular decisions. Granting of such college/school faculty status will in no way affect other conditions of employment."

The clause in boldface type in this FCR statement is a small but potentially important addition to the current Faculty Handbook, and we expect to recommend its inclusion in the next issue of the Faculty Handbook.

The pattern of decision-making at the departmental level varies greatly across academic departments, and we hesitate to describe any particular guideline. But the spirit of the 1994 FCR statement can guide decisions about voting at the department level.

E. Titles

Our Committee's activities have initially focused on NTTF who occupy positions which carry the titles:

Senior Lecturer, Lecturer
 Senior Research Associate, Research Associate
 Senior Extension Associate, Extension Associate
 Librarians and Archivists (eleven sub classifications)

A subgroup of the Committee focused on the question of whether this list of titles is adequate to represent the academic world of 2003 at Cornell. We believe the single title, "Senior Research Associate", is inadequate to meet the wide-ranging needs of the University's research community in the research world of 2003. A proposal to add two titles, "Research Scientist" and "Principal Research Scientist", was approved by the faculty of the College of Engineering (April 30, 2003). We believe this proposal can nucleate a university-wide discussion of additional titles in the area of research.

At this time, the Committee perceives no immediate need for creation of additional titles in the category of Lecturers. We have not yet addressed the question of need for additional titles in the Extension category.

F. Retirement Arrangements for NTTF

As is the case for professorial faculty, many aspects of retirement arrangements for NTTF employees are covered by the overall Office of Human Resources plans which are described in the two booklets, "Retirement and Beyond (Endowed)" and "Retirement and Beyond (Contract College Faculty and Staff.)" These arrangements are also briefly described in a section of the 2002 Faculty Handbook entitled "Retirement Benefits", beginning on p. 62.

Section 4.2 of the Handbook (beginning p. 64 in the 2002 edition) describes additional arrangements available to *Emeritus* faculty. Our Committee has not yet been able to devote serious study to the matter of possible extension to retiring NTTF of some of the provisions described in section 4.2. The important substantive issue concerns whether the arrangements designed to support continuing professional activity by post-retirement *Emeritus* professorial faculty should be extended to retiring "Senior" employees who fall in the group our committee has been considering.

The charge to our committee included an allusion to possible extension of the title *Emeritus* to a retiring, suitably defined group of NTTF. Our committee has not come yet to consideration of such a change. We are aware of a commonly held belief that, for professorial faculty, the two terms "retired" and "*Emeritus*" are synonymous. This belief is not consistent with the description of appointment to the position of *Professor Emeritus* given in the Faculty Handbook (bottom of p. 31 in the 2002 edition.) A review of the realities of use of the title *Professor Emeritus* should precede consideration of extension of the honorific title to non-professorial faculty.

VI. Concluding Comments

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

Preliminary analyses and preliminary proposals can be found on the website, <http://instruct1.cit.cornell.edu/~sad4/NTTF/>, maintained by Dr. Stuart Davis, a member of our committee. It is also linked to the Dean of Faculty web site: <http://web.cornell.edu/UniversityFaculty/>.

We believe that, as we complete the work of this Committee, we will bring forth specific recommendations which can improve the quality of life for NTTF and benefit substantially the academic environment of Cornell students and faculty.

Committee Membership

Lynne Abel, Associate Dean, College of Arts and Sciences
Nancy Burton-Wurster, Senior Research Associate, Veterinary College
Stuart Davis, Senior Lecturer, Arts & Sciences
Donald Holcomb, Prof. of Physics Emeritus, *Co-chair*
Mary Opperman, Vice-President for Human Resources
Donald Rutz, Prof. of Veterinary Entomology
Norman Scott, Prof. of Biological and Environmental Engineering, *Co-Chair*
Steven Shiffrin, Prof. of Law
Susan Steward, Director, Academic Personnel Policy Office
Maria Terrell, Senior Lecturer, Arts & Sciences
Pamela Tolbert, Prof. of Organizational Behavior, ILR
Linda van Buskirk, Senior Lecturer, A&LS

Appendix 9**Resolution Regarding a
Renewable Energy Endowment at Cornell University**

Whereas, it is becoming clear that our long-range welfare, as well as the integrity of the natural environment upon which we ultimately depend, requires a responsible use of the world's remaining natural resources and a transition to clean, renewable energy sources,

Whereas, Cornell University has the responsibility to be a global leader and the ability to influence personal and societal attitudes towards responsible energy use,

Whereas, Cornell's continued growth in energy intensive research facilities will create an ever-expanding ecological footprint upon the planet,

Whereas, a reliance upon coal as a major source of campus electricity generation will continue to contribute to the production of gases responsible for global warming, acid precipitation, and air pollution,

Whereas, coal mining causes serious environmental damage through water pollution, a depletion of the water supply, destruction of land and harm to human health and safety,

Whereas, current conservation measures towards reducing campus electricity use are vital but limited, and a switch to cleaner forms of energy is essential to making a true impact in reducing environmental degradation,

Whereas, new renewable energy generation facilities are available now in New York State providing affordable, clean, and environmentally sound electricity,

Be it therefore resolved, that an endowment be established whose accumulated interest will fund the purchase of electricity created through renewable energy,

Be it further resolved, that the Cornell University administration should make the established endowment a major funding priority so that ten percent of the University's electricity can be purchased from new renewable energy resources,

Be it finally resolved, that this endowment's purpose shall expand in the future to include the funding of additional renewable energy and energy conservation measures as they become economical.

Respectfully Submitted,
Kate Whitlock and Tim Fahey

Senate Member Co-Sponsors: Drew Harvell, Duane Chapman, Thomas Hirschl,
Kate Whitlock

MINUTES OF A MEETING OF THE FACULY SENATE
Wednesday, September 17, 2003

Professor Mary Beth Norton, History and Speaker: "We have a quorum. Thank you all for getting here early to our first meeting. I want to remind all of you that no photos or tape recorders are allowed during this meeting. Will everyone please turn off any cell phone that you might have stashed somewhere? Please, before you speak, identify yourself and your department. I know some of you; I don't know others of you. I especially don't know some of you because I haven't been in the Senate for two years, although I was before that. I want to thank all of you who were involved in electing me Speaker last spring when I wasn't around. That's fine. I wish to warn you that I intend to wield a mean gavel and keep you all in order over the next two years. There will be three Good and Welfare speakers at the end of the meeting today. Those are the ones who signed up in advance. So each of them will get approximately 3 and 1/3 minutes. Actually, I should have brought a real timer along, but I will try to keep tabs on it. The first item on the agenda today is our new President, Jeffrey Lehman, who will give his remarks and then answer questions."

1. REMARKS BY AND QUESTIONS FOR PRESIDENT JEFFREY LEHMAN

President Jeffrey Lehman: "I will spend the next 29 minutes in terror of the gavel. I wanted to say that I am grateful to be invited. I understand that by convention I am not a regular participant at Faculty Senate meetings, that the Provost represents me at these meetings. That's great, but I also want to say that my membership in this body is important to me, and I hope that you will be accepting if I pop in from time to time when I am in Ithaca, not always necessarily as someone to stand up at the front but sometimes just to participate. If I do that, I hope you won't take offense. I have already talked to the Provost about this, and I've been assured that she won't take offense if I do that.

"I want to say just a few words about how it's all going from my perspective - these two and a half months so far - and then take questions. The simple statement of how it's all going from my perspective is that it is fabulous. It is emotionally gratifying for me in a way that I thought it might be, but really couldn't have known. It has just been extraordinary to be here, especially having been a student here, having carried with me throughout my career all kinds of emotional resonances with Cornell that I didn't really understand, and I still don't really understand at all. They are not necessarily susceptible to intellectual analysis. They might be susceptible to psychoanalysis. They come back in the most peculiar ways. I see a room or I see buildings or I see names, and they trigger a set of emotions in me, and it's kind of fun to think about where they come from. At the same time, of course, I'm learning a new role. I also want to say that it is exhausting.

"It is intensely important to me that I get out and engage the faculty as much as possible, especially at the beginning of my tenure as President. Doing that is hard in a school as big as Cornell, as radically decentralized and appropriately decentralized as Cornell is. So I have been trying to attend faculty meetings in different schools and colleges and to meet with individual faculty members and hear what their research is about and get educated about what people are working on here. I have been attending different kinds of faculty events and my wife, Kathy, has been joining me at some of these events. It's important that she also get a sense of the quality of the faculty, the richness of the work that goes on here, because in her ambassadorial role as a symbol of Cornell, it is important, I think, that she have a fine-grained understanding of the institution. I've been meeting with Charlie and talking with him and getting a sense of the Faculty Senate, its history and its significance. All of these things take time. At the same time that it's been exhausting, it has also been exhilarating, because one of the things that I have immediately sensed is that there is a lot of healthy, fervent disagreement around campus, differences of perspective that are deeply held and articulately voiced, and that's great. That is what a great university should be like. It has been helpful to me to see that and appreciate it up close.

"What have I been telling people when I make these forays? I have been trying to explain what I am about or at least how I think of myself during this first year. My hope is that I will stay President for a long time. You never know, but that's my hope. The way I have been framing the goal for this year and for my presidency is this. I have been saying that I think we all need touchstones and the sesquicentennial is a natural touchstone for a university. That's 2015, twelve years from now, and it's reasonable, I think, to say that's the right time frame for me to think about a term for my presidency and the right time to think about goals. Then I think about this year as the first year; that's the time to try to get a sense of what those goals might be and some preliminary sense of what needs to be done in order to achieve them. One of the things that I have been trying to impress upon people is how little I know at this point. I mean I'm not totally uninformed; I've been around a lot, and I have ideas. The ideas are all at different stages of development. Some of them I think are very well thought out, and I'm unlikely to budge about them. Some of them, especially in the areas where I am a novice, are quite poorly formed, and they are likely to shift around a lot. What I have been trying to do is to project a sense of how I hope to see my own ideas develop in consultation with the faculty and with other people who have a stake in Cornell over the course of the next year.

"So, to be concrete about it. Last December I gave my acceptance talk, and I saw that as a chance to push some tentative ideas about Cornell out into the conversation and to get people to engage back. There is another one of those symbolic moments when I am going to have a chance to do that, and that is going to be my inauguration as Cornell's eleventh President. That will be one of those times, when at least I might have people's attention for just a few minutes, and they can listen and go 'yuck' or they go 'how wonderful' or whatever they will say, probably all of the above. What I am going to be doing during the inauguration is in part symbolic, so the structure of the inaugural week actually is going to symbolize the breadth and complexity of Cornell. It is going to begin

in Doha, Qatar. It turns out that a long time ago, it had been planned that there would be a ribbon cutting ceremony in Doha on October 12, which is a Sunday. Whoever the President was going to be was supposed to be there. So I am going to be there, but we have that decided since I am going to be there, we will also use that to kick off an inaugural week. It will give me a chance to talk a little bit about Cornell's engagement outside the United States and how significant that is. We then fly back to New York City, and so we will stop in New York City and have some more ceremony on Wednesday, the 15th, in New York. It will be in part on the medical campus and in part out in the city where undergraduates engage in service work. That will be an opportunity to talk about Cornell's presence in New York City, presence in the state, and the intellectual significance of our connection to New York. Thursday morning begins the time in Ithaca. We will have an event initially at the public library. The public library was Ezra Cornell's first great institution in Ithaca before the university. It was also where Andrew Dickson White had his inauguration, actually not this building but as it existed then. We will then come back up and have a set of speakers in the morning talking about different ideas, and we'll have an opportunity for faculty and student engagement with what the different speakers have said or read, as will be the case with some poets who will be reading. Then in the afternoon, there will be the procession and Ruth Ginsberg will speak and present me to the community. Then I do my soaring rhetoric.

"I just want to say where I am on the soaring rhetoric bit right now. We are still about three weeks away. It's going to be a lot of questions, as you might expect, then kind of a ringing hortatory call for engagement by Cornellians everywhere. I'll have to double check; it's going to be Cornellians all around the earth and then I think Edward Lu is still going to be orbiting, so we'll try to find a way to call him, too, to engage these questions. The questions are the kinds of questions that when you think about an institution like this, we ought to be asking ourselves periodically. They are not particularly surprising. They are the questions about what we teach. Asking, given who students are today, given what the world is today, what are the core intellectual qualities that we ought to be nurturing in all of our students? What are the character traits that we ought to be nurturing in all of our students? What are the fundamental intellectual skills that we think every student should master before they graduate? What are the core bodies of knowledge interacting with words or numbers or technology that we think every Cornellian ought to have? And then how are we doing at teaching what we think we ought to teach?

"The question of who we teach is obviously important. We are an institution that has historically devoted most of its energy, but not all of its energy, to teaching students who are between the ages of 18 and 25, let's say. Is that the right population? Do we have the same focus going forward on that population? Probably the answer is going to be yes, but it's fair to ask the question I think, given how the world has changed and how peoples' need to learn throughout the course of their lifetime has changed. Should we have the same focus on students from North America that we have? (That has been the tradition.) We have 3,200 students from outside the United States who study here, but we are

still mostly studying here. How much should we be projecting ourselves elsewhere in the world?

“How we teach? Our pedagogy has evolved in many ways, but for most of us, certainly in law, it is mostly people co-located, engaging texts and talking about texts. To what extent should the new technologies change what we do? That’s a conversation that we regularly have and usually the result has been that the promise and benefits of the new technology have been outweighed by either the problems that it creates in either sustaining a particular kind of intellectual direction or the difficulty in actually using the new technology. Of course, technology changes and so we should, I think, be asking ourselves periodically, ‘Is the answer different today from what it was before and how?’ Then there is the question of where we should be pressing. Are there particular domains that we ought to be saying, ‘Wow, here’s an area where we are uniquely poised to make a distinctive contribution to a topic that the world really needs?’

“Last December I tossed out six domains that I thought might be susceptible to this. A lot of people said, ‘Oh, my goodness, these are the six areas that Cornell will be in the future, and I’m not in one of those areas, and I’m being invited to leave the University.’ That’s not what the project is about. So I will probably revisit the six areas that I mentioned, because I think they are all very important, but I will probably add in a few more to try and give the sense, which is real, that I am actually interested in having a serious conversation about whether there are thematic areas where collaborations across disciplines or intense focus within a discipline might enable Cornellians to make an even greater contribution to the world. We can come back to whether that is an appropriate metric, but actually this is one of the things I feel pretty strongly about. An important part of Cornell’s unique historical identity and mission has been about engagement in real world problems, sometimes from a very theoretical perspective but nonetheless a desire to engage and respond to the needs of our larger society. I consider this to be a fundamentally humanist, animating impulse for an institution, and I think that is part of what defines Cornell.

“At the end of the soaring rhetoric we have to find ways to engage in a conversation about all the questions I’m going to ask. Those who want to participate in the conversation will be welcomed. I will say that one of the ways that institutions try to do this kind of work is often to appoint blue-ribbon task forces to analyze them, and I will just let you know that by temperament I resist those things. I recognize that they sometimes do great work, and they produce documents of great value. When I was at Michigan I saw sometimes these kinds of task forces really were very important. The reason I resist them is because they tend to lead everybody else to disengage. If you are not on the blue-ribbon task force, it is somebody else’s problem; you go back to doing your work and that’s it. The other reason I resist them is that by their nature sometimes these groups end up with a voice that isn’t really a voice. It’s a committee voice where there is some kind of brokered compromise result, so that everyone who is on the commission can feel that they had a particular contribution or stake in it. It’s not very satisfying.

"I don't have a good answer about how to do this yet, but I am trying to think of how to use the many different existing institutions at Cornell to sustain a kind of engagement with these kinds of questions. I am going to have to beg the indulgence of all the participants in those institutions. Some people might not be interested in engaging, and that's OK. But to the extent that existing institutions are willing, my hope is that people will respond to the great hortatory call and participate, because where I would like to be a year from now, is that I would at least like to know what I can do and then I'll be able to tell everybody what I can do, and they will have a point of reference with which to engage, disagree, say, 'OK, now we know what you are thinking, now we know you are all wrong.' That's fine. I will say that I hope that when that happens, and I assume that it will happen. (If I come up with a set of things that everyone agrees with, then I think something bad will have happened.) At that point my one request is that if I say something that you think is a bad idea, say you think I have a bad idea and do not blame the building that I work in. One of the amazing things that occurs in talking to people around campus is they say, 'Day Hall did a bad thing.' This was true at Michigan, too. People were always saying, 'The Fleming Building is doing a bad thing.' Now, at Michigan, Robben Fleming is still alive. Poor guy. Edmund Ezra Day at least is resting in peace, I hope. Although maybe not, because everybody is always blaming Day Hall for things. So please, if people think I'm doing a bad thing, I hope they will do me the courtesy of attributing the mistake to me rather than to the building. So why don't I stop there? Do I still have some time?"

Speaker Norton: "Ten minutes."

Professor Joseph Laquatra, Design and Environmental Analysis: "I would like to know some of your thoughts on Cornell's unique position in the land grant and extension system. You mentioned our presence in the Medical School, but we also have a presence on 8th and Madison at the Extension Office. While you are in New York City, I urge you to consider stopping there, because this is a time, at least for Cornell, where that system is stressed, although we have offices in every county. We are leaders in this and Cornell is often looked to for leadership. Many of our programs serve as models for what other land grants do. In the Land Grant Panel Reports, one of the recommendations that cut across was to free ourselves from the stresses that we are facing from the continually declining federal and state support, that we look at endowments or campaigns in much the same way we do for teaching, research, buildings or athletics. I'm just curious about your thoughts on that."

President Lehman: "I appreciate the suggestion about October 15, and we will look and see what the scheduling is and whether it's possible either to make a visit or if that can't be done, then at least to make sure that I mention it. I'm going to be talking at all these places. I'll make sure that I speak of our extension presence in New York City and across the state."

"On the land grant mission more generally, I think, as all of you know much better than I do, we are in a difficult situation with the state and with SUNY right now because of the way in which our land grant activities in connection with

extension and research are mashed together with our teaching activities and other kinds of research through the SUNY process. So at least as I understand it, the portion of funding from the state that is supposed to nominally be directed toward supporting our extension outreach and research activities hasn't gone up in a long, long time. There are several areas in which I am trying to figure out whether there are things that we can do. One has to do with the way in which we are funded and whether there is a way within SUNY to have a separation that says that this much is supposed to be for these activities and this much is for these and then we can talk separately about the different things that we are doing through the SUNY system. But more generally, I do think that it is unlikely that over the long, long run we can expect to see substantial growth in our support from the state.

“So we do have to think about what the role is of land grant activity within the institution. Here I guess one of the things that I did in my early weeks back was to read more about the history of our stature as a land grant institution. I was caught up short in realizing that I had been making a mistake in thinking about the Morrill Act and the land grant status of Cornell that I actually think a lot of people make, which is to think that the term land grant has to do somehow with agriculture or activities in connection with the land. And of course that's not true. The land grant was simply the mechanism by which the federal government chose to invest and to give funds to the states to support universities that were actively engaged in meeting the practical needs of the society after the Industrial Revolution. Yes, they were primarily talking about agriculture and the mechanical arts, but the word 'land grant' didn't have to do with agriculture or anything like that. It had to do with engagement with the practical needs of society. So that feature of Cornell was with Cornell from 1865, long before there were any of the contract colleges. It was part of the founding mission of Cornell University. It was thirty years before the Veterinary College, which was the first. The land grant spirit, the spirit of engagement and contribution in a practical sense, is part of the entire mission of Cornell. How that plays out then ought to be, I think, not dependent on the relationship with SUNY and the contract colleges. It's really a much deeper question about how we are structured fundamentally. That leads to the question of our endowments, and our endowments are often tied to particular schools or colleges but sometimes not, and I don't think there is a need for endowments that we raise in this area to be tied restrictively to a particular school or college. That's the extent of my thinking right now on that topic. I don't know really where that leads in terms of pragmatic next steps or an agenda, but that's about as far as I've gotten on that.”

Professor Steven Shiffrin, Law School: “I just have a question I hope gets included in the inauguration speech. I think one of the things that students need to learn is how to think normatively in a rigorous way. I won't go into detail about this, but I think the University is ill organized to promote that goal. So one could put it as a question. Could the University be better organized to train students in normative thinking?”

President Lehman: “In my categories of questions one of them was what should we be teaching, and are there particular intellectual dispositions that we ought to

be nurturing? So one of those candidates might be a disposition towards a rigorous and self-critical normative thinking. I have to agree with you. I actually mentioned this. I don't know if any of you saw my convocation welcome to the new students. There is a disposition on the part of the current generation of students sometimes to disengage quickly and to say that when two people take different normative positions, it's simply a matter of opinion and that's the end of it. There is not any possibility for continued engagement in a serious way, and I think that is deeply problematic. I think part of the purpose of an institution like this is for people to find a way to engage in normative discussion without necessarily having first to specify a set of foundational ethical assumptions that they agree on completely, because that is a project that is futile. So if you can't do that in a deductive manner, how is it that we can have the kind of conversation that we all have all the time every day? I guess I agree with you. I think it's important that we think about how to ensure that all of our students have that possibility. I hope that you have a particular thought about an institutional mechanism. I don't know why I thought you might. I hope you will pop that into the hopper of conversation."

Professor Peter Stein, Physics: "Here's a small point, not a big point. I was listening when you were talking about trying to think about why is it that we say Day Hall and not the President. It occurred to me that that is a reflection of the way bureaucracies tend to be organized. We talk about the Pentagon; we talk about the White House; we talk about Albany in that same way and it's because they have organized themselves so that they speak with one voice. When one is outside, one doesn't know where it's coming from, so we call it Day Hall. Maybe it has to be done that way, but I just thought it might be an interesting arrangement if in fact the inhabitants of Day Hall might somehow have disagreements, which become public. That's a small observation."

LAUGHTER.

President Lehman: "I can assure you that Bidy and I have disagreements. You know, it's a serious question. When should those disagreements become public and when should they be things that we thrash out and then Bidy gives up?"

LAUGHTER.

President Lehman: "I think your point is exactly right. I don't know the answer to that. I think this is one of those areas where I'm going to definitely be sort of feeling my way on what makes sense as an institution. It can't be the case that we can never disagree publicly. I think it's fine for Bidy to say incorrect things in public. No, that can't be right. On the other hand, it can't be right that we never reach agreement on how to move forward, which involves some cession of what was initially a disagreement, even if there is a private disagreement on what continues forward. I don't know how you decide on what the boundaries around what those two categories are. Actually, if there is any literature on this subject out there, . . . because I don't know what the right thing is. I think you are exactly right about why people tend to subscribe...well, actually I think that's one of the reasons. I think another reason is that people have a healthy civility

about them. It feels easier to express disagreement with a structure than with a person. My hope is that if that is the motivation, people can find a civil way to express disagreement with the person that doesn't involve a sometimes uncivil attack on buildings."

Professor Paul Ginsparg, Physics, Computing and Information Science: "Have you given any thought to what in the long run would be the best channel for faculty to communicate their ideas and concerns to you?"

President Lehman: "I have, and there are several. One of the things I'm wrestling with right now is e-mail. I use e-mail. President@cornell.edu has been discovered by a lot of people, and I try to respond. Sometimes I don't respond very quickly, but I try always to respond. I don't know if that's sustainable over the long run. I think it just depends on how long I can get by on the amount of sleep that I get by on. I think it is sustainable, but I just don't know whether it is. So that's one direct channel that's there that I actually enjoy and hope is sustainable, but I can't be sure.

"I guess what I wanted to say was the question said a 'preferred channel.' I'm sure that presumes something that I don't agree with. I think there needs to be multiple channels. I think, as faculty members, one of the interesting things that is true in a modern university is that we are part of many, many different constituent sub-communities within the university. I don't think it always should be mediated; I think sometimes that it needs to be direct. Also, I don't think that when it's mediated, it should always be through one structure or another. I don't think it should always go through a dean or through the Dean of the Faculty. I think there need to be as many different channels as possible. There is probably some way of dealing with complex networks that works to provide communications. I think part of it has to do at some level with intensity of preference as well. One long-term possibility is people will come to understand that they will use e-mail as a direct, immediate cry when they feel something with deep intensity, and they will use other means that are less intrusive into the daily structure of my life where they feel less strongly. We're going to figure it out as we go along. I don't have a very clear answer to that right now."

Speaker Norton: "Thank you very much."

APPLAUSE.

Speaker Norton: "I am now going to call on the Provost for remarks, and she will also answer questions. I am informing the body that the Provost has already told me that she wants me to tell her when eight minutes are up, so I will do that."

Provost Bidy Martin: "I've decided to give up in the face of the President and cede my time or some of my time to you all for questions to Jeff if you wish, because, as you know, I'm always here. So if there are people who want to ask questions of Jeff, I would be happy to give my presentation next time."

Speaker Norton: "Are there further questions for the President or should we turn to the Provost? It looks like people want to hear you, Biddy."

2. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN.

Professor Brad Anton, Chemical and Biomolecular Engineering: "Yeah."

Provost Biddy Martin: "Oh, Brad, you're so sweet. Thank you. What was it that Sally Field said? 'You still love me!' You know I was going to do a presentation, which I will do next time, and it was a presentation that I gave to the Board of Trustees at the end of May this past year, and it was a summary of faculty hiring last year. I thought it would be interesting to you to see the number of searches and some of the critical hires we made this past year. I'll summarize a couple of things now and then perhaps if you are interested give the longer presentation at another point.

"We had 113 approved searches last year, and there were over 60 hires. Of course, it differs by college how many searches and appointments were made in each, and that's the information that I thought I would present to you at a little greater length when we have time. I also wanted to point out that we now conduct, as I think you all know, orientation sessions, which we don't call orientation sessions (we have a better category for it), but sort of introductory sessions for new faculty. Of the over 60 new faculty we have on campus, I think between 55 and 60 have responded that they will attend this session that we are offering. The session will introduce them among other things to President Lehman but also to questions about tenure and promotion, and in addition to that questions about our research resources for new faculty. If any of you are interested in the session, you are certainly welcome to attend, but also if you want information that we provide to new faculty, we will give you that, too. I'm going to save the rest of that presentation for later.

"I'm going to ask you a couple of things that I just realized that I need to ask you. Did all of you receive by e-mail the message inviting you to be part of the academic procession for the inauguration? So you actually do read those mass e-mails? Some do; some don't. OK. My fear was that because it was a mass e-mailing that as faculty you would perhaps have chosen not to read it, because it didn't have a name attached, and I want to point out to you that you are all invited to march as part of the academic procession and then to encourage you to please send your responses back in. The other thing I want to do is thank you for participating in the book project. I know that many, if not most, of you in this room did take part in it. We had a few glitches this year, and we apologize for that, but I hope you will attend the *Antigone* production that Theatre, Film and Dance is doing that starts this weekend. I hope some of you at least will attend. I hope some of you are going with your students and that you will sustain the discussion and be part of the larger debate about the theatre production.

"We have four dean searches this year, as you know, the Law School, the College of Architecture, Art and Planning, the College of Arts and Sciences, and the

College of Human Ecology. Those searches are almost all underway. There have as yet been no formal meetings of the search committee for Human Ecology or Architecture, Art and Planning, but they will begin next week. I wanted simply to report that we expect to be done with the Law School search by the end of the semester if not sooner. So that's the update there. We're just about at the end of our preliminary interviews that the search committee is conducting with the range of prospects and will be narrowing the list down to finalists and having those finalists meet with the faculty in the Law School very soon. The other searches will no doubt last throughout this academic year or at least into March and April, as dean searches typically do. You will be getting updates of the searches as I try regularly to provide you in each college and at Senate meetings, but if you have any questions, given that we have so much going on this year.... In addition to the excitement of having a new President (I can't remember which disagreements I have had with him), it's really a joy to work with him and we have we have a new Dean of the Faculty with whom also it has been really fun to work and a new Associate Dean of the Faculty, who has brought me a low-carb bar of chocolate. All of that is very exciting, and at the same time, we have a lot of difficult jobs to do this year, including these important dean searches. So if you have any questions for me about any of the perhaps more mundane operational issues at play for all of us, please feel free. I know you do."

Professor Kathleen Rasmussen, Nutritional Science: "Could you reveal to us the composition of the College of Human Ecology Search Committee?"

Provost Martin: "The question was could I reveal to you the composition of the Human Ecology Search Committee?"

Professor Rasmussen: "And if you can, would you please do so?"

Provost Martin: "Oh, you noticed that there were two separate questions. I cannot, and the reason is not for reasons of high-level secrecy, but because of the people we wrote to and invited initially, a couple have declined, and we haven't replaced them. What I did do was come up with an initial list and send it to the Faculty Senate's Nominations and Elections Committee, as we always do. You all sent back to me an approval in general but also some suggestions. I incorporated some of those suggestions, sent out invitations and now need to make a couple of new appointments. So as soon as I know, of course I'll reveal it. In fact, what we always do is send out the names of the search committee members with the call for nominations to all the faculty and staff in the entire college. I am actually visiting the faculty of the College of Human Ecology at their first faculty meeting to discuss the search, so I will be there, and I think Jeff will be there actually as well at the end of the meeting to talk about other things. Any other questions, any other revelations you wish to know about?"

Professor Howard Howland, Neurobiology and Behavior and Senator-at-Large: "Some years ago we had a Division of Biological Sciences which was dissolved. At the time of dissolution, I recall it being said that, 'Well, we'll see how it works. Then we'll review it and if it's not working, we'll maybe do something else.' So, since we have a new President and we have many exciting things going on in the

biological sciences, it might be a good time to look at that and see where we are, both in research and in education and in the general health of biology."

Provost Martin: "Did everyone hear Howie? That's right. We did say that, and what we also said at the same time is that we would create two important mechanisms for staying on top of how we are doing in the life sciences: one, the internal Life Sciences Advisory Council, which is composed of distinguished life scientists from all over the campus, and an external Life Sciences Advisory Council, which is actually chaired by Harold Varmus and is also made up very distinguished scientists from outside Cornell. That group visited us this past year and delivered a report to which we have been responding and which we obviously responded to immediately, but we have been busy implementing some of the recommendations.

"Jeff and I have now concluded that we should have them back this year in the spring, instead of waiting for the two or three year gap that we had initially thought we might wait. The one thing that they did not do, and which I think we need to do now, is review the continued success of the Undergraduate Biology Program. That matters to all of us a very great deal. Kraig Adler who is Vice Provost for Life Sciences has been keeping in very close touch with Jeff Doyle who is the Director of Undergraduate Biology and is aware of its continued successes and of some of the challenges there. I think it would probably be a very good time actually to take a hard look at the health of the Undergraduate Biology Program, especially since there is so much new science to be integrated into the undergraduate curriculum. And I think one of the questions is how quickly and effectively are we actually integrating some of the new research we are doing in the life sciences into the undergraduate curriculum. That is something that we should set out to do this year, so I would urge you to take a look at the reviews that have come in, and I emphasize that we are going to have another one this spring by the outside group and also take your suggestion that we take a formal look at the Undergraduate Biology Program."

Professor Charles Walcott, Dean of Faculty: "Is that review currently available for others to examine? Is it public information?"

Provost Martin: "You can have a copy of it. Yes, absolutely. Any other questions? Thank you very much. Next time, if you want, I'll give you more information about our hires. I simply want to say, as you know, there is nothing more important than the faculty, the composition and the quality of the faculty. We made a lot of fabulous hires this past year, and we're doing extremely well. The simple number of searches and appointments is a testimony to the health of the university, financially and otherwise. I think you will be excited when you see some of the examples outside your own fields."

Speaker Norton: "Thank you, Provost Martin. Now I would like to call on the Dean of the Faculty."

3. REMARKS BY DEAN CHARLES WALCOTT

Dean Walcott: "Thank you very much. I have a very brief report, which is the activity of FACTA. Fifty-one files were reviewed, seven of which were reviewed by the full committee. There were forty-nine positive recommendations, two negative, and the Provost agreed with forty-nine of the FACTA recommendations, which seems to me to be an outstanding percentage."

Professor Ronald Ehrenberg, Industrial and Labor Relations: "Should we infer from your remarks that the two she did not agree with were the two negative recommendations?"

Dean Walcott: "I don't think the slide says anything about that, and not having been on FACTA, I cannot answer your question, unless the Provost wishes to comment."

Provost Martin: "My memory is failing me is the problem. I know that in the spring group, FACTA recommended against one case, and I agreed with FACTA. So if there were two disagreements, they most have occurred back in the fall, and I really regret to tell you that we have a young male President and an old female Provost, and I can't remember what happened. Was it that I disagreed with the positive or with the negative recommendation? I think I probably disagreed with.... I don't know, but I'll get the information for next time. Is that OK?"

Professor Terence Irwin, Philosophy: "Can you give any general characterizations of the reasons for the two negative recommendations?"

Dean Walcott: "Again, I cannot, because I was not on the committee and I was not Dean at the time, so I have no sense of that, so I cannot be helpful to you. Again, that is something that I can investigate and report on to you next time. I simply don't know."

Professor Stein: "It seems to me that in the subsequent report you give of FACTA operation it would probably be a lot more useful if you would break down what the disagreements were. Were they the positive or negative ones?"

Dean Walcott: "Thank you. I will take that suggestion under advisement."

Provost Martin: "In response to Terry's question, it might be helpful to remember that FACTA makes a decision about whether tenure is justified by the dossier, if you see what I mean, not on the merits of the case. That is a partial answer to your question. It wouldn't be on the substance of the person's research but on whether the dossier actually successfully made the case that the person deserved tenure."

Dean Walcott: "That's my report. I will have a couple of further things to say later on."

4. APPROVAL OF MINUTES OF THE MAY 14, 2003 SENATE MEETING

Speaker Norton: "The next item on the agenda is the approval of the Minutes of the May 14, 2003 Faculty Senate meeting. May I ask for unanimous consent for the approval of those minutes? All in favor please say aye."

AYE.

Speaker Norton: "Opposed? The minutes of the May 14 meeting are approved. I will now call on Cynthia Farina, Associate Dean and Secretary of the Faculty for a report from the Nominations and Elections Committee."

5. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Cynthia Farina, Law and Associate Dean and Secretary of the Faculty: "Charlie has established an extremely efficient and well-ordered mechanism for approving the Nominations and Elections Report, which I respect but cannot fully abide by today, because one item here requires a written ballot. But we'll start off in the time-honored fashion. These are the bulk of the committee assignments for the university committees. I believe the phrase is, 'You can read them as well as I.' So, Madame Speaker."

Report from Nominations & Elections Committee September 17, 2003

Committee on Academic Freedom and Professional Status of the Faculty

Steven Beer, CALS
Locksley Edmondson, Africana Ctr.

Committee on Academic Programs and Policies

Roberto Bertoia, AAP
Rodney Dietert, Vet.

Affirmative Action Committee

Helene Dillard, CALS
Margaret Kroma, CALS

Educational Policy Committee

Drew Noden, Vet.
Dawn Schrader, CALS

Faculty Advisory Committee on Admissions and Financial Aid

Stuart Blumin, A&S
Steven Carvell, Hotel
Ann Lemley, CHE

Faculty Advisory Committee on Athletics and Physical Education

Tove Hammer, ILR
 James Bisogni, Engr.
 Robert Gravani, CALS

Financial Policies Committee

Richard Burkhauser, CHE
 Brad Anton, Engr.
 Andrew Novakovic, CALS
 Leslie Trotter, Engr.

Faculty Advisory Committee on Tenure Appointments (FACTA)

Bruce Ganem, A&S
 Bruce Levitt, A&S (fall term)
 Richard Rand, Engr.

University Committee on Human Subjects

Donald Hayes, A&S
 Deborah Trumbull, CALS
 Virginia Utermohlen, CHE
 Elaine Wethington, CHE

University-ROTC Relationships Committee

Paul Bowser, Vet.
 Jeremy Rabkin, A&S

University Assembly

Ellis Loew, Vet.
 Douglas Kysar, Law

University Lectures Committee

Jean Locey, AAP

University Faculty Library Board

Michael Kammen, A&S
 Richard Penner, Hotel

Minority Education Committee

Mary Pat Brady, A&S
 Christiane Linster, A&S
 Jan Jennings, CHE
 Amanda Miller-Ockhuizen, A&S

Music Committee

Molly Diesing, A&S
 Clare Fewtrell, Vet.

Professors-at-Large Selection Committee

Richard Durrett, A&S

Douglas Fitchen, A&S
Bruce Levitt, A&S

Faculty Advisory Board on Information Technologies

Evan Cooch, CALS
Paul Ginsparg, A&S
Suzanne Loker, CHE

Faculty Programs in Residential Communities

N'Dri Assie-Lumumba, Africana Ctr./Education

Speaker Norton: "I ask for unanimous consent for approval of this slate of candidates. Without objections, so ordered."

Associate Dean Farina: "Now, the Speaker will be asking for your consent to conduct a written ballot for Speaker pro tem. There was a slate for that approved at your May meeting consisting of Professor Rosemary Avery from Policy Analysis and Management. There were no nominations from the floor, but the balloting itself was not conducted."

Speaker Norton: "May I have unanimous consent to conduct this written ballot? If everybody agrees, we'll pass out ballots, and they will be collected later. I see no objection, so that is so ordered, and the ballots will be passed out. Please, only members of the Senate may vote on this."

6. RESOLUTION AND CONTINUED DISCUSSION REGARDING NEW LIFE SCIENCES STRATEGIC CORPORATE ALLIANCE PLAN

Speaker Norton: "Right on time, I will now call on the Dean of the Faculty and Robert Buhrman from Applied and Engineering Physics regarding the Life Sciences Strategic Corporate Alliance Plan."

Dean Walcott: "As you know, last spring we discussed in some detail a proposal which was entitled *The Life Sciences Strategic Corporate Alliance*. This was basically a strategy, a way, of involving companies in supporting research here at Cornell. We discussed that, as these agreements came on line, the Local Advisory Committee of the Faculty Senate would, on behalf of the faculty, examine these agreements to see what they thought about them. At the time, the motion to do this was tabled, and my sense from talking with the University Faculty Committee and members of the faculty is that there was considerable uncertainty among members of the faculty and various worries and concerns about these kinds of arrangements. As we duplicated the copies of the Life Sciences Strategic Alliance Plan for you, it came to my attention that there is a new version of this plan entitled simply *The Strategic Alliance Plan*, which has lost its life science coloration and has become rather more general in nature for the University. Interestingly enough, it contains a section that recommends from the Board of Trustees that the Local Advisory Committee examine these agreements to see whether they meet certain requirements of the faculty. Thus, to some extent rendering our motion moot.

"I've asked Bob Buhrman if he would come and bring us up to date on his committee's view of these kinds of alliances and then because we have sensed some uneasiness amongst the faculty, we are planning at the end of October to have a faculty forum on a Wednesday afternoon to discuss these matters. So what I would like from all of you is to get your thoughts about those parts of the Strategic Alliance which cause you uneasiness, unhappiness and concern so that, as we organize that faculty forum, we can see that those concerns are addressed by appropriate speakers and in the discussion. So hopefully, as a result of that Faculty forum we can understand the implications of this plan and its details, but I asked Bob to start us off with a brief summary of the LAC's plans.

Professor Robert Buhrman, Applied and Engineering Physics and Member, Local Advisory Committee: "Early in this year, then-Dean Cooke asked our committee, which was set up by the Senate to advise the central administration on research related issues in the physical sciences and engineering, to take a look at this document. We only had a little bit of time, given the schedule at the time. I don't think if we had had more time, it would have made a difference in our outcome. The new committee, which met for the first time on Monday, revisited that in preparation for this meeting today.

"So the first comment is just a few words about the context of our analysis and our report, which is summarized and I think made available for this meeting. All the members of the committee are active researchers. Many of them, but not all, have had corporate sponsors or have done consulting with companies or things of that nature, so that's a certain subset of this university. Not everybody is of that constituency. We did not think at the time that it was our job to decide whether or not Cornell should do corporate sponsored research. We have done it for a hundred years, I suspect. From what President Lehman said at the beginning of this meeting, our founding was to practice the mechanical arts as well as the fine arts. There are lots of organizations here where we have programs with industrial consortia; there are contracts coming in. I'm told there is roughly \$25,000,000 a year in research with industrial sponsorship. So this is not a new thing; it's about 5% of the overall enterprise here. Many of us have programs, including myself for full disclosure, let's say from the Science Foundation which requires in order to get the Science Foundation money that we have industrial partnerships, industrial advisory boards and so forth. So that concept was basically embedded in this committee. If you don't like that concept, then that's a different issue that perhaps the faculty forum can address, but in that context we looked at this proposal.

"This proposal is to change the way in which things are being done a bit, with the idea, personally I think, of getting more resources to Cornell for what we want to do anyhow. Most of these industrial connections and research programs that we have right now are bottom-up. A group of faculty gets together or individual faculty gets the proposal and does the projects, then Sponsored Program vets that by their standard rules and Cornell regulations. We follow that. Here is where people get a little bit nervous, because the central administration, in the interests of trying to get the larger resources initially for

Life Science, but there are other ones coming on actually a little more quickly, and the question is--are we going to sell our soul or are we going to sell your soul to satisfy this particular project? And that's the issue.

"There is this famous case called Novartis. Does everyone know about the Novartis case? If you are in the sciences or read *Nature*, you know about it. If you go into Google and Novartis and Berkeley, you'll find out about it very quickly. There the Plant and Microbial Biology (I haven't heard that word before) basically, the administration of that department made a five-year deal with Novartis to do research for Novartis, and Novartis would give them \$5,000,000 a year and that caused lots of problems, because there is the issue of proprietary research and who gets access to it and so forth. We don't necessarily do that, but that raised a lot of issues. There is still a big debate at Berkeley over whether it's a good thing or a bad thing. It made Berkeley look bad, I think, on average around the country. We want to avoid that. Why was it done? Well, people who led the department there didn't think it was a bad idea.

"We think the way to deal with these potential fears, from our committee's point of view is to have, as one of the opponents of the Berkeley thing said, 'Let there be light.' That is--have a non-interested group of faculty take a look at each proposal and if they think there is a problem, they will bring it to this body and raise it. If we worry about every possible scenario up front, you are not going to get any of these resources. That may be a desirable outcome but not one from our committee's point of view. We want the resources, but we want them without selling off Cornell's principles or Cornell's practices, which we think look pretty good. So that was our recommendation, 'Trust but verify.' If you want to take that point of view, that is let this go ahead. Some of us had different opinions about how big a resource this could be. Companies get enthusiastic about things. For example, Novartis has basically gotten out of the business which they funded the Berkeley department to do, because ag bio is currently in a slump again. So there you have it. Back and forth. That's our recommendation, and that's all I have to say. I would be happy to answer any questions."

Professor Thomas Bjorkman, Horticultural Sciences: "One of the questions from the spring was if the Advisory Committee found something it didn't like, it didn't seem like there was a clear mechanism for having those concerns addressed."

Professor Buhrman: "What we would do is report it to the Dean of the Faculty. Hopefully, I'll be off the committee by then. This is my last year. The idea would be, for example, this past year we had another fairly sensitive issue the committee looked at. We made the report; it was submitted to the Dean of the Faculty and to the central administration and that's the way it goes. I think we have trust in our elected Dean. If you would like another mechanism, that would be fine, or if you would like a different committee. I might say that the LAC when we made this recommendation did not nominate itself. I would say that somehow the best intentions go punished."

Professor Bob Richardson, Vice Provost for Research: "My concern is, because the LAC actually has a lot on their plate, if there are several of these that come up in a year, that I might want to go to a procedure where we would still have Senate input but another faculty committee do it, just because it will take a lot of work to go through it and parse it line by line and worry about. I, frankly, welcome having that group look after faculty interests. It's a terrific group of people to work with because of their experience and understanding in the sciences. Anyhow, we might have to, at some point, have another committee, because I don't want to over-burden the LAC."

Professor Buhrman: "The LAC would be delighted with that."

Professor Brad Anton, Chemical and Environmental Engineering: "I wondered if any of the alliances are under negotiation now or are appearing on the horizon?"

Professor Buhrman: "Speaking from my understanding, there are lots of things going on right now where a group of faculty are making arrangements. There is a program I think with a DOD sponsor, which requires corporate participation, and that looks like it is going to be another substantial win for proposals from the Engineering College and maybe Chemistry or Chemical Biology. I don't know if there are any negotiations right now that are of the type envisioned, which is kind of coming out of the administration down to the people. Most of this stuff is bubbling up, which I think is the way most of these things happen. In some sense, having independent faculty vet these arrangements, which have been going on for years, if we actually do it that way, if we think there are enough that might be significant, might be an improvement. For example, we have an on-going agreement with Corning, a blanket agreement for research. Not everybody likes the current agreement."

Vice Provost Richardson: "In fact, it lapsed."

Professor Buhrman: "Sorry, we had an on-going agreement and now it is lapsed. Now we get to the argument. Some faculty want to get that agreement right back in place, because they had great collaborations and they no longer have it. Other faculty members say, 'Well, you are giving away my patent rights that I want to be able to have, because Corning is going to be able to have first crack at it.' Well, all of these things are in conflict, which is the nature of a university. You have to make these decisions. To the extent that we all know what is going on and most people are involved, I think we are better off. The biggest thing that bothers me about the Berkeley issue is the senior faculty or a group of the leadership of the department basically committed the junior faculty to being part of this team. That's not the way I was brought up here at Cornell where everybody stands on their own legs and does their own thing. If you want to buy in, fine, you know what you are doing. If you don't want to buy in, you go do your own thing. So I think it's very useful to have a public disclosure."

Professor Risa Lieberwitz, Industrial and Labor Relations: "In reading your report from your committee, one of the concerns that is expressed a couple of times is that a number of people on the committee found it very troublesome

that, in a corporate funding arrangement of this kind on a certain large scale, the funding would be a quid pro quo for exclusive licensing rights given to the corporation, to the funders. Perhaps you could talk a little bit about what was going on in your committee discussions.”

Professor Buhrman: “Well, again, we may or may not have explored it as much as we should. We had limited time. Again, you are going to get diversity of opinion. Corporations don’t do this out of complete goodness of their hearts; they do it because they expect to get something. I will give you my perspective. A small start-up company approached me and they wanted to support some work here at Cornell, partly because they wanted my group’s name on their proposal to the federal government. I sent them Cornell’s current policy, which says they can see our work that comes out of this ahead of anyone else. They have sixty days and then it’s public knowledge. They didn’t like it, but they wanted to fund us. We ended up not going, because we didn’t want to do what they wanted us to.

“That’s Cornell’s current policy, and we kind of like that. That is, we have to be able to publish everything we do. We’ll give some sponsors time to look at the work first. As far as initial patent rights, currently there’s a federal policy that you can sign those agreements. Correct me if I’m wrong here. The whole idea of course is—I mean there’s a debate about what patents are for. Some people think that by giving a company patent rights, you are able to get your knowledge and the benefit that it will give to society out quickly and the company won’t support a person. That’s an issue that I think you can discuss. The committee was quite happy with the current Cornell policy for that. We were not happy with one faculty member not being able to talk about his or her work because the University signs an agreement with a different company. So basically, we are going to have a lot of openness here. I don’t think I completely addressed your concern. We talked about it, but we didn’t feel...as long as people knew what was being signed, they could opt out, and we were OK with that.”

Professor John Guckenheimer, Mathematics: “I think one of the issues that the faculty forum should consider is what the threshold is for triggering an agreement to be considered by the LAC as one of these corporate alliances. You mentioned the concept as being something top-down, but sometimes faculty from the bottom up have very ambitious plans.”

Professor Buhrman: “I agree. If you flood any committee you have, then they will just rubber-stamp everything or reject everything, so you have to have a threshold. I agree with that. Currently, we are pretty set with raising funding, and it seems to be getting better, partly from the faculty we have been hiring lately. It is an issue. We don’t want to march too fast; on other hand we can’t marshal every \$50,000 contract. So it would have to be big enough to involve enough activity.”

Professor Shiffrin: “This is not a question. It’s just a suggestion in response to Charlie’s question about what kinds of things should be considered by the forum. It seems to me that one of the most important things for the forum to

consider is what principles should guide the LAC or any other committee that might be formed, which would require looking at what does Cornell do now with respect to individual faculty members? To what extent does that differ from other universities? So you would be reviewing what we are now doing. What kinds of disputes would one expect to take place within the LAC in evaluating proposals? What would those debates be about? So that the general faculty can be informed in terms of perhaps developing a set of principles that should guide a faculty committee in evaluating proposals.”

Professor Buhman: “I think that’s a good point. It would depend upon the faculty forum raising the issues and making the committee think about those. I should say the LAC was unanimous in this document for whatever value that has.”

Associate Dean Farina: “An issue that I would like to see the forum address, and I wonder if you talked about it in the committee, is the timing question. To the extent that these proposals do turn out to be top-down ones, where there is a heavy investment on the part of University Development in the negotiation process, it’s likely to require a lot of energy on both sides. If the LAC or whatever committee is presented with a proposal that has basically been fully negotiated at that point, there is enormous pressure on everyone involved with respect to approving the decision. Yet certainly there are going to be claims of (and they are probably quite reasonable) confidentiality issues during the course of the negotiation. I would like to see the forum address the question of how you balance that, and wonder if you all talked about that.”

Professor Buhman: “We talked about it a little bit, and my opinion is the faculty of this university are not muzzled very well. The pressure can be there, but so what? Yes, that of course raises the biggest concern in the interests of the University. Development goes out and tries to get a significant alliance that will bring significant resources here, and then who is this little committee to The committee will say what it wants; the question is ‘will it be too late?’ It’s also unfair to the Development people who are trying to benefit us. That’s what they are there for. So the best thing to do, if we have a well- developed set of principles, we know and everyone knows up front. I think this is a very healthy process that we are working our way through.

“I have no one on the LAC who wants anything like Novartis, but everyone on the LAC thinks that there can be substantial benefit to the University. We hope that there can be substantial benefits if it works. They know it would be a substantial benefit from their perspective. What we don’t want to do is get into a mess. If we have to have a test case up front, I think our committee felt, we will suffer the test case and then we will know where the University stands. Hopefully, we won’t have that problem with the faculty forum and some more discussions. By the time we get to an alliance that is really there, all these red flags have been painted white, and we look pretty good, and we are comfortable with it. Then we will not have Berkeley and Cornell in the same article in *Nature*, unless it says Cornell did it right; they learned from Berkeley. MIT, by the way, seems to be doing some of these things. Of course, they are a very technological

institution and not having that sort of problem. I think it's important to have object lessons, but sometimes you learn too much from them in that the really bad example stops you from doing good things, important things that would benefit the institution."

Professor David Pelletier, Nutritional Sciences: "You mentioned the principle of shining light on the whole process, and in that spirit, I would like to offer two suggestions for the faculty forum. First of all, several years ago when the earlier incarnation of the Life Sciences Initiative was getting underway, (it was called the Genomics Initiative and that was very grassroots) there were a couple of forums. Faculty from the ethical, legal, social issues committee at Cornell were asked to help frame the decisions that we were going to have to make, in addition to people who had a stronger interest in seeing that move ahead. So would it be possible to have people from other universities or from the LAC group or elsewhere to present opposing views and make sure that all of the issues are out there for us to consider during the forum? The second suggestion is when the committee is doing its case by case review sometime in the future, is there some way to notify the community as a whole as to which cases are being reviewed, so that people can weigh in and act as a counter-weight to any tendency that might or might not exist for that committee to drift in one direction or another?"

Professor Buhrman: "I understand that question. I'm not going to speak for the administration. There is this issue that you may ruin any of these things from happening if you shine the light too soon. That is if a company is thinking or a group of companies are thinking about doing something, and it starts appearing in the *Ithaca Journal* that Cornell may be selling its soul or Cornell might be doing this great thing, I'm not sure the negotiations are going to go that smoothly. At the same time, we can't let the signatures onto the table unless we know what is going on. So I don't know. Bidy, you look interested."

Provost Martin: "I always look interested. Actually, Jeff has some very balanced formulations about this issue and probably he should speak to it, because he will be more involved than I will."

President Lehman: "Now you are seeing a very serious disagreement."

LAUGHTER.

President Lehman: "I think Bob has articulated the tension here very well. I think one of the challenges for a university when it is acting in the outside world is that universities can act foolishly and shoot themselves in the foot by doing the things that are very important to them, which is ventilating thoroughly and broadly. So people sometimes think universities do a bad job of exercising market power in negotiating, because they give it all way. It's like when you go out to buy a car and you bring your child along and the child says we have to buy this car, and you lose all your negotiating leverage. The question is you are supposed to have the conversation at home first and make a decision. So I guess one of the challenges for a university is how to have secret conversations at home

first that really stay secret, and how to include the possibility of a dissenting voice early, where the understanding is that at the end of the day, after the dissenting voice has been heard, there won't then be a public disagreement at a moment when it can be damaging to the university's ability to be effective in the larger world. That's a hard problem, and I think it requires a certain level of trust in order to make it happen."

Speaker Norton: "Thank you. Orders of the day call for moving on to the Good and Welfare portion of our agenda. May I ask anyone who has further suggestions for the faculty forum to send them to the Dean of the Faculty by e-mail or otherwise. I also inform the body that the Dean of the Faculty had already noted to me that at the conclusion of the faculty forum the University Faculty Committee will take under advisement whether any particular steps need to be taken further by this body or other groups after the forum has occurred. I will now move on to the Good and Welfare. As I said there are three people. Professor Duane Chapman is first. I'm going to hold you to your three minutes."

7. GOOD AND WELFARE.

Professor Duane Chapman, Applied Economics and Management: "I thought you said three and a third minutes."

Speaker Norton: "Three and a third. Well, my watch isn't accurate enough to do a third."

Professor Chapman: "I'm sure we all remember fondly the old Cornell logo. It was the open book and motto roughly like this. 'I would found an institution where any person can find instruction and study.' I mourned its passing in silence until this past August when the *Cornell Daily Sun* published, as you know, its cartoon editorial linking the new logo to J.C. Penney. This was followed by some comments about this at the ALS College meeting where the President was introduced and followed once again by a conversation at our Warren Hall coffee. It was not quite an uproar but a loud mumble on this subject. Professor Conneman provided the selection of twenty panels of red with white lettering. There are a number of interesting panels here. I personally think that we should consider selecting a committee to revisit this question and see if we might come up with something a little more appropriate for Cornell."

Speaker Norton: "Professor Peter Stein for three and a third minutes."

Professor Peter Stein, Physics: "I spoke before you at the end of last semester on behalf of the University Club Task Force. We presented to you a resolution asking you to support in principle the recommendation that we made to bring a university club back to Cornell, and you approved that by an overwhelming margin. We decided that we really needed to communicate with individual faculty about this to try to understand the depth of the support behind it and also to try and assemble a group of people we could turn to for answers to the

many specific questions that come up as we sit and try to think through what Cornell needs.

"It's very difficult to communicate with faculty members. We sent out a mass e-mail, and I frankly was surprised at the lack of response, but when I talked to people they said, 'Oh, yeah. I saw it; I trashed it. I didn't open it.' These mass e-mails I must confess I do the same thing. I don't open them; there are just too many. I open when I recognize who it is that is sending it. So, here is my request that I have to make of you. Two things. One, that all of you, presumably with maybe two or three exceptions, who said aye when this resolution came up, would you please say aye again by going to the web site and clicking on it and looking to see if you still think it's a good idea and then writing your name down? That is request number one. Request number two is that you send out just a two-line. . . . I mean, we are a representative group; we are the way of communicating with departments. I'm asking you as Senate representatives to send an e-mail to your department with the name of the web site, asking them to look at it and put their name on it if they think it's a good idea. I won't bother to tell you the web site, because you will lose it, but first thing in the morning you will have an e-mail in your box . . . Please don't trash it. It will be from Diane LaLonde, Dean of the Faculty's Office. The website is instruct1.cit.cornell.edu/courses/UniversityClub. I'll send it to you in the mail."

Speaker Norton: "The third person is Professor Robert Bland."

Professor Robert Bland, Operations Research and Industrial Engineering: "I am a member of the task force (Robert Bland, J. Robert Cooke, T. Michael Duncan, David Shmoys, Dotsevi Sogah, Gary Thompson, Charles Walcott) that was created last year by the previous Dean of the Faculty to study issues related to scheduling of classes and examinations. The first issue that the task force chose to tackle had to do with final examination scheduling. This was prompted in part by concerns raised two or three years ago by the Student Assembly having to do in general with stresses caused during exam week and particularly stresses caused by having back-to-back exams—a student in a 5 1/2 hour period having two 2 1/2 hour examinations, separated only by a sprint from one examination room to another across the campus.

"A subset of this group, David Shmoys and I, together with a Ph.D. student in Operations Research, Dmitriy Levchenkov, have begun a computational study of that issue. We are working with Cindy Sedlacek in the Arts and Sciences Dean's Office who is providing us help with acquisition and analysis of course registration data. We were asked by the former Dean and the present Dean to report to you briefly on what is going on with this study.

"The only data we have examined so far, the only data we have gotten access to so far, are from spring of 2003, the most recent semester concluded. There were more than 3,600 instances of a student having exams in consecutive exam periods on the same day during exam week in the spring of 2003. There were more than 200 instances of a student having back-to-back-to-back exams—three exams in an 8 1/2-hour period last semester. This exam period is a time of great stress for

most students and that this stress is exacerbated considerably by these kinds of features of the examination schedule.

“So the task for us was to look into whether the schedule could be improved in this regard. So far, with the spring 2003 data, looking retrospectively with the data in hand showing, for example, three pair of courses, how many students are enrolled simultaneously in both courses, we can find an alternate schedule using discrete optimization techniques that would reduce dramatically, in the order of 90%, the number of occurrences of back-to-back exams, the number of occurrences of three examinations in one day. Within the next two weeks we’ll be getting data from more historical semesters prior to spring 2003. If those inquiries look similar to what we saw with spring 2003, it looks like there is a real opportunity to make an improvement on behalf of the students in the way this is done, but there is one catch.

“The catch is that the present convention here at Cornell is to publish the examination schedule, to tell each student before they even enroll in their courses, which exam period each course will have its exam scheduled. We could try to overcome that by forecasting from prior year’s data how many students we expect to be in any given pair of courses, that may not lead us where we want to go in terms of our ability to reduce the number of back-to-back classes. But we will find out soon when we get these new data sets within a couple of weeks. What is more likely is that if the data we see from other semesters look similar to the data from the spring 2003 semester, that we may be coming back and asking the Student Assembly and asking this group to consider whether it’s really important to fix so far in advance which exam period each course has its examination in. If we could, for example, postpone that until a few weeks after pre-enrollment, then we would have the ability to probably greatly reduce the number of back-to-back exams and still give students six to seven months of lead time to make travel plans, etc. So we will be reporting back in a month or two. We will also be reporting to the Student Assembly once we have had a little more conversation about the data that we will be getting. Thanks for your attention.”

Speaker Norton: “Thank you very much. I wanted to report on the result of the written ballot for the Speaker pro tem. The outcome is sixty-seven votes yes, zero no, and zero abstentions. The Speaker pro tem, I will now inform you, will be chairing the next Senate meeting, because I have a previous commitment to be out of town that was pre-existing before I was elected as Speaker, so there is not a lot I can do about it. Thank you very much. The meeting is adjourned.”

Adjournment 6:00 p.m.

Respectfully submitted,

Cynthia Farina, Associate Dean and Secretary of the University Faculty

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, November 12, 2003

Professor Mary Beth Norton, History and Speaker: "The Senate will come to order. The secretary has informed me that a quorum is present. Thank you all for coming. I will remind you that no photos or tape recorders are allowed during the meeting, and I would also ask everybody to turn off their cell phone. I have turned mine off. I will ask you all to identify yourselves and your department when you speak. At the end of the meeting there will be two Good and Welfare speakers, each of whom will have five minutes. I first call on the dean for remarks."

1. REMARKS BY DEAN CHARLES WALCOTT

Professor Charles Walcott, Dean of Faculty: "Thank you very much. I have some fairly brief remarks. First, sounding rather draconian, I would remind the faculty, including particularly the senators, that classes are supposed to be held prior to Thanksgiving. We have learned from our student survey last spring that some 72% of our student body claims that at least one of their classes prior to Thanksgiving had been cancelled. If you read faculty legislation, this is prohibited without special permission of the dean in the college. I am going to remind the department chairs of this who may in turn remind their faculty, and I just wanted to bring it to your attention.

"Secondly, at the last meeting the question was raised on the FACTA report, the faculty committee that advises the provost on tenure decisions, that the provost disagreed with two recommendations from FACTA. The question was raised: were these positive recommendations or negative recommendations? It turns out the provost disagreed with two positive recommendations from FACTA.

"Finally, my last item is that for a variety of reasons, most importantly being that the provost and the president both have a Board of Trustees meeting which conflicts with our next scheduled Senate meeting, so neither the president or the provost could be there; we have decided to postpone it one week to December 17. So the next Faculty Senate meeting instead of being on December 10 will be on December 17. Are there any questions?"

Professor Francis Kallfelz, Clinical Sciences: "Is the Board of Trustees aware of when our faculty meetings are scheduled?"

LAUGHTER.

Dean Walcott: "My suspicion is no."

Professor Kallfelz: "Then perhaps it would be a good idea for whoever is in that liaison role to let them know, so that we could avoid these sorts of problems."

Speaker Mary Beth Norton: "The next item on the agenda is approval of the minutes of September 17. I ask for unanimous consent, unless there is anyone who has any amendments. Seeing none, all those in favor, please say aye."

AYE.

Speaker Norton: "All those opposed? By unanimous consent the minutes of the last meeting are approved. I will now call on Cynthia Farina, chair of the Nominations and Elections Committee for her committee report."

2. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Cynthia Farina, Associate Dean and Secretary of the University Faculty and Chair, Nominations and Elections Committee: "There are only two items I want to point out to you from this report which you have received. The first is a nominee for the Nominations and Elections Committee. You doubtless know that's one of the two committees that are elected not appointed, so you might have wondered why you were getting a nomination here. This is a single year replacement for one member who is on leave, and this has been the practice of the committee for several years to handle leaves in this way. You may be getting a suggestion from us in the future about changing the legislation to regularize that practice.

"The other item is an additional University Assembly nomination, Randy Wayne. His acceptance came in after you got your paper copy so it doesn't show up on what we distributed."

Speaker Norton: "Are there any questions? We need to vote on this. All those in favor of accepting the report of the Committee on Nominations and Elections, please say aye."

Report from Nominations & Elections Committee November 12, 2003

Committee on Academic Freedom and Professional Status of the Faculty
Peter Stein, A&S

Committee on Academic Programs and Policies
Richard Feldman, (fills Lecturer/Sr. Lecturer position), A&S

Educational Policy Committee
Vernon Briggs, ILR
David Stipanuk, Hotel

Faculty Advisory Committee on Athletics and Physical Education
Matthew Miller, Engr.

Faculty Advisory Board on Information Technologies
Ronnie Coffman, CALS

Theodore Eisenberg, Law
Kent Goetz, A&S

Faculty Committee on Program Review

John Forester, AAP
James Jenkins, Engr.

Institutional Biosafety Committee

Susheng Gan, CALS
Mark Roberson, Vet.

Local Advisory Council

Nelson Hairston, A&S
Paul Kintner, Engr.
Thomas O'Rourke, Engr.
Susan Riha, CALS

Nominations and Elections Committee

N'Dri Assie-Lumumba, AS&RC

Professors-at-Large Selection Committee

Andrew Clark, A&S

University Committee on Conflicts

Kate Bronfenbrenner, ILR
Kurt Gottfried, A&S
Michael Kazarinoff, CALS

University Faculty Library Board

Douglas Haith, CALS
Francis Kallfelz, Vet.

President's Council on Alcohol and Other Drugs

Melissa Hines, A&S
Rebecca Stoltzfus, CHE

University Assembly

Kenneth Hover, Engr.
Robert Kay, Engr.
Timothy Setter, CALS
*Randy Wayne, CALS

Campus Planning Committee

Paula Horrigan, CALS

Codes and Judicial Committee

Kevin Clermont, Law

Martin Hatch, A&S

Cornell Store Administrative Board

Jan deRoos, Hotel
Wayne Knoblauch, CALS

Board on University Health Services

Cutberto Garza, CHE
Ellis Loew, Vet.

Committee on Multicultural Issues

James Gillett, CALS

Transportation Advisory Committee

Ronald Minor, Vet.

University Hearing Board

Timothy DeVoogd, A&S
Cynthia Hazan, CHE
Jeevak Parpia, A&S
David Sherwyn, Hotel
Yervant Terzian, A&S
David Wilson, A&S

AYE.

Speaker Norton: "Opposed? The report is accepted. I will now call on Professor Elaine Wethington for a report. She is chair of the Committee on Research on Human Subjects."

3. Report from Committee on Research on Human Subjects

Professor Elaine Wethington, Human Development and Chair, UCHS: "I would like to take this opportunity with the faculty to describe some new changes that are coming in human subjects at Cornell having to do with the organization of our committee and also the way that faculty will be interacting with our committee in the future. Cornell University, after a decision by the president and provost, has decided to apply for voluntary accreditation of its human subjects research program through the American Association of Human Research Protection Programs (AAHRPP). The standards applied by AAHRPP are somewhat higher than those that are laid out in federal regulations, and the aim of AAHRPP is not to regulate just the human subject committee itself or to lay down regulations in complying to human subjects research but also to encourage universities to establish, top to bottom from the administration down, human research protection programs, which currently Cornell does not have. We have an IRB (Institutional Review Board) that has been relatively poorly supported in terms of staff time since 1967 when it was established. The chair and its members have been coping with an increasing burden of applying compliance standards and also

keeping up with an increasing number of applications for use of human subjects in research.

“The thing that is the most important to know about AAHRPP accreditation is that two bills produced in congress, the last congress, which did not pass and which will be reintroduced this year, would require that all universities go through an accreditation program of sorts. We also expect, although we don’t know for sure, that the National Institutes of Health will be encouraging universities to acquire this accreditation in order to continue accepting funding. Let me tell you what this is going to mean for Cornell, although I have no idea how it’s going to develop. I’m the IRB chair, and this will be a joint administrative/ faculty effort. The specific changes are that there will be a campus-wide educational initiative in order to educate faculty and students in human subjects regulations. We also must meet a new National Institutes of Health requirement for continuing updated education of all people engaged in human subjects research, and the first thing that those of you who do human subjects research will notice is that we are going to be replacing our current educational program, which is quite outdated, with something much more sophisticated and wide-ranging and we hope better suited to the type of research that we do here at Cornell, which is primarily social and behavioral.

“There will also have to be two other things as part of the accreditation review. The university will have to establish an auditing mechanism of some kind for compliance to UCHS requests for the conduct of research at the university. A number of other universities have already established these auditing mechanisms, and those of you who have anything to do with animal research or research using various types of hazardous agents at the university are already aware that auditing mechanisms are in place for compliance in those types of work. We will also have to have updated faculty legislation, because in my opinion our current faculty legislation makes us regulate too much. It is very broadly written and regulates even classroom exercises done by undergraduates. A goal of the new faculty legislation will be to narrow what it is that we have to regulate here at Cornell, as well as to get more faculty input into the review system.”

Speaker Norton: “Questions or comments?”

Professor Richard Schuler, Economics and Civil and Environmental Engineering: “Just an observation. It seems to me that many businesses engaged in market research routinely call us at the dinner hour and work through extensive surveys. That kind of research is not covered by the standards, and yet these standards are applied to very similar kinds of activities that go on every day around the campus. So I would just urge the committee to do whatever it can in its power to apply a rule of reason to these decisions.”

Professor Wethington: “Well, I hope that we do. You may not be very happy to learn that the Kennedy version of the new bill regulating human subjects in the United States will regulate market researchers, so it will be applied to everyone.”

Professor Tony Simons, Hotel Administration: “As a social scientist myself I often do surveys and things like that. I understand the reason why the committee is there, and I

see the legislation getting tighter and tighter. Sometimes it seems as though it's less about keeping the work ethical and more about protecting the university from frivolous law suits. Is there an opportunity for faculty input about the policies? I guess we don't have much input into what the congress passes down."

Professor Wethington: "Unfortunately, no. I wish we did. I wish that you would. I'll tell you where we must be compliant, and this has been a long-standing issue with Cornell. Faculty members at universities may not exempt their own research from review by a human subjects committee, and for many years this has been the rule at Cornell. Right now what I have been charged with for the past three years is to try and figure out strategies for everyone to learn just to check with us about it. The other thing that we have been trying to do is to make sure that human subjects review is as fast as it can possibly be. Surveys are typically turned around in ten days, sometimes as little as three days."

Professor Simons: "It actually still might make sense for us as a university to try and have some voice in the legislation process that we will ultimately have to answer to."

Professor Wethington: "I urge all of us actually to write Kennedy about this."

Speaker Norton: "Other comments or questions?"

Professor C. C. Chu, Textiles and Apparel: "Does the voluntary accreditation apply to medical schools or are there different rules?"

Professor Wethington: "It depends on what type medical school we are. You have your choice of either AAHRPP, which is specializing in social/behavioral, and there is another accreditation group that is exclusively for medical centers and schools, which has higher standards in terms of compliance than AAHRPP."

Professor Chu: "So then it would be different at the Ithaca campus versus the medical college?"

Professor Wethington: "Exactly."

Speaker Norton: "Actually the speaker has a question, if I may. I read recently that the federal government has now exempted oral history from all human subject standards. Is that going to follow in this new procedure too?"

Professor Wethington: "Yes, it has. We are already doing this."

Speaker Norton: "Great. That's a problem for us historians. One more comment."

Professor David Levitsky, Nutritional Sciences: "The current test that one must pass in order to get certification in a research area is absurd to say the least. It's a joke among all my students who have to take it. They all pass it, but when it was initially suggested I wrote to them asking that they show some indication that taking this test makes for a better experiment, because they constantly put up these hurdles and there must be a reason why they put up these hurdles. No one ever answered me, of course. Can our

committee at least take a more active role in piercing some of this hot air that is coming out of Washington?"

Professor Wethington: "Well, you know if you give me another 100 hours every week. ... Right now I do this as a volunteer, as you much remember yourself. We do all of this as volunteers; this comes out of my teaching and research time. We are acquiring a different test, a much better program. I hope that meets some of the objections that our current test is not very good. And I agree with you, that it is not very good. The aim of the test is not to make you a better researcher. The aim of the test is to teach the three principles of the Belmont Report. The new version of training will have many more applications to more types of research, but has nothing really to do with research per say, but just the way to apply those three principles—respect for persons, beneficence and justice."

Professor Levitsky: "The problem I have is demanding that all researchers take this test, when they haven't provided us with any evidence that taking this test actually improves human subject compliance or better experimentation or anything."

Professor Wethington: "It will be the first of multiple tests, probably. You have heard of the Responsible Conduct of Research Initiative, which was stayed by congressional order in the year 2000? It has reemerged at NIH. Those of you who are engaged in putting in applications for training programs, as I have been, realize that now as part of a training grant we have to document that our students and we are receiving education in eight different areas—responsible conduct of research. Right now the wind in Washington is to somehow certify us in all of those different areas and to do it at the university level. I look only at human subjects; I have no idea how the university plans to respond to that."

Speaker Norton: "Thanks very much Professor Wethington. I now call on Associate Professor Ron Booker, chair of the Affirmative Action Committee."

Dean Walcott: "He's not here."

Speaker Norton: "He's not here. I didn't think I saw him. We will move on, and I will call on Associate Dean and Secretary of the Faculty, Cynthia Farina for a report and discussion of the faculty forum on strategic corporate alliances.

4. Report and discussion of faculty forum on strategic corporate alliances

Professor Cynthia Farina, Associate Dean and Secretary of the Faculty: "The handout ([Appendix 1](#)) is a copy of the overhead. As many of you know from being there, on Wednesday, October 22, we had a university forum on this topic. There were six speakers; about sixty people attended. I think those of us who were there would describe it as a thoughtful, helpful and very civil discussion. A transcript of that is now available on the web site.

"What it seemed appropriate to do today was to talk with you about what seems like the right next step, which is the preparation of a document that would represent the

faculty's view (as articulated by this body) of the practices and principles which should be operative in these alliances. I don't want to glide over the more fundamental question of whether Cornell ought to go forward with these kinds of alliances, but it appears that that decision does not rest with us. The trustees have already authorized a Cornell University Strategic Corporate Alliance Plan and are having that go forward. So where we seem to be is how we will go forward, whether than whether we will.

"That plan has evolved. The version that you saw last spring has been superseded by a version that is dated July 30, and that is what we will be referring to from here on out. That version clearly bears evidence of faculty input. For example, you recall the motion that was tabled last spring was to add Local Advisory Committee approval of these plans before they went forward. The element has now been written into the Cornell Strategic Corporate Alliance Plan. Also the plan contains many elements that are responsive to the kind of academic freedom and autonomy concerns that people voiced in the forum, so it would not be accurate -- and it certainly would not be politic -- for us to act as if the issues that we are raising are ones that are not on the table and that people are not attending to already.

"So we might ask, why should we have a separate document that addresses practices and principles? It seems to me there might be several reasons why that's a good thing. The first is that the provenance and the authority of the Cornell University Strategic Corporate Alliance Plan are still not completely clear. It's not entirely clear where this document came from, who wrote it. It's not entirely clear how it gets changed, what its authority is, whether we have any input on major shifts in it. Secondly, LAC is at least in part our committee. It's a joint committee, but in part it's our committee, so it seems like it ought to have directions from us. Third, there are items that the current plan does not address that may be important to us -- one of the principal of those being public access to information about the terms of these agreements, at least once they are finalized. Finally, least concrete but maybe most important, this is a big step for us in which the faculty has an intimate interest. The Berkeley-Novartis agreement certainly illustrated that these things have the capacity to be threatening to core values. Even if that capacity isn't realized, certainly what that agreement demonstrated was that they can be profoundly disruptive and controversial in the institution. So it seems like this is something we should speak to, to emphasize to the trustees, to the administration, to ourselves, that this is close to the bone for us.

"If we are going to do that, how are we going to do that? After consultation with the UFC, the Dean of the Faculty has decided to create an ad hoc committee, and at the end I am going to ask for volunteers for that, but what we thought might be useful was to have a discussion today that might help inform the committee on how to go forward in putting that document together. I don't want to over-determine that discussion, but it occurred to me that it might be helpful to take what was said at the forum and what emerged in some of the enormous literature on the Novartis agreement and begin to identify areas that probably should be addressed, see if we have some agreements with preliminary resolutions, and see if there are additional questions. It's clearly not a time to ask you for action but for some guidance that many of us who are going to be on this committee and are sitting here right now, then can use.

“The list you have is what seems to have come out as being appropriately on the table. First, a collection of issues about academic freedom—no coercion on faculty or graduate students part to participate. However, these are enormously powerful programs where there is a lot of money on the table. Is it possible to identify any indirect forms of pressure that we might want to speak to in advance? Are there issues for graduate students, that are perhaps different than for faculty, that we ought to attend to? What is the permissible scope of the right that a corporate sponsor should be given to limit work sponsored by competitors? The current plan offers that right to sponsorship of work by the same investigator and similar work. Is that the right dimension? What would “sponsorship” mean? Pretty clearly, I think we could all agree that there should be no right to censor the content of presentations or publications at least beyond the data that the corporate sponsor would identify as proprietary. Are there other things that we ought to be thinking about there? What ought to be the permissible scope of pre-clearance requirements or ‘first look’ rights? I think that includes both what should be pre-cleared and for how long. The Novartis agreement for example covered not only publications but also presentations, dissertations. Are there other sorts of faculty interchanges that should be out? Which interchanges or what kind of work? Again, the Novartis agreement included pre-clearance of all work not simply funded work, unless other sponsors barred this. And for how long—thirty days, sixty days, ninety days?”

“Conflict of interest. The Novartis agreement provided Novartis with the right to prevent publication of the fact that certain research was sponsored. Could we live with that? There was a lot of the discussion at the forum about trying to deal with fraud and issues of individual and institutional conflict of interest. We might at least think about whether our existing policies in that area are adequate to deal with this new territory. “Desk drawer effect”—there was a lot of interesting discussion about that at the forum: not literally misleading publications or misleading inaccurate fraudulent results, but rather the suppression of results that don’t accord with the sponsor’s interests. Are there any ways that we can provide antidotes for that pressure?”

“Intellectual property—obviously the core of these agreements, or at least one of the cores, from the perspective of the corporate sponsor. What is the appropriate scope of licensing rights? Should it extend only to funded work or to all work? Again, the Novartis agreement extended to all work. Should there be any percentage limitations? Terms of the license—exclusive license versus more limited forms, for example, where the university retains humanitarian use rights, that was suggested at the forum, or that a cap of some sort would be imposed.

“A number of potentially very thorny governance issues. The idea is to create a joint steering committee that will manage this comprehensive partnership. So what is going to be the process for allocating funds to the projects? Will there be direct donor participation? The Novartis committee was three people from the department, two people from the corporate sponsor. The current plan anticipates that corporate sponsors representatives will sit on the joint steering committee and that the joint steering committee will be who gives out the money. How about involvement in other aspects of the lab/department functioning? What exactly is the jurisdiction and the scope of this contemplated joint steering committee? What is the nature and extent of what the plan calls for in terms of facilitated access for the sponsor to department facilities, faculty and students, and for opportunities for the company to have employee

training? Are there other terms that we want to think about that should be in or should be out? The forum raised the idea -- and this actually is in the plan at the moment -- of a requirement of, or at least the attempt to get, an accompanying unrestricted gift to try to provide funding for projects that will not be funded through the interests of the corporate sponsor itself. At the forum this was talked about as a "crowding out" problem.

"Then there is a set of issues that you might define as process issues. How is faculty review going to go forward? Now we have LAC as the designated review organization. What is the extent of the LAC's power? Do they actually have veto power or it is merely advisory? What composition changes might we want to the LAC, given this new role that they are being assigned? What is going to happen with respect to access? Is there going to be full publication after the agreement is finalized? The Novartis agreement was eventually published in full. If not full publication, some minimum pieces, essential terms, have to be published. What would those be? And when and how does the LAC report to the faculty?"

"Oversight process. Do we need to think about a process for registering complaints? There is potentially an enormous amount of pressure within the department to keep the corporate sponsor happy. What happens to people who feel that the basic rules are being violated? And again, do we have special needs of graduate students? How do we assure periodic assessment of performance, and re-evaluation of these principles and practices? There is some element of this in the plan that is proposed.

"Finally, which is really the first question, what kinds of arrangements are actually going to fall within this whole set of rules and practices? We have heard a lot about the fact that these agreements are not that different than what we are currently doing. Well, what we are currently doing is not subject to all of these limitations. We have to be careful not to set up a set of incentives for somebody (who would that somebody be?) to characterize agreements that really ought to be within the parameters of these principles and practices as not within them in order to escape them. There is a definition in the current plan. Do we need to work on that? So, I think the committee would benefit from your comments on any of those or suggestions of more to add to the list."

Professor Richard Durst, Food Science and Technology, Geneva: "I am a little surprised that you say that they went ahead, the trustees, and approved this without our input. This has never been done before by the administration. I would like to say that it wasn't clear from what you said whether the LAC was invited to provide advice or consent to these activities or the formulating of these strategic corporate alliances or is this something that we would like to have the LAC do so that we are informed and can have some kind of input? From past experience, they have done so much of this sort of thing as a *fait accompli* before it is brought before the Senate."

Professor Farina: "I know that what Inge Reichenbach said very forcefully at the forum was there was a great deal of faculty involvement with this in putting it together. So she would say to you, I think, that there was all sorts of faculty involvement, discussion with the new life sciences faculty, but you are right, there was not formal Senate input. It was not asked for. Brad, do you have something to say on that?"

Professor Brad Anton, Chemical and Biomolecular Engineering: “Charlie, correct me if I’m wrong in this, but we received a document last spring that we discussed at the spring meeting. It was this proposal for the strategic corporate alliance, and then in the summer a new version of that document appeared. That new version of the document included significant amendments; it had written directly into it that the Local Advisory Committee would be given authority to review and approve these alliances. So what happened was the authors of the document saw the way we behaved at the spring Faculty Senate meeting and amended that alliance to address the concerns that we showed, and I thought that was actually quite reasonable of them. So that the agreement that the trustees have approved has this significant amendment in it that addresses the concerns that were raised in the spring, so I’m much less worried about it than I was in the spring when I moved to table the motion.”

Professor Farina (pointing to overhead containing text of university plan, [Appendix 1](#)): “This is part of the operative language that to approve memorandums of understanding in the way that the proposal is structured, memorandums of understanding are negotiated at the highest levels at both places but don’t have binding effect. They are still subject to review at the university level by the counsel’s office, by LAC, although it is not clear what the role of LAC is, I think, from the document, whether it is advisory or actual veto power. The lawyer in me wants it to be clearer. How about that? That’s the primary clause.”

Professor Risa Lieberwitz, Industrial and Labor Relations: “I think that what you have done, Cynthia, is really important for laying out the scope of the kind of issues that the ad hoc committee is going to be looking at. I’m going to be one of the members of the ad hoc committee, and I hope that other people who are really well versed in the sciences will want to come and be on that committee, because there is so much to cover and we all have different areas of expertise. It seems to me that the first speaker from Geneva, that you raised some really important issues that I think also foreshadow the discussion we are going to have today with regard to the questions that President Lehman has raised for us to look at. One of those deals with the issue of how the university should be organized. So the organization of the university is not just a question of what do you call departments and how do we divide ourselves up that way, but how do we run the university and what is the nature of faculty governance and what is the scope of faculty governance. It seems to me that this is one of those issues that we can deal with as an ad hoc committee but that we can also incorporate into this broader question of how do we feel about faculty governance in relation to these very basic ideas about financing and funding and how they affect our basic principles. Let me just say that it seems to me that the document that we are looking to put together as a faculty does not necessarily have to say, ‘Well, we accept as a fait accompli that these new strategic alliances will exist.’ We can also put in there affirmations of our basic principles that govern us as faculty members, as members of a community that relies on academic freedom and that we can state those principles; we can state our preferences and our requirements as faculty to maintain those principles, and we can also include specific things that have to do with issues of openness of these agreements and review by the LAC and who should be on the LAC. We can be both principled in what we put in this document and also very specific with regard to the kinds of provisions that we would like to see followed in order to promote those principles.”

Professor Farina: "I just want to second what Risa said about volunteers for this committee who come from the sciences and so live this stuff much more than lawyers like us. I think the jurisdictional question is enormously important, how are we going to know one of these things when we see it? Because we know that we have a lot of sponsored research now that is going along just fine, and we are not going to undo privately sponsored research; we wouldn't want to if we could. What is it about these things that make them different and at what point have we crossed the line? I think that is something that only those of you who do this privately sponsored research all the time can help us identify."

Professor Chu: "Regarding the intellectual property issue in your document, license rights. I thought this is mainly the responsibility of the Cornell Research Foundation, which is doing the licensing negotiation and determining whether they are exclusive or non-exclusive license, and I don't believe the university is involved in that part. Another issue regarding academic freedom, the long presentation of these, I think some of the issues probably get into what we call micro-management issues. Maybe we shouldn't get involved with that except setting the major policy."

Professor Farina (pointing to overhead containing text of university plan, [Appendix 1](#)): "There is a relevant provision in the plan that speaks to that, at least in part. Actually, that's the development piece. There it is."

Professor Chu: "As I know all the licensing agreements are negotiated between the company and CRF. I never heard of the dean of the college or the dean of the faculty involved in that negotiation."

Professor Farina: "OK. That's useful. I expected the idea would be, as you say, to put in some general principles about exclusive licensing and the extent to which, the kinds of work it covers and things like that. It would be useful to know where you think that we dipped into micro-management."

Professor Chu: "Whether the university, outside of CRF and the inventor, should be able to say, 'well, these should be exclusive or these should not be exclusive.' That I would consider as micro-management. I think CRF will protect the university's best interests in deciding whether it should be exclusive or non-exclusive. They are experts in that area."

Speaker Norton: "The chair would point out that the time for this agenda item has expired, so we will move on to the next item. People who wish to volunteer for the committee, please come up and speak to the Associate Dean of the Faculty after the meeting, and any further comments I'm sure you would be happy to receive, right?"

Professor Farina: "Yes, crf7@cornell.edu. If you just want to send ideas or comments, whatever."

Professor Stein: "Whatever happened to Ron Booker's time?"

Speaker Norton: "He is not here."

Professor Stein: "Can we add that on to this item?"

Speaker Norton: "Actually, we have pretty much used up his time, too. The chair turns the meeting over to Dean Walcott."

5. DISCUSSION OF HOW TO PROCEED WITH PRESIDENT LEHMAN'S QUESTIONS FOR ENGAGEMENT

Dean Walcott: "Thank you. I come before you with somewhat of a puzzle. As you know, President Lehman in his inaugural address set out a number of questions about the future of the university, and they are in somewhat more explicit form on the piece of paper that I handed out to you ([Appendix 2](#)). His request is that the university community—community writ large including faculty, staff, students, employees, and alumni—that any of this community consider these questions, mode of consideration left open, and communicate with him their thoughts on all these various issues. I have talked with him at some length about how on earth to proceed with this, particularly from the point of view of the faculty, because it was not obvious to me how one could have an intelligent discussion of these things, how one could gather ideas most effectively. What I believe that he is trying to accomplish with this process is to get a large pot full of ideas and suggestions and concepts. He agrees to review the contents of this pot, and look it over and consider it, and then in the fullness of time to begin to develop some sort of plan for his vision for the future of the university.

"Exactly how that is going to be achieved is not very clear, but more particularly how we should address this issue is not at all clear to me. You could imagine a variety of potential techniques. Everybody will get this double-sided piece of paper. It includes an e-mail address and so one could imagine faculty members sitting in the quiet comfort of their office, reflecting upon these issues and working on the word processor to send him memoranda, either long ones or short ones. That would be one possibility. I call that the 'disorganized e-mail option.' Another possibility would be to have a series of faculty forums to talk about these things. On the other hand what he really is interested in, as far as I can make out, is not an overall considered view of the faculty. He is interested in a brainstorming session. He is interested in a variety of ideas; he's interested in faculty thoughts; he's interested in concepts. He is not interested in position papers. So in a way faculty forums might not be a productive way to go. Another alternative would be to refer some of these questions to existing committees; some of these questions, for instance number three: 'whom should we be teaching?,' or number two: 'how should we be teaching?,' could well be referred to the committee on educational policy for their discussion. One could also argue that maybe the thing to do is create a whole bunch of ad hoc committees to think about this. The thought fills me with some horror. One could encourage these kinds of questions to form a subject at various departmental faculty meetings, with somebody to write down bright ideas if they should appear."

LAUGHTER.

Dean Walcott: "Those are the kinds of things that occurred to me. I really would like to throw the discussion open to get some ideas from you folks as to how we might

proceed in some useful way to engage the president and to provide some of our ideas to him. We are clearly being asked, and I think it is important to respond in some kind of positive and helpful way, but what that way is, is not, as I say, intuitively obvious. So I thought it would be useful in this group to have at least a brief discussion and see what kind of ideas occur around the room as to how we might organize ourselves or not, to do this process. There is no reason that one size fits all. I mean there is clearly an invitation for anybody that feels so moved to write memoranda on any subject, as they say to the president."

Professor Steven Shrifin, Law: "I don't have very strong views on this, but I have views that could at least continue the discussion. It strikes me that you are exactly right that one size does not fit all, that if you look at this from the perspective of Senate faculty governance that these questions might be dealt with differently. I think that Senate sponsored forums would be a good idea with respect to question two, and I would include parts of question one. It seems to me it's a good idea in any year to have a senate sponsored forum on how we should be teaching—what ideas people think work and don't work - and have some of our finest teachers participate in that. It seems to me that it would be a useful thing to do which would help in the brainstorming process. I also think with respect to question five, and this may reflect my ignorance because I really know nothing about question five, but I take it from the wording of it that there is controversy about what the land grant mission should be today and how it should be implemented. If that is correct, then a faculty forum on that subject would be a good thing to have. I think it's also possible to have a good faculty forum on the question of essentially what the requirements are that we have at the university and whether they need to be re-thought.

"A number of these questions I think are best handled in a reactive way. That is if somebody formulates a proposal, the senate should look at it. There I have in mind the mix of undergraduates and graduate students, etc. in question three; where we ought to be present in question four; how we should collaborate with other great universities. It seems to me that getting specific proposals would be helpful for that. What special domains of research emphasis—give us a proposal is my thought. And also on how the university should be organized, if there is a proposal to reorganize then we ought to look at it. There are infinite possibilities. As to a committee, it seems to me that our educational policy committee is always asking what we should be teaching our students. So I guess my reaction is I think we should have some senate sponsored workshops for some of these questions. Obviously we'll disagree about what those are, but that most of it we should play a reactive role when there is something concrete for us to look at."

Dean Walcott: "Other comments?"

Professor Peter Stein, Physics: "For almost half my life I've heard people do things like this and I've almost never heard anything positive coming out of them. People stand with an easel and they say, 'we're having brainstorming, I'll write down everything that comes up.' People write them down and somebody summarizes and comes back to a meeting. I can't remember a time when I really heard something new or good come out of that. That being said, I really do applaud this."

LAUGHTER.

Professor Stein: "Well, in general I'm an eternal optimist and I think that it ought to be possible for this faculty of 1400 of us to somehow engage in very deep questions about the way the university is organized and what it ought to be doing and where it ought to be going. It's conceivable that the answer to that is well, just what it is doing now more or less with a little bit of changes here and there, but maybe it isn't. Maybe this is a time when people could converge on something different and constructive.

"I actually went through this, as one of your two faculty trustees, at the last Board of Trustees meeting where the president did in fact give this list to the trustees. Only it wasn't eight questions; it was only the last two, namely what ought we be doing and how ought we be organized. The trustees got into small groups of people and they talked about this for an hour. Surprisingly enough, I found that the answers that people gave to number seven were rather more thoughtful than I would have thought it was going to be. The answers to number eight, how ought we to be organized, didn't produce anything that I haven't heard many, many times before. In course of an hour I could really watch people react to what other people were saying. It was really quite a focused discussion and came out with a couple of things that were not trivial and weren't obvious before going in. So I was rather pleased with that, and I would sort of like to see something like that tried with the faculty.

"I kind of agree with Steve that the best way to do it is a forum. The problem is that the list has ballooned to so many items that I'm not sure that if you put them all together, if you had a faculty forum with an hour and asked people to say anything they wanted about any of the eight items, I don't know that that would yield anything. Maybe you could have eight different forums with eight items or four forums with two items a piece or something like that. I think there ought to be some kind a way for individual faculty members to throw out an idea and see if people respond to it, if that kind of thing does resonate with what other people are thinking. The only way to do this I would think is in an unstructured environment like a forum. Somehow I think that's a good idea, and it would be nice to try and figure out some mechanism for doing it."

Professor Anton: "I recall that when Hunter Rawlings started as president he called for a similar soul-searching endeavor, and there was a series of—what were they called—leadership conferences, and they generated a whole bunch of books with red covers that were copied and sent around to everyone. Whatever we did then, we have to make sure we don't do that again, because nobody can remember exactly what happened and nothing ever came of the results."

Professor Schuler: "I think Brad raises an excellent point, because in my modest 30 odd years here, I can remember going through this exercise at least three times. One of the earliest efforts under President Corson, which I recall Professor Stein was deeply involved in, was led by a professor in the Law School, and it led to a pile of documents this deep that were then tossed off into the dustbin of history I suspect. Then we went through it again under President Rhodes under the label of strategic planning endeavor, and what I do think might be a worthwhile effort is to dispatch some graduate student to at least dig out these documents . . ."

LAUGHTER.

Professor Schuler: “. . . do a brief summary of what the key suggestions, findings and recommendations were. See how they changed by the documents and see which if any of them have ever been implemented at least partially. I just think that would be an interesting exercise in humility if nothing else.”

LAUGHTER.

Professor Richard Tallman, Physics: “I would like to propose a kind of divide and conquer procedure. This is a thoughtful list, but it is just a list. I guess they could call it a laundry list, but it is just a list. It seems likely that some of them are promising and some are not promising, but I don’t know which is which. If there is a procedure for selecting the three or four items which we thought (not that we know what the answer is) were promising, then we would immediately reduce the problem by the factor of two.”

Dean Walcott: “Good suggestion.”

Professor Elizabeth Earle, Plant Breeding: “I share people’s reservations about this exercise and recognize that we have been through this a number of times without a lot of results, however we do have a new president who really does seem to be interested in what the faculty and the community think about the future. I think it would be a bad mistake to say, ‘well, we’ll wait until you make a proposal and then we’ll critique it.’ I think we would be wise to engage at least to some extent if we want to be taken seriously as a faculty body concerned about the future.”

Professor John Forester, City and Regional Planning: “I guess I’m thinking about working backwards, thinking about what would count as the answers here. We would have a debate about various alternatives, various responses, but I think if we are going to have a debate, we need some proposals about each one. If we are going to have proposals, proposals should presumably come out of groups of faculty and maybe staff and students that would need to discuss each of these questions. In order to have groups convened to discuss this, we have to have some incentives for people to take leadership in areas. I would suggest for a very little bit of investment on the administration’s part, there could be some kind of small seed money for people who would be willing to step up and convene some groups over the course of six months or a year in each of these areas. The purpose of the groups would be then to provide and generate proposals answering what are the most interesting ways of answering these, with the charge then of groups to write it up not in the big red books but to write them up in some way that they can be floated and debated in the community. Then we are all smarter, not dumber.”

Professor Lieberwitz: “I wanted to follow-up on some of the things and what John was just saying. For one thing the group ideas make sense to me, and we have the Faculty Senate committee structure where we have categories of subjects that are carried out and directed by the Faculty Senate committees. So that would seem to be an appropriate place to start to think about where some of these questions can be addressed.

"The other issue that I started really thinking about with regard to our discussion about the strategic alliances and other issues that we have looked at like eCornell, like the Doha program with the medical college, is that one of our frustrations as a senate has always been this question of being presented with a fait accompli from the administration saying this is what we want to do, and now you can talk about it, and then we'll go ahead and do what we want to do. That's a constant frustration. So it seems to me that in terms of the faculty governance issue that what we can think about is how to structure this so that it's not simply, OK here is input to the president, so that the president can just go ahead and do what he wants to do, but here is a discussion that will in fact be part of the continuing back-and-forth, so that if there are proposals created by us that those are responded to. If the university administration creates proposals, then we can respond to them as well, but that this is the beginning of a back-and-forth rather than here are ideas, now the administration will do what they want to do. I think we should really structure it so that it strengthens faculty governance."

Professor Gregory Page, Art: "One of the things that I've noticed in the paper a couple of weeks ago is that there was a meeting with President Lehman and the Superintendent of the Board of Education. Whatever happens, whatever we decide, we [should] also make sure that we include the faculty, the staff and the students, undergraduate and graduate, but also the community to take part in this."

Professor Farina: "I wanted to follow-up on what Lisa said and suggest in a sense we look at this binocularly. To some extent we don't want to put time into something that will be unproductive, but we also have to recognize maybe that, if we looked at it more anthropologically, this is an initiation ritual. Isn't that what somebody looking at this from outside would make of Brad's comment that it happens every time? This is a dance; this is something that new presidents do. It has some value. The value is not necessarily where you get as a policy matter. Now we are all busy, and we don't want to waste our time. But whether you think of this in economic terms as just part of the cost of turning over a new president - we all have to go through this for a year - or whether you think of it in more cultural terms, this really is engagement - that's why it's called engagement - with the president. It's a way for him to see how we respond to something he says is important. The doing it may be more important than where we get from it, or it's at least as important as where we get from it. So I agree with Lisa; we can't take the chance that we render ourselves as a body looking either useless, or uncooperative, or unwilling to dance by not participating. So the question is how do we do it in a way that doesn't feel constantly like a waste of time."

Dean Walcott: "The chair has just told me that we are out of time for this item, but I will be around afterwards if anybody has ideas they would like to communicate, I will try and pull things together."

Speaker Norton: "We are actually trying to adjourn a little early this evening, so that's why I am sticking with the agenda time. It is now time for Good and Welfare, and I will call on Hal Craft to speak for five minutes about United Way."

6. GOOD AND WELFARE

Harold Craft, Vice President for Administration and Chief Financial Officer: "I appreciate being given the opportunity to say a few words today. I'm here in a different role. I'm here in the role of chairman of this year's Cornell United Way program. My purpose today really is just to remind you that the United Way campaign for both Cornell and the county is now in full swing. Cornell's, in fact, is off to quite a good start. In the first three weeks we have reached more than half of our goal. Our goal is currently \$585,000 out of a total county goal of \$1.7 million, but those are really just numbers. What I find interesting is that the Cornell goal is one-third of the county goal. Cornell is an enormous participant in United Way, and we have discovered that in those years that Cornell doesn't meet its goal, the county does not meet its goal either. The implications of that are a number of human service organizations within the community suffer real pain. The United Way is just really a mechanism by which we members of the community can support many of the human services within our community. There are forty-one different organizations, over 100 programs, supported by the United Way. So that really is my message and my pitch for the day. The university has always taken a laissez-faire attitude on this, and I will not attempt to change that, not that I could even if I chose to.

I do, on the other hand, want to make two observations in closing. The first is that I have always personally contributed to United Way, more on a conceptual basis than really understanding what was behind it. It just seemed like a way to support the community but I really didn't have a good feeling for what it was like on the other side of the pipeline. Then, I was asked to serve on the board of Challenge Industries, which is one of those organizations that are supported by United Way, and on the finance committee of Challenge Industries. I have had an opportunity over the last three years to see first-hand exactly what goes on in an organization like that and how much service they provide to really disadvantaged folks within our community, how dedicated these people are and how much they work with very little financial reward; it's all personal reward that they get, and from my experience on the finance committee how close to the bone those folks run that organization so that the contribution from United Way is absolutely critical to keeping Challenge Industries running the way it is. They of course get revenue from elsewhere as well.

"The other observation is one that I made just recently when I took over, as chairman of the campaign and that has to do with the participation rate of Cornell. I will say that I was really disappointed to discover that the overall participation rate of Cornell is about 12%. That is 12% of the cards that go out come back with some sort of contribution, whether it's twenty-five cents a paycheck or more. I guess I was just a little bit embarrassed to feel that that was a statement that the university about which I care so much and at which I have been so long is making to the community in our sense of commitment to that community. That participation rate is, by the way, one third of Ithaca College's and roughly one-third or less of Yale's, and I could go on and on. It's not a standout participation rate to say the least. So my encouragement to all of us, not just to you or to your faculty colleagues but to the staff as well, (and I'll be speaking to them in various forms) is to think seriously about how it is that you want to support the community in which we are immersed and upon which we depend so heavily. If this is one way, please consider filling out your pledge card and sending it in. As you might

expect, just in case you might need a pledge card, I do have a few here with me. Thanks very much."

Speaker Norton: "The chair now calls on Professor Kenneth Kennedy to talk about the University and Messenger Lectures."

Professor Kenneth Kennedy, Ecology & Evolutionary Biology: "Thank you, but that is scheduled for the agenda at the next meeting."

Speaker Norton: "Oh, it is? All right."

Professor Stein: "Madam Chair?"

Speaker Norton: "Yes, sir. Mr. Stein."

Professor Stein: "Might it be possible to move to have more discussion of the previous item. I sensed there were more people who wanted to talk about it."

Speaker Norton: "The previous item—you mean the discussion of President Lehman's questions?"

Professor Stein: "Yes."

Speaker Norton: "It's certainly possible. Is there unanimous consent for an additional ten minutes of discussion on that item? Seeing no objection, the floor is yours again Dean Walcott."

Dean Walcott: "Well, since you moved it Peter, the opportunity is yours to say something."

Professor Stein: "I could use up ten minutes easy."

LAUGHTER.

Professor Stein: "I just wanted to respond to what Brad said about the previous versions of this, and I do remember them. I remember the red books, and I remember John Wiesenfeld's brown colored books. Then there was Corson's (I forget what color those were; that was too long ago)."

Dean Walcott: "They were grey."

Professor Stein; "It seems to me that there is something fundamentally different about this. The red books and Wiesenfeld's books were highly structured items that were brought down by the administration, and they purported to be an institution-wide examination of fundamental issues, but in fact the agenda was set, and when we went to those (I forget what they were called, over in North Campus) there were speakers that were selected to talk about action items, and we all were told to debate various items. It was more in the reactive mode, except there were no votes taken. It was more or less the same thing with the strategic planning that went on under President Rhodes.

There was a very crafted agenda, and it really was not open to anyone that wanted to participate; the committees were selected, and in fact there were never votes on things, and people would look at the comments and they would write the answers to what the consensus of the group was. It was very hard or rather impossible in all of those settings for someone to bring up a new idea, an idea that was different than the prevailing tide of ideas that came down from on high. This thing may suffer from the other sin that there is no structure to it and anything goes, but I think it's an attempt to try something different, and I think we ought to take it very seriously and figure out how to participate in a meaningful way. I don't really have an answer, but I think we can't treat it lightly and it's a honest attempt to engage the whole community like I've never seen before while I've been here. I think we really ought to try hard to figure out the best way to meet the challenge."

Professor Nicholas Calderone, Entomology: "I think it's very nice of the president to send us this list. This is a fairly broad list, and certainly you could read into it a lot of important issues, but I think it's basically his agenda. Isn't it really more appropriate for the senate to be giving consideration to what we think are the truly important issues and putting those into some framework for discussion and seeing how well they match up with what has been presented to us by the president? In these dialogs and exchanges shouldn't we really be generating the ideas from our perspective of what we think are the issues that need to be discussed?"

Professor Schuler: "I really applaud the last observation. I think it's very useful to try and construct something independently on our own just as a point of comparison, and I also wanted to actually qualify, because I sensed a misinterpretation of my earlier observation that adds a note of cynicism. In fact, what I was really proposing is that we exercise that in which we try and encourage everyone to do that is to engage in some serious scholarship. That is to look at—have our hopes and aspirations remained relatively constant through these various programs—and if they have and the outcomes have not been fulfilled, to begin to focus in and zero in on what is it that is inhibiting the successful outcome that we desire. While speaking tongue in check, I was dead serious about the proposal that we actually look at these previous studies and try and understand what are the common themes. What are the common threads, and what are the impediments? And can we do something constructively about dealing with that?"

Professor Anton: "I think it's important that we respond to this. I agree with Peter. What I said before should not have been taken as cynicism either. I think we need to look at the procedure that we used before and analyze that procedure and how effective the procedure was and use that to guide us as to what would be a productive procedure to use in this opportunity. I think we have to do something much more significant than just sending e-mails to the president. Because if we send e-mails to the president, we could get in a situation that I think I've seen before where the president announces that he has reached some great new decision based on oodles of faculty input that was given to him through e-mails. Then everybody looks at one another and says, 'that wasn't my input; that wasn't our committee; that didn't come from us.' But it is declared to be supported by faculty input, so it's important for us to organize something and come to some collective (not that we all have to agree on all of the topics) but something that comes from us that is public and is our statement so that it's out there."

Professor John Forester: "There is more than one model. As Dean Walcott said one size doesn't fit all. One model from the mid-80's, as I remember, was some funds that I guess President Rhodes had put together for a program called Innovations in Undergraduate Education. What little that I know about it, I saw some parts of that have enormous effect for very small amounts of funding, and that would be a strategy the administration might think about to explore this."

Professor Alan McAdams, Johnson Graduate School of Management: "I'm hearing a lot of very good ideas. I like Dick Schuler's modification of his earlier comments, which we all misinterpreted. What it does suggest is a place to begin, and I think that is one of our problems. We need a place to begin. His suggestion is a very good place to begin, because many of us have been there two or three times, and if we can come out with some themes from that, I think it would be very useful. I see another place to begin and that goes back to what Peter Stein said. He has met with the trustees on item seven. The trustees came up with thoughtful suggestions about item seven. I think he ought to write those up and have that as another beginning point. I've heard another good suggestion. The senate has formal committees, and it makes sense to feed back to them and if there are some things that are not covered by a formal committee structure, we would create new committees. But we have to have some place to start, and I've heard some very good suggestions about places to start."

Professor William Arms, Computer Science: "Let me add one other place to begin, that [for]many of these topics a sensible discussion should begin with gathering some facts. For many of the topics, the worry is that we express opinions first rather than get the facts and information for expressing an opinion."

Professor Michael Lynn, Hotel Administration: "What I am hearing is ideas about how to give him more thoughtful not just brainstorming ideas but edited ideas, and if his interest is genuinely brainstorming, I'm not sure for us to form committees and have committees produce documents is the way to give him the plethora of ideas he is looking for. My guess is he may be coming here and saying that this is a large university; there are a lot of ideas currently out there. There are people who already have ideas as to how their work intersects with the work of other people. There are ideas about whom we should have partnerships with and this would be an opportunity on his part simply to try and surface those things. In which case our goal should not be to produce these kinds of formal documents you are talking about, but perhaps we could serve in an advisory role in instructing him about ways to motivate the faculty and encourage the faculty to surface the ideas that they already have. That advisory role and how to get the process going on a more individual level may be a more appropriate thing for us to do."

Professor Steven Beer, Plant Pathology: "As I look at these eight questions, the first three or four strike me as sort of resource neutral. Whatever recommendations or suggestions we come up with for possible change or maintenance perhaps could be done with the same resources. The other five or so seem to depend in part on acquiring other resources to perhaps change the university operations relative to the subjects at hand. For those who have more experience in analyzing questions of this sort, is it considered that we can really think with a blank sheet and should we come up

suggestions on how to collaborate that involves considerable more resources than are now being expended for collaboration or the different places where we perform or how the university is organized? Is that within the realm of what the president is asking?"

Dean Walcott: "Yes, it is, because they are planning, as you may or may not have heard, a very substantial capital campaign, and I think part of this process is to get ideas to form what additional things they might wish to ask for in a capital campaign. So I think that we should not necessarily be concerned about the finances. It's not necessarily as zero sum gain. That's my sense of it."

Speaker Norton: "We have reached the end of the ten minutes. The speaker adjourns the meeting."

Respectfully submitted,

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

STRATEGIC CORPORATE ALLIANCES – PRINCIPLES AND PRACTICES

ACADEMIC FREEDOM

- C No coercion to participate
 - identifiable indirect forms of pressure?
 - Faculty v. graduate students

- C Permissible scope of right to limit work sponsored by competitors
 - current plan: “same investigator and similar work”
 - what constitutes “sponsorship”?

- C No right to censor content of presentations or publications beyond proprietary data

- C Permissible scope of pre-clearance requirements (“first look” rights)
 - What?
 - Publications
 - Presentations
 - Dissertations
 - Other sorts of scholarly interchange
 - Which?
 - Funded work vs. all work
 - For how long?

CONFLICT OF INTEREST

- C No restriction on revelation of sponsorship
- C Fraud and individual/institutional conflict of interest - adequacy of existing regulation?
- C “Desk drawer effect” antidotes?

INTELLECTUAL PROPERTY

- C Licensing rights
 - Scope
 - Funded work vs. all work
 - % limitations

- Terms

Exclusive license vs. more limited forms (e.g., retention of humanitarian use rights; 5-year cap)

GOVERNANCE

- C Process for allocating funds to projects
direct donor participation?
- C Involvement in other aspects of lab/department functioning
jurisdiction and powers of “Joint Steering Committee”?
- C Nature and extent of
 - “facilitated access to [department] facilities, faculty and students”
 - “opportunities for company employees’ training”

OTHER TERMS

- C Requirement of accompanying unrestricted gift – combating the “crowding out” problem
 - C Other desirable requirements or prohibitions?
-

FACULTY REVIEW AND OPEN ACCESS

- C Review by LAC (?) and Dean of Faculty before finalization
 - extent of power – veto vs. advisory
 - composition of LAC – addition of neutral members? ethicists? others?
- C Publication of full agreement once finalized
alt: Publication of essential terms – what are these?
- when and how does LAC report to faculty?

OVERSIGHT

- C Process for registering complaints
Special needs of grad students?
- C Ensuring periodic assessment of performance and reevaluation of principles/practices

JURISDICTION

What qualifies as a SCA?

Cornell SCA Plan (7/30/03): “A strategic alliance is a comprehensive, formally managed company-university agreement centered around a major, multi-year financial commitment involving research, programmatic interactions, intellectual property licensing, and other services.”

**CALL TO ENGAGEMENT
FROM JEFFREY S. LEHMAN TO THE CORNELL COMMUNITY**

In my inaugural address, I asked the Cornell community to consider how our university should evolve during the years leading up to our sesquicentennial in 2015. I believe that Cornell, with its unique set of animating principles, history, and contemporary structure, can make contributions to humanity that no other university in the world can make. We have a shared responsibility to reflect carefully on how to pursue that goal.

I hope that during this academic year the broad community of Cornellians – faculty, students, staff, alumni, and other neighbors and friends near and far – will engage a set of important questions and will share the fruits of that engagement. Before enumerating those questions, however, I want to offer some of my thoughts and hopes about the process.

I am not asking you to consider all the important issues that face Cornell. Rather, I am asking you to approach a subset of those issues, a subset that touches the core of our identity. In challenging us to think about Cornell's fundamentals, I anticipate that much of the discussion will reaffirm what we find good about our university. I nonetheless encourage us to reflect on all of Cornell, even the aspects that are its greatest strengths.

To be sure, it is not my intent to revisit or second-guess major commitments that Cornell has made; I am fully dedicated to their successful realization. This exercise is about the future – the new commitments we should be making to ourselves and to others, so as to ensure that Cornell is the university we want it to be when we celebrate our 150th birthday.

These are not matters that lend themselves to easy, consensus to-do lists, or to simple, one-sentence answers. They are complex, difficult subjects about which reasonable people will disagree. Accordingly, responses will be most helpful if they convey people's approaches to the questions and the ways they think about them, rather than simply generating a list of agenda items. When a group considers a topic, I hope that they will produce a response that conveys the broad heterogeneity of reaction within the group rather than stating a simple "bottom line."

I am asking our community to begin this discussion over the coming weeks. The opportunities for thought and conversation are varied and numerous. Members of the senior administration will help develop and organize discussion among all of our stakeholders, but many of you will want to engage, instead, in smaller group discussions or in individual reflection. I encourage you to take whatever opportunity arises to give consideration to these questions. We invite you to share the results of your deliberations by sending an e-mail to calltoengagement@cornell.edu or simply sending a note to the President's Office at 300 Day Hall. My colleagues and I will be reading the ideas you write down and mixing in our own views. By next fall, I expect to have framed an initial set of goals for myself and for our university that will reflect the dreams and aspirations of Cornellians everywhere.

Thank you, in advance, for participating in this exercise. I look forward to joining with you in the conversations that these questions stimulate. It is a great privilege for me to serve as Cornell's president and to lead what I trust will be an extraordinarily stimulating conversation.

QUESTIONS FOR ENGAGEMENT
JEFFREY S. LEHMAN
Fall 2003

1. What should we be teaching our students? What intellectual dispositions, character traits, and essential knowledge should we be nurturing? How can we inspire our undergraduate, graduate, and professional students to become intellectual and moral leaders of their communities? How can we prepare them for well-rounded lives that incorporate artistic, athletic, cultural, humanitarian, political, and social dimensions?

2. How should we be teaching? Have new technologies and research on how students learn created possibilities for better pedagogy, or are they mere distractions? What kind of mentorship, inside and outside the classroom, should we providing our students at the different stages of their educations?

3. Whom should we be teaching? What mix of undergraduates, graduate students, professional students, and non-degree students will best help Cornell achieve its educational mission?

4. Where should we be present? As our world has changed, we have added new places where we teach those who would earn Cornell degrees. How much should we be extending ourselves, our resources, and our reputation around the globe?

5. What does our land grant mission mean today? What forms of extension and public service are the best modern expression of Senator Morrill's program for having outstanding universities contribute to the practical education of society? Should we do more to ensure that the fruits of our research become part of the fabric of the larger society?

6. How should we collaborate? We already collaborate with other great universities in the United States and around the world, on projects large and small. What other institutional partnerships, international and domestic, might permit a scale of endeavor that would allow us to accomplish things we cannot do alone? With whom might we collaborate, closer to home, to enhance the upstate New York economy and/or strengthen our ties to New York City?

7. Should we be identifying special domains of research emphasis where Cornell is unusually well situated to make enduring and significant contributions? Can such an identification be reconciled with the highly adaptive decentralization that has been one of the hallmarks of research innovation at Cornell? We have already identified some candidates for special emphasis: information science and computing technology, post-genomic life sciences, and nanotechnology. Additional themes which have the potential to draw on multiple disciplines where Cornell has great strength might include: technology and society; race and religion; globalization's consequences; humanity's relationship to the natural and built environment; peace, liberty, and security; and global health.

8. How should the University be organized? Our complex web of institutional structures and processes has, for the most part, provided a healthy mix of stability and flexibility. But are some features anachronisms? Do new forms of knowledge production and dissemination require different structures? Might organizational changes better enable faculty, students, and staff to achieve their individual and institutional ambitions?

MINUTES OF A MEETING OF THE FACULY SENATE
Wednesday, December 17, 2003

Mary Beth Norton, Professor of History and Speaker: "The Senate will come to order. We do not have a quorum at present. Maybe we will get a quorum. I want to thank everyone for being here. Everyone who signed in today definitely gets a gold star. How that will translate ultimately in the mind of the Dean of the Faculty is not clear, but I can tell you that the speaker appreciates it. I would remind everyone that no photos or tape recorders are allowed during the meeting, and please turn off your cell phones. When you speak please identify yourselves and your department. We may have one Good and Welfare speaker. Is he here? Not yet. We may not have a Good and Welfare speaker. I call on Provost Martin for remarks and to answer questions. I might add that there is only one thing on the agenda for this meeting that we absolutely have to vote on and that's approval of the minutes. So if we don't have a quorum, the minutes will have to be approved next time."

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Biddy Martin: "Before I present the budget as I was asked to do, I should give you some other news which might be more exciting. We have two new deans at the university. The new dean of the Law School is Professor Stewart Schwab and the new dean of Arts and Sciences—we just made the announcement about an hour ago—is Interim Dean G. Peter Lepage."

APPLAUSE.

Provost Martin: "I think they are both outstanding administrators and scholars as well as teachers, and we are delighted to have them. The other two dean searches for Architecture, Art and Planning and Human Ecology are moving forward nicely. We have reviewed over 120 names, reviewed the credentials of over 120 prospects, and we intend this week to narrow down those very long lists to a considerably more manageable list of possible candidates. So if you have any questions about any of the four dean searches—the two that are complete or the two that are still ongoing—let me know now, or later. No questions? You would rather hear about the budget? All right.

"I just realized that having come over here an hour or so ago to announce the new dean of Arts and Sciences and have champagne, I actually neglected to bring my notes, so I'm going to do what I can by memory, and I have with me today the Vice President of Budget and Planning for the university, Carolyn Ainslie, whom I believe most of you know. Do you all know Carolyn Ainslie? Does anybody not know Carolyn Ainslie? Well, you should get to know Carolyn Ainslie. There she is, and she is one of the most extraordinary people at Cornell University, one of the most multi-talented people I have ever encountered in my career in any field and also certainly one of the most helpful. If you have a

chance to get to know her, you should take advantage of it. That is if she will permit it.

“Faculty Senate Budget and Planning Update: What I am going to do is give you an overview of the planning schedule and process and then talk about some key planning assumptions. This is the budget planning update, which Carolyn actually discussed with the trustees last week, so you are going to be seeing what we presented to them. If you actually heard that presentation and discussion last week, you will have to bear with me just for the duration of these slides, which are somewhat different in a couple of details that we have changed since the trustee meeting, but more or less it’s the same presentation and discussion we had there.

“This overhead (Appendix 1) tells you just what the planning cycle is. Ron Ehrenberg is sitting in this audience as well as other people who have a lot of experience with budget planning at Cornell and they will find this repetitive, but I am assuming that at least many of you haven’t really thought that much about how we go about planning budgets, and I hope this will be useful to you. We have spent the entire fall reviewing results from the prior year and developing budget models for next year and also establishing priorities. During the winter we reach campus consensus. How do we do that? We do that by meeting repetitively with the deans and going over our assumptions and plans for the next year. We work on five-year long budget plans, but the kind of consensus that we reach in the winter, in January, is really a consequence of meeting primarily with the deans on the budget for this next year. We get approval from the Board of Trustees on the budget parameters we have set on campus in January, and then in the spring Carolyn and her office work on detailed operating budgets to be presented to the Board for overall approval. In the summer we implement the approved plan.

“The part of this cycle that you all are probably most familiar with, or are most directly affected by, is salary improvement programs in the spring. I’ll come back to that. Now, just for context, for those of you who haven’t seen this ever or not recently, this is the general operating revenue from the 2003-2004 financial plan (Appendix 2), and this gives you a sense of the sources of our revenue. If you have any questions, let me know. I’ll leave it up long enough for you to focus on the fact that tuition and fees represent 25% of our overall revenues; sponsored programs, 21%; government appropriations, the 7% is primarily appropriations from the state, of course, with some funds from the federal government, in particular Hatch and Smith-Lever funds which come to us by virtue of our land grant status; clinical and hospital 19%, this includes not just the Ithaca campus but the medical school as well.”

Professor Francis Kallfelz, Clinical Sciences: “I thought that was all veterinary hospital.”

LAUGHTER.

Provost Martin: “You know I wish it were.”

Professor Kallfelz: "So do I!"

Provost Martin: "When you think about it, that would be damn good for the Ithaca campus. But no, it is actually Weill Cornell as well. Gifts, 8%; investments, 8%; and the enterprises, 6%. What I want to say about gifts and investments, and gifts in particular, is though they seem to represent a fairly small percent of the overall budget, they are a major source of unrestricted funding for us. Any questions?"

Profess Peter Stein, Physics: "Other sources—6% sounds trivial, but on the other hand when you look at it compared to gifts, it sounds huge. I was just wondering what is that exactly—it represents hundreds of millions of dollars?"

Carolyn Ainslie: "It actually includes things like the Statler Hotel, Executive Education . . ."

Professor Stein: "But aren't those enterprises?"

Carolyn Ainslie: "No, the enterprises are dining, etc. operations for return.

Question: "Is Qatar in this as well?"

Provost Martin: "Yes, Qatar is on this as well, because it is part of Cornell."

Charles Walcott, Neurobiology and Behavior and Dean of the Faculty: "I think it is interesting that government appropriations is very close to the gift income, for example. Presumably that gift income does not include gifts to capital projects."

Provost Martin: "Yes, it does."

Dean Walcott: "So this is total gifts?"

Provost Martin: "Yes. Any other questions or comments?"

Question: "The sponsored programs pie, that's just the university overhead portion of all the outside funding that comes in, right?"

Provost Martin: "No, that's all revenue."

Question: "Does the gift income just mean actual money or promises of money to come?"

Provost Martin: "That's a good question. It's a combination of things."

Carolyn Ainslie: "This number is actually the gifts that we have received, so it doesn't include pledges."

Provost Martin: "So it probably doesn't even include all gifts then."

Carolyn Ainslie: "It doesn't include the capital pledges."

Question: "Have these categories shifted in the last couple of years?"

Provost Martin: "They don't shift dramatically in terms of percent. The category that is actually going up most significantly right now is sponsored programs, but not really as a major percent difference, but in absolute dollars. Sponsored programs funding is going up more dramatically in the contract colleges than on the endowed side, but it's going up on both sides of that divide."

Question: "If you look just at the Ithaca campus, what percentage would tuition and fees comprise?"

Provost Martin: "I don't know. Do we know that for sure, Carolyn? I would say slightly more than 25%, but it wouldn't be that different. Other questions? No. Now we'll look at our major expenses (Appendix 3). Obviously, we are labor intensive. Salaries and wages account for 49% of our entire expenditures; debt service, 3%; student financial aid, 9%; general expense, 26%; capital expense, 3%; and employee benefits, 10%. You see that there is a footnote there on debt service, excludes debt service on employee benefits as paid by New York State on behalf of the contract colleges. So that for both of these categories of debt service and employee benefits, we receive funding from New York State, which is excluded from this percent of our total expenses. Is that clear?"

"Another way to say the significance of that would be to say that if we lost that source of state support, which is considerable if you think about the benefits on salaries for faculty and staff in the contract colleges, we would need to replace that with an endowment of a very significant magnitude. It's not that we expect to lose it, by the way.

"Now, we go to the major budget parameters and some planning assumptions based on data of this kind. This shows you the rise in undergraduate tuition using 2003 dollars from 1967 to 2003 (Appendix 4). For endowed Ithaca, the contract college non-residents is the blue line, the contract college residents is the green line. Any questions there? As you can probably imagine this graph looks quite similar to ones you would see from other universities in our peer group. We don't stand out for better or worse.

"Here you will see a comparison of tuition and fees at Ivy League and other peer institutions in comparison to Cornell (Appendix 5), and we are in the lower half on tuition. The change from the year before last year is actually 5%. If you are thinking comparatively, this is the good news side. The next one (Appendix 6) isn't horrible news, but it looks a little less good if what you are concerned about is being in the bottom tier of our peers. When you put tuition and fees together with room and board, we are third in this peer group. Aren't you going to ask why?"

Professor Brad Anton, Chemical Engineering: "I notice that we are third. We must be resounding winners when we compare ourselves to other universities that have bucolic rural settings where you might expect the room and board fees to be somewhat less than you have for example in New York City or downtown Chicago or downtown Boston or Philadelphia. That makes this seem even more startling."

Provost Martin: "I'll give you some reasons why this turns out to be the case that our room and board rates are higher and that jacks up our ranking in the combination of tuition and fees and room and board. There are several different reasons."

Question: "I just wondered is there just a room and board fee without the other funds?"

Provost Martin: "We do have that information. I don't have it here."

Comment: "We must be first on that one."

Provost Martin: "Are we first, Carolyn? I don't remember us being first."

Professor Stein: "The point I want to make is that this list may overstate our cause in the following sense, that in the first place note that there is only 5% from the bottom of the range to the top. That is a very compressed range. Secondly, isn't it still true that we house a smaller fraction of students than other places do?"

Provost Martin: "Yes."

Professor Stein: "To that extent, then, if you look at the total room and board that people actually paid, Ithaca is probably a lot cheaper in rent than most of the other places where people live off-campus. Then what our average student pays would be further down that list."

Provost Martin: "Yes, those are excellent points. One of the reasons why our rates are higher is because the total cost is spread over a smaller number of students. We have comparatively fewer students who actually live in residence on campus. The other reason is because that, unlike these peers in particular, we have not historically used gifts to pay for student residences, for dorms. We have used debt service, and payment out of the operating budget or out of the funds of the enterprise of student and academic services, more specifically, to pay for the cost of facilities. With the West Campus, as I think you all know, we are changing that in so far as the \$200 million cost of the West Campus house system will actually be born by private gifts, so that will actually help drive this cost down a bit because it won't be covered with debt."

Question: "Aren't some of our dormitories named after donors to the university?"

Provost Martin: "I'm not going to be able to tell you which ones of those are simply named after Cornellians and which ones were actually gifts, but when I talk about us historically it's a shorter historical period than say Morris Bishop covers in his book. I mean over the past four or five decades. The North Campus now has a named building, the Appel Center, but that gift was actually a gift made to West Campus, which then permitted us to name Appel Hall on the North Campus. However, it is part of the gift funding that we decided we needed to use for the West Campus house system."

Professor Stein: "West Campus is named after a donor, Alice Cook."

Provost Martin: "The first house, not the entire West Campus, is not a donor. The first house, which is going up quickly on the west campus and will open next year, is named after Alice Cook, so it is the Alice Cook House. A decision was made that the houses on the West Campus should all be named after well-known faculty members and not donors. So what we need to do then is get gifts from donors based on naming opportunities that don't require that the houses themselves be named after donors. They will all be named after dead faculty members. So if you are hoping to have your name on one of those buildings, you'll have to die."

LAUGHTER.

Provost Martin: "That was, I think, a good decision made by the West Campus Council. There really should not be a competition among still living faculty for this naming opportunity. So this is the residence tuition and fees at selected public institutions (Appendix 7), and there Cornell is in first place by a significant margin. What's the justification for that you might ask? I would explain it quite simply in these terms. Cornell is actually a mixed model. Those students who enroll here in the contract colleges actually take their general education in the endowed colleges and the expenses incurred as a consequence of the numbers of students who take their general education program in the College of Arts and Sciences, primarily, and other endowed colleges constitute part of the expenses that we have to cover with tuition."

Comment: "I would like to offer a different explanation. There is no difference in the quality of the education in the contract colleges and the private colleges. The difference between salaries means what the students pay and what the real cost is. The State of New York pays us much less than what is that difference. Therefore, that is why tuition has to be higher. Probably that will be increasingly higher as the State of New York deigns not to provide that subsidy."

Provost Martin: "Yes, that's right. That is actually a more fundamental point, but I also think the other is true and an argument that we have to use with the State of New York to help them understand why their assistance continues to be important not only for residents but non-residents as well."

"Here is the table for non-resident tuition and fees (Appendix 8), Cornell compared to Michigan, Vermont, Virginia, Davis, Berkeley, etc. Again we are

first, but the point Peter Stein made about some of the figures on tuition and fees before holds true here too. For the first three or four the differences are not so huge, and I think the University of Michigan is actually a good comparative peer institution for Cornell. Any questions or comments?

“Sources of support for undergraduate grant aid (Appendix 9). You will see the steady upward rise of Cornell unrestricted funds to cover Cornell undergraduate planned aid. Restricted funds are the green line, which has gone up quite sharply as a consequence of part of the campaign, which was successfully executed a few years ago. Government is the grey-blue and slate is Other External.”

Professor William Arms, Computer Science: “Does this say that if we didn’t give financial aid, we could reduce our tuition by a third?”

Provost Martin: “If we didn’t give financial aid?”

Professor Arms: “Yes, although I’m not advocating that.”

Provost Martin: “Good, I’m glad you aren’t. No, it’s not quite that much. If you think about what’s called the discount rate on tuition overall at Cornell, which I think is the next slide or it’s coming right up. Here it is, let me show you (Appendix 10). If you look at unrestricted grant aid as a percent of tuition, by virtue of the campaign for financial aid, funds and scholarships that ended two years ago, that percent went down. At this point it is well below 20%, and at the point at which it got above 20% that was the point at which administrators, faculty but also trustees got concerned. So I would say that gives you a better picture.”

Dean Walcott: “But the trend looks unfortunate. In 2002 it looks like it’s headed back up again.”

Provost Martin: “Yes, that’s true but we also haven’t yet had all of the gifts that were collected in the campaign mature. Carolyn Ainslie, to her credit, also set aside over \$30 million just in case some of those pledges and promised gifts didn’t arrive or mature when we hoped they would. So at the moment we are fine on financial aid funds. That’s what makes us feel OK about rising tuition. It doesn’t make anybody feel great to have to raise tuition year after year, but what’s true (and I’ll show the slide about what we are thinking about for the next year) is that we can raise tuition by a quite large percent and still not get to the actual cost per student of a degree, and we can say that a raise in tuition won’t affect those students who have financial need because of the financial aid funds that we have.”

Question: “I think this goes back to your pie charts. Does this tuition, is it included in the 25% of revenue or is it on the expenditure chart as grant aid?”

Provost Martin: “The financial aid is on expenses.”

Question: "Tuition that is paid for by somebody's check—some parent's check."

Provost Martin: "Right, that's on the revenue side, and our expenses take the form of unrestricted grant aid."

Question: "You report full tuition for students who are getting financial aid?"

Provost Martin: "Yes, we report full tuition for every student, and then we offset the cost of tuition for those students who demonstrate need with financial aid."

Question: "Sorry. So to back up those, that 25% of the pie, since you record full tuition for each student, some of that revenue is actually coming from us?"

Provost Martin: "Yes, absolutely. It's shown here as an expense against that revenue that I showed you in the 25% of all revenues. Does that make sense?"

"Proposed 2004-2005 Endowed and Contract tuition. Having shown you that background or given you that much context, let's just talk a little bit about our proposals for next year. Endowed tuition based on the information we have now, we would recommend to the trustees that it go up by 4.8%, which is .2% less than it went up last year and would bring endowed tuition to \$30,000. Contract residents would pay 9.4% more than they are currently paying. That is in absolute dollars the same increase that our endowed students would pay, which is a significant point I think. Contract non-resident tuition would increase by 5.3% for continuing students, so that they don't have to absorb what we would do on the contract non-resident for new student side, which would be a 10% increase, bringing their tuition to \$28,400. You can see that we are getting the tuition for contract students non-resident close to the tuition for students on the endowed side, which we think is appropriate."

Question: "What is the fraction of non-resident contract-college students?"

Provost Martin: "We have asked the contract colleges on average, so across the different colleges, and not necessarily for every single college, to observe a 60% resident—40% non-resident ratio. I don't think we are quite at 60%. I don't know the figures for this year. Would you say we are close to 60%?"

Professor Kallfelz: "I was wondering what the rationale was for giving this consideration to continuing non-resident students but not to continuing resident students? That is a smaller percentage increase for continuing resident students."

Provost Martin: "It's the difference in absolute dollars. So a 9.4% increase on \$15,870 doesn't end up being more painful than the 5.3% increase."

Professor Kallfelz: "So the 5.3% increase on continuing non-residents is the same as the 9.4% increase?"

Provost Martin: "I don't think it's the same in absolute dollars, but it is close."

Question: "The 9.4% increase, of course, is significantly greater than the inflation rate has been for the last ten years. What is it that drives these kinds of increases? Is it extra expenses, or is it a decrease in other revenues?"

Provost Martin: "I would say first and foremost if we are talking sort of present time reality, as opposed to what drives it over longer periods of time, it is a loss in revenues. We cut the payout from the endowment this year, and we are going to have to unfortunately cut the payout from the endowment again for this next year. So that is one drop in revenues. It is also the case that we have taken quite significant hits in state appropriations for the contract colleges. We have seen increases in funding for sponsored research but not nearly enough to make up for what we are absorbing in hits on revenues. One of the drivers for increased tuition is simply the downside on our revenue side for next year, but it is also true that our expenses continue to increase at higher than the rate of inflation. We can say safely and responsibly that we are not increasing our expenditures at an irresponsible or at the moment unnecessarily excessive rate given the revenue picture and given the constraints. So I would lay it more on lost revenue at the moment than greatly escalating costs, but both are there."

Question: "In an earlier slide we had government appropriations at 7%?"

Provost Martin: "Right. That's overall, but even if we think only about the contract colleges, state appropriations now make up less than 30% of the overall revenues for those colleges. So 30% seemed difficult enough, it's now below 30%. Hunter Rawlings used to talk about this frequently, and Jeff and I will continue to talk about it frequently. But our contract colleges, and this is also, I'm sure you know, the case at other public institutions (the University of Virginia would be a good example), they are increasingly becoming hybrid institutions—state assisted but increasingly dependent on private funding and sponsored program support. That's not necessarily a bad trend. It's unfortunate that the state is not supporting higher education at the rate it should in my view. I don't think the federal or state governments understand what an economic boon it has been through the history of this country and continues to be to have a higher education system that is as strong as the one we have. However, given that they are not likely to increase significantly what they invest in higher education, I think the hybrid model for our contract colleges is the inevitable but potentially also the liberating future for our colleges. I don't think we need to see it only in terms of its downsides but also potentially in terms of some of its upsides."

Professor John Guckenheimer, Mathematics: "Related to these issues, do you have any sense of what the cost to the university of maintaining dual administrative systems for the contract and the endowed colleges is?"

Provost Martin: "Well, I should let Carolyn talk about this, but actually we don't have dual administrative systems anymore. Over the past few years, under Carolyn's leadership, we have merged the budget offices, and we no longer have

two separate planning and budget offices, for example. We don't have separate finance operations for contract and endowed parts of the university, and I would say while it's true that each of the colleges themselves and in our budget office we have to keep state funds separate from all other sources of revenue to remain legally within the limits of what we are required to do for the state, other than that, there are not enormous differences in the administration of the contract and endowed colleges, and I think it is probably going to be a goal of our new president to continue the trend toward breaking down the boundary between the two in lots of other ways as well. We don't actually right now have significant expenses associated with trying to operate two different administrative systems."

Professor Cynthia Farnia, Law: "What are the major categories of expenses that are going up faster than inflation? What one hears about are health care costs, for example. You might imagine salary remuneration, although it doesn't seem like the salary pool for the last few years has been significantly over inflation."

Provost Martin: "You're kidding, right? The salary pool over the last few years has been much higher than the rate of inflation. Last year it ranged between 3.5% (of course we are talking about different colleges) to 6.5%. The year before that it was 6% across the university. It's also the case that increases for staff have been higher than the rate of inflation. Remember the pie chart that showed how labor intensive we are and how much of our budget is actually salaries and benefits. If you think about that and then think about the salary program that we started three years ago, in which we committed to keeping going until we reached the median of the peer groups that we established, then we realize that actually salaries has been a major source of the increase in costs.

"We chose to make it the driver of an increase in costs, and I think it was an important choice. It's not the only driver. But if you think about salaries, if you look at the costs of start-up for scientists in virtually every field, not just in physical sciences any more, but in the biological, physical sciences and engineering, those start-up costs have increased so much more than the rate of inflation, many orders of magnitude more. So those are just two examples. Everything is increasing much higher than the rate of inflation. Virtually everything. Carolyn, are there other major drivers?"

Carolyn Ainslie: "Also mundane things like compliance, environmental compliance, animal care compliance, those kinds of things. A lot of them are unfunded mandates, and in the last five years we have added millions of dollars for those kinds of things. Then the other thing, and I think that will become clear today, is the cost of libraries and acquisitions. Compared to the other sectors, those tend to run faster than inflation."

Professor Stein: "There is another way of looking at it. Let me just take the comment of Professor Farina. I still remember the point in time when I was promoted from Associate to full Professor, I went to a faculty meeting and heard the president of the university, Dale Corson, say with absolute conviction that we could not break the \$10,000 a year tuition barrier, that if we did break that barrier we would find such enormous pressure, consumer opposition, that we would

not be able to attract students. That prediction, which seemed reasonable to me at the time, since I had paid \$600 a year for my tuition at a comparable institution, that seemed reasonable to me as it must seem reasonable to you sitting here today if I tell you that when Professor Farina is as old as I am tuition is going to be \$90,000 a year. That is the determining factor, if people are willing to pay it, then we can raise it. In between Dale Corson's dire prophecy, which was wrong, and the present we have not experienced any evidence of consumer reluctance to pay a tuition rate that increases substantially beyond the cost of inflation. Given that, we can continue to do it. We would find ways to cope with it if they wouldn't pay it. But, in fact they will pay it, and so we try to build a better institution with that money that they pay."

Provost Martin: "I would add a provision. We can afford to raise it as long as we can afford to pay financial aid to the students who need it. That is not infinitely increasing revenue. I'm not disagreeing with you fundamentally. The data on all of this are incredibly interesting, and there are people even among our alumni and trustees who think we are leaving a lot of money on the table by charging so little because there are students who can afford to pay a lot more and that would help us when it comes to students who can pay a lot less.

"Long-term pool payout policy (Appendix 11). This tells you the goal of the policy, which is to have steady, predictable payout increases for operating budgets, that they be smoothed for budget and planning purposes with sensitivity for changes in the market. I'm just going to show you quickly this graph. We try to stay within the red line and the blue line. That's our goal to stay between the red line and the blue line in terms of what we pay out. You see the black line at the top. In the coming year shareholder payout, we are right up against our maximum level which is the reason we are going to have to cut back the amount that we pay out from the endowment. We had to last year, and we are going to have to this year in order to stay within our policy. The target is 4.4% as a percent of the value of the endowment, and you see where we are, so in order to get back within range, or to put it another way, to avoid going well above our range, we have to cut back again. We hope for only this one more year, but that depends on things going well in the economy, and that depends on things going well in the rest of the world. And I really just don't have time to comment on that right now.

"The proposed Cornell 2004-2005 long-term pool payout (Appendix 12) reduced the payout from \$2.43 a share to \$2.25 per share. That will be a 7.4% reduction in what we get coming into our general operating budget. If we assume a positive return of 6% in this year, the 3.5 per share will keep us just below the upper bounds of the target, which was the black line next to the red. This results in a \$10 million reduction of resources for our operating expenses for this next year, so things will be tight, but they won't be dramatically awful. I know it seems hard to believe when you see the numbers, but we will be OK.

"Faculty salaries (Appendix 13). You know all of this. You are the Faculty Senate. You got us to agree to set goals to increase faculty salaries to the median of a representative peer group. You established two different peer groups, one

for endowed and the other for contract colleges. Here is where we stood this past year on the endowed side (Appendix 14), average faculty salary 2002-2003, \$102,287. We made good progress, and we will make good progress when we get the figures for this next year as well. We will have again made good progress; we are getting closer to the median.

I want to show you something. I know I'm out of time, but part of it is due to your questions. The average faculty salary, all ranks, on the contract side (Appendix 15) is \$85,429. Endowed--\$102,000. Now you may be thinking to yourselves, 'This is horrible. What have we done?' Well, we are almost at our goal for the contract colleges. We have moved so quickly in relation to the public institutions that we named as our peers that we have practically reached the goal we set a few years ago. I'm going to tell you something about this, because you are going to see it over and over and people are going to say, 'Oh, my God. Look at the difference.' There is a difference, but on the endowed side, you have to remember that what's included in that count, in the average, is the Johnson School, the Law School and the Hotel School, three professional schools. If you take them out, which I asked Carolyn Ainslie to do for me today, so that I could tell you this, there is very important news. If you take out the three professional schools, and then compare the endowed side with the contract side, one of the general purpose endowed colleges has an all-ranks faculty average below that of the contract faculty side and the College of Arts and Sciences is not that far from the contract college average. You could say that just shows you that the Johnson School, the Law School and the Hotel School faculty are all making too much compared to the rest of us. That's fine. But you should at least know that the \$102,000 versus \$85,000 is a skewed picture, if what you want to compare are people who are in more or less the same disciplines: our biologists across several different colleges, including endowed and statutory, our economists, or our sociologists."

Professor Nelly Furman, Romance Studies: "Is it still true that at most of the contract colleges we have twelve month appointments as opposed to academic year in the endowed?"

Provost Martin: "It differs by college, there have been a number of conversions. It was never 12 month; it was 11 month. There have been a number of conversions from 11 month to 9 month salaries in the contract colleges."

Question: "But regarding these figures, are they relating to the fact that we have the same amount of time?"

Provost Martin: "Yes, these are nine month equivalents."

Professor Vicki Meyers-Wallen, Biomedical Sciences: "In the contract colleges, is the veterinary school the only professional school included in those?"

Provost Martin: "It's the only professional school. It's also the case, however, that ILR could count for certain purposes as closer to a professional school and

certainly given the number of economists, you would expect that they would drive the average up a little more than say some other disciplines.”

Professor Meyers-Wallen: “So if you took those two out of the contract college figure, would it still be as high as \$85,000?”

Provost Martin: “That’s a good question. We could try that.”

Professor Ronald Ehrenberg, Industrial and Labor Relations: “One of the things that faculty Financial Policies Committee hopes to do next semester is to work with Vice President Ainslie to do some disciplinary comparisons across the endowed/ statutory boundaries. This will enable us to learn if lower average salaries in the contract colleges as compared to endowed reflect differences in the disciplinary composition of the faculty in the two sectors.”

Provost Martin: “Yes, right. Let me just do this quickly. Faculty salaries for 2003-2004 (Appendix 16) - this is the new data that we got about what happened this past year when raises went into effect. Average salaries grew 5.4% in the endowed colleges to \$107,794 and in the contract colleges 4.8% to \$89,519. Please remember what I just showed you. The five-year average for endowed is 6% and for the contract colleges, 6.4%. So again when you think about this in relation to inflation and then think about the percent of our overall expenses accounted for by salaries, you will see part of what is driving up our costs.

“Average salaries for continuing faculty as opposed to the snap shot view that we turn in to those survey keepers, if you look at continuing faculty only, the salaries grew 5.8% in endowed and 5.6% in the contract colleges overall. Everyone in this room has to bear in mind that you may have received an increase that doesn’t look anything like this. It may have been 15% or it may have been 2%. I think that is one of the hardest things about looking at this data, is that everybody imagines this can’t possibly be the case, either because you got a much bigger increase or probably in the majority of cases, a smaller one.

“We are developing college-specific goals for this next year. We anticipate that the ranges of faculty increases in the colleges during this next year will range between 3% and 6%. As I said, we are getting very close to the goal we set with the Senate a few years ago.

Staff pay (Appendix 17) - our goal is to be at 100% of the market median in various job categories, and we are getting close for all bands, except alumni affairs and development where the competition is really quite extraordinary. Our next steps, you probably don’t need to know because unless you are on the Financial Policies Committee, because you won’t need to think about the next steps quite in the same way as we will and the Financial Policies Committee will. I hope this was clear enough for you, and if you have any questions, please direct them to Ron Ehrenberg.”

Professor Ehrenberg: “On behalf of the Financial Policies Committee I would like to thank the provost for coming and making this presentation to us. It was a

long-standing agreement, which I believe Peter Stein negotiated with the administration when he was Dean of the Faculty, that the provost would come and make a presentation to the faculty senate on the budget prior to formal adoption of the budget in January by the trustees. If my memory serves me correctly, this represents the first time in six to seven years that this has been done, and you can see from the discussion that the faculty greatly appreciates it. So I want to thank you.

"I also want to publicly thank Vice President Ainslie, who has been meeting with the Financial Policies Committee bi-weekly during the fall semester. She is about as open and forthright as anyone could even dream that an administrator would be. We have worked on a number of issues with her so far, and in the spring among the issues that we will focus on will be issues related to financial aid, because although the numbers look like it's under control, our self-help packages are getting very, very large. We'll also focus on some faculty salary issues, so again I want to thank both of you."

Provost Martin: "You are very welcome. Thank you, Ron. I want to say one thing. I didn't know that this was a tradition or I certainly would have done it in prior years. That just allows me to make one little point before I sit down. We really try to be as open and transparent as we can be, despite the sometimes-rampant belief that we try not to be. But sometimes it is simply out of ignorance or failure to have time to realize what we could do to make things clearer, that we don't do it. So it's good that you tell us what to do, and I hope over time you will come to believe that we really don't aim to hide things. There are not enough hours in the days or the semesters to get in front of you about everything."

Carolyn Ainslie: "One last thing. We actually have shared with you all our planning assumptions. We haven't gone public yet. In fact when we post it on the faculty website, the recommendations for next year on tuition and salaries and things, we will take those specific numbers out, because it is a competitive situation, and actually we are not supposed to be doing that, but have done so in the spirit of sharing with you all where we are and also there will be changes, as we have more meetings and consultations to take place over the course of the next month."

Provost Martin: "It is actually illegal for us to share them back and forth with other institutions. So if you have friends at other institutions, that is especially critical that you not tell them what our planning assumptions are, because we could be hit with some sort of suit."

Speaker Norton: "Thank you. I will now call on the dean of the faculty for brief remarks."

2. REMARKS BY DEAN CHARLES WALCOTT

Charles Walcott, Neurobiology and Behavior and Dean of the University Faculty: "Very brief. First of all, Biddy and Carolyn, thank you so much. These charts

and graphs with certain emendations or omissions will be on with website, so that if you want to look at them or think about them further, they will be available to you.

“All I wanted to say is that we had a faculty forum the other day to discuss the question of how do we teach. We had about sixty participants, had good discussion, and I hope it results in a barrage of e-mails to the president. I think we will try one more of those this spring, perhaps on something to do with research priorities or something of that sort, and have another discussion and see how that goes. Other than that, I have no further announcements.”

Speaker Norton: “Because there is no quorum present, we will pass over the motion for approval of the minutes, and I will now call on Professor and Senator Francis Kallfelz, member of the University Faculty Library Board, to introduce the resolution that was circulated with the call to the meeting.”

3. RESOLUTION REGARDING THE UNIVERSITY LIBRARY'S POLICIES ON SERIAL ACQUISITIONS, WITH SPECIAL REFERENCE TO NEGOTIATIONS WITH ELSEVIER

Professor Francis Kallfelz, Clinical Sciences and member, University Faculty Library Board: “Thank you very much, Madam Speaker. The fourth item on the agenda is listed as a resolution regarding the University Library’s policies on senate acquisitions. That’s an error; it should be serial acquisitions, with special reference to negotiations with Elsevier. The resolution (Appendix 18) was distributed with the call to the meeting and there are extra copies here. I hope everyone has seen those. It’s a rather long resolution, and I hope all of you have read it, so on behalf of the University Faculty Library Board, I would like to move the resolution.”

Speaker Norton: “What the Dean of the Faculty and I have decided that we will do is take a straw vote. Since we don’t have a quorum, we can’t vote on it.”

Professor Kallfelz: “It can be introduced?”

Speaker Norton: “Oh, yes, it can be introduced. Anything from a committee doesn’t need a second, because it is automatically introduced by a number of people. So I think we’ll just open it up for discussion.”

Professor Kallfelz: “Could I just call on Professor Scott Mac Donald, who is the chair of our committee to make some remarks.”

Professor Scott MacDonald, Philosophy and Chair, University Faculty Library Board: “I’ll keep it very brief, and I will try not to repeat what is in the background material that was provided with the resolution. Ross Atkinson, whose is the Assistant University Librarian for Materials Acquisitions, is here with us today, too. Ross will be able to answer questions from the library’s perspective, and I’ll try to answer questions about the discussions we have had in the Library Board.

"I do want to say one or two things to give context to this resolution. I won't repeat the facts and figures that make the crisis apparent, I think. I wanted to say that this is a trend and an issue that the Library Board has been talking about with the university librarian for several years. It has come to the point that significant action has had to be undertaken for the 2004 contract, forced on us you might say by Elsevier in particular. Their price increases have finally gotten to the point that the library absolutely cannot bear them, so we have had to make some hard choices, and this resolution grows out of that sort of immediate context.

"The Library Board conceives of a kind of two-stage process of which this is the first stage. We mean by this resolution to address the immediate budget crisis, particularly as it involves Elsevier and to begin to lay the foundation for longer-term strategy in dealing with the issues that underlie the present crisis. Stage two of the process in our view will be to take these discussions and these issues to the faculty at large. These are issues that affect a wide-range of faculty in the university very directly, and we would like more feedback from them before we introduce what I hope will be a second resolution in the spring with more concrete and you might say toothier components directed at Elsevier and other publishers. So we hope that this resolution will start a conversation that will continue in the spring and bring us back with a second resolution after we had consulted more broadly with the faculty. With that said, I think I would prefer to throw it open for discussion so that we have plenty of time to hear what you think."

Speaker Norton: "The floor is open. Please identify yourselves."

Professor John Guckenheimer, Mathematics: "I would just like to point out that within the mathematics community quite a few individuals have been adopting a personal policy of not reviewing papers published by Elsevier, and I would just encourage you to think about that as something that you might wish to do."

Professor MacDonald: "That's part of a wider trend. In fact, some faculties across the nation, I believe the University of California at Santa Cruz is prominent among them, have actually passed a resolution encouraging its faculty to take that position with regard to Elsevier. Our Library Board did not think that should be our first step. We would like to talk more broadly with the faculty at Cornell before we bring a resolution of that kind, but many of us on the board think that a resolution of that kind would be absolutely appropriate and something like that may come back in the spring."

Professor Philip Nicholson, Astronomy: "I also happen to be editor of a journal on campus which is actually published by Elsevier, so it would be embarrassing if the faculty went on record as refusing to have people review papers any more when I am in the business of sending them out for review. I have a question about the statement here, though. It wasn't clear whether you were talking about largely print subscriptions or the electronic access through Science Direct, or whether these are both effectively bundled together and you are talking about

both when it comes to canceling the bundled contract with Elsevier for next year.”

Professor MacDonald: “Ross can answer that particular question. I’ll start it out with less than full information, and Ross can correct what I say. My understanding is that when electronic publishing appeared on the horizon, publishers like Elsevier directly linked electronic access with their print versions. What they didn’t want to see happen was their print enterprises collapse as everybody went over to electronic. So the package we buy includes both of those, and I’m not sure how the cancellations affect those two different types of acquisitions. Ross, maybe you can help us out here.”

Ross Atkinson, University Library: “If you are subscribing to a title, the title can be paper or electronic. You can cancel either one, but you still subscribe to the whole title. So virtually everything we have now is electronic, and we are canceling paper; we still pay for the electronic. The electronic only costs more than the paper subscription.”

Professor Nicholson: “So what are you canceling for next year in the bundled contract—effectively both?”

Ross Atkinson: “Yes, that’s right. In other words, you actually have to cancel both in order to cancel the title. So the \$250,000 commercial cancellation is the fee for both.”

Professor MacDonald: “If you looked at the background material, at the end I provided the URL for the library’s website that deals with these issues and one of the pages on that website is the list of journals that will be canceled effective January 1. It’s between 200 and 300 Elsevier titles.”

Ross Atkinson: “Closer to 200.”

Professor MacDonald: “Close to 200 Elsevier titles, and they are listed there individually if you are interested in looking at that list.”

Professor William Arms, Computer Science: “I thought it might be interesting to note how this position arrived. I looked at the readouts of the website this afternoon, and last year their revenues and profits were about 25% to 29%, and the chairman very carefully stated that it was their intention to continue this rate of profits. That is historically high, even by their standards. This goes back to the 1950s when Robert Maxwell, who fortunately fell overboard under suspicious circumstances and nobody mourned, recognized that by having a monopoly on journal literature, they could raise their prices without any limits.

“This has been growing unbearably for a very long period of time. It just has to break, and there are two things going on a present. One is that a number of universities are saying enough is enough, and Cornell libraries have been very brave in standing up and doing this, and I think we all owe them a vote of thanks

in the long-term. The second is that we as faculty members and researchers create this problem. When we send our papers to their journals, when we are editors of their journals, when we review for their journals, we are creating that monopoly that enables them to rip-off universities like us. In the long-term, we have to break that. The difficulty is that some of these are good journals, and some of them are our colleagues and our friends. Some of this has got to break and this seems to be the time in which a number of leading universities are standing up to publishers. They are not the only one; I think we should support the library."

Professor MacDonald: "Let me just underscore what Bill said. Certainly one of the most significant contributors to this trend in the pricing of serials is this, you might say, 'double whammy.' On the one hand publishers like Elsevier have acquired near monopolistic control of certain ranges of journals, in Elsevier's case the sciences and social sciences. They publish in the neighborhood of 1800 journals in the sciences and social sciences. They buy up small presses; they buy up independent journals. So there is the near monopolistic control and then there is the culture, which we participate in. We create valuable intellectual property; we hand it over to these presses virtually free of charge and then they turn it around and sell it back to Ross Atkinson at enormous prices. When I said that we want to address the underlying mechanisms in the future, item number five on the list of resolutions here is a sort of gesture in the direction of undertaking steps that might help to change fundamentally this culture and loosen Elsevier's grip on our library expenditures."

Professor David Levitsky, Nutritional Sciences: "Can you give me a better idea of what other universities are doing?"

Professor MacDonald: "I can say something. I think Ross probably knows more. There have been two high profile formal resolutions. One by the University of California at Santa Cruz and the other one was, I believe, North Carolina State. Is that right, Ross? Formal resolutions, which are in fact tougher than this one, at least in certain respects. They encourage their faculty to cut ties with Elsevier, to refuse to support Elsevier in various ways as referees, as members of editorial boards and so on. Those are the high profile formal resolutions. A number of university libraries though in the big group of which Cornell is a member are worried by what is happening and are considering doing the kind of thing which Cornell has announced the intention to do, which is to withdraw from the bundle pricing contract, which has been characteristic of the contracts with the large research universities.

"Cornell's announcement of its intention to do that some months ago caught the attention of the media. Cornell is mentioned in all the articles in the *Chronicle of Higher Education* and various journals that track information technology, *The Wall Street Journal* has been on the phone with both Ross and me and perhaps some others of us in recent weeks. So other places around the country are paying attention to what Cornell is doing. I just heard an anecdotal remark before the meeting today. A faculty member or librarian at Duke has remarked that it is important that Cornell is taking this leadership role, and they at Duke appreciate

it. One suspects that with these sorts of steps, Cornell will take the leadership position, and other university libraries will be emboldened to take some of the steps we have taken as a result of our having taken them. Ross, are there others?"

Ross Atkinson: "The University of California system is still talking with Elsevier and Harvard has stepped out of the bundling plan, as far as I know."

Professor MacDonald: "I might say also that as a result of our having announced this intention the Elsevier reps, including the representative for all of the Americas, showed up in Ithaca at the end of November, thinking apparently that something significant enough was going on that it required his attention. So the librarians were able to talk with those reps, and the Library Board was able to meet with them. I think they got the clear message that we were concerned and things had to change."

Professor Stein: "I have heard this same discussion with other natural monopolies, and the one that comes to mind that gets even more public ink than this one is the pharmaceutical companies."

Professor MacDonald: "I thought you were going to say Microsoft."

Professor Stein: "It's important to have *Office*, but it's a lot more important to have a blood pressure lowering drug if you need it. So there is the same situation—that there is a monopoly of something that is in high demand and that people simply must pay the price because they are unwilling to do without it. The answer that I have heard is that it is a fake problem, because if you look at the profits of the pharmaceutical companies, you'll find that they only run 10%, therefore that the natural cost of producing those pharmaceutical drugs could only be lowered by at most 10% by taking away their profits. I don't know if that argument is true or not, but I have certainly heard it often enough. I wonder is it true that Elsevier is making profits of 50% or 75% or do they have the same 10% to 15% and can one make the same argument that taking away their profits entirely would simply reduce the prices of these things by a small amount?"

Professor MacDonald: "Well, let me take a stab at it, and then I'm sure there are economists out there who can actually speak with some knowledge about these things. The first thing I would say is that we are under no obligation to provide Elsevier with any level of profit, and one reason we want to encourage and talk more in the near future about alternative venues for scholarly communication is because it seems entirely possible to do what it is we do (by sending our papers off to Elsevier journals and having them published and then supplied to the library) in ways that don't involve Elsevier at all. The library has undertaken electronic publishing enterprises of this sort already, and there are lots of other ideas floating around, as I'm sure you know. So even if we could whack Elsevier from their 10% or 29% profit margin down to zero, there is no reason why we should think that would be a particularly good deal in itself. We might better dispense with Elsevier altogether."

Professor Alan McAdams, Johnson Graduate School of Management: "Elsevier is in a very vulnerable position. I think that they can be dealt with quite readily, and one way to deal with monopolies like this is to recognize that you already have budgets that can create an alternate distribution mechanism. The money that you are paying for Elsevier—all you have to do is to shift it over to electronic publishing directly. There are costs in doing that, but it costs Elsevier absolutely nothing to distribute this stuff in electronic form, so the marginal costs are approximately zero.

"I would like to comment briefly on Peter's discussion of pharmaceutical costs. The pharmaceutical companies spend more on advertising than they do on R and D. They spend on all kind of things, so you really have no idea what's going on in their financial statements. There is a problem in getting some of the research done, and you don't have as quick a turnaround possibility with them as we do with somebody like Elsevier. As you know, Bob Cooke is already on a crusade to get electronic publishing more widely recognized. This is a problem that can be dealt with. It will take a concerted effort and a recognition of the resources that are available to be used to turn this absolutely around."

Professor Guckenheimer: "Two comments to address Peter's questions and add to that. One is that I have observed a greatly increased flow of aggressive marketing from Elsevier coming into my electronic mailbox over the last six months. The second comment is that as a former president of a professional society that publishes about a dozen journals, I know that Elsevier's prices are exceedingly high compared to the costs of producing journals."

Speaker Norton: "I am going to call this to a halt. We want to continue with our agenda. Are there any absolutely final comments that need to be made? Seeing none, because we don't have a quorum, I am just going to ask for a straw vote. All those approximately in favor of this resolution, please say aye."

"AYE."

Speaker Norton: "Opposed? The chair hears no nays. Are there any abstentions? The chair hears no abstentions. We can assume that it is adopted unanimously by the non-quorum of the Faculty Senate."

Professor MacDonald: "In a straw like way. Thank you very much."

Speaker Norton: "The chair will call on Professor Ron Booker for a report from the Affirmative Action Committee."

4. AFFIRMATIVE ACTION COMMITTEE REPORT

Professor Ronald Booker, Neurobiology and Behavior and Chair, Affirmative Action Committee: "I want to give a rundown of what we have been doing for the last year or so on the Faculty Affirmative Action Committee. We have met about twice each semester since the beginning of last year, and we have discussed a number of different issues during those meetings relevant to issues

of diversity and inclusion on campus such as providing a faculty view of a program called the Safe Places Program that was initiated by the dean of students, as well as discussing issues related to diversity fellowships that are offered by the university.

“What I really want to do is actually just give you an overview of some of the issues that we have tried to deal with in terms of what our goals were as a committee or should be as a committee, and the reason why we decided to spend some time discussing an issue that has to do really with the creation of a new position within the provost’s office.

“About four or five years ago, the university created a Vice Provost for Diversity and Faculty Development. I don’t know if you have ever read the resolution, the legislation enacting our committee, but one goal of our committee was to provide an annual review of the college affirmative action committees on campus. In creating this new position, what happens is that this individual is charged (the position is filled by Bob Harris who is a professor in the Africana Studies Program as well as the History Department) with a number of different responsibilities. One is preparing an annual report on Cornell’s progress towards diversity and inclusion. It also runs a number of different programs on campus that I think actually some of you may be interested in. For instance, it turns out that this office established a number of pre and post doctoral diversity fellowship programs that are run out of the provost’s office that students and PhD post-doctoral fellows on campus can actually gain access to. There is an application process, and I believe there is a round that has been initiated quite recently, so if you have proposals that you might be interested in submitting or you know someone who is one of the eligible minorities who might want to apply, you might consider contacting the office to learn more about that process.

“The key thing is that this individual, this office, works with the colleges and the affirmative action committees of the college to actually help build and establish diversity goals. So what this office does is something very similar to what was being done by the affirmative action committee. What we wanted to do was think about how we could try to figure out some process so that we are not being totally redundant in terms of actually collecting and gathering information on diversity activities of the colleges, but to actually add something, to be a bit more proactive perhaps in terms of what we hope to accomplish.

“I think before we can actually consider that we should try to take a look at where we are in terms of the university, where the university is in terms of its hiring trends, in terms of its goal of achieving diversity. This is from the university, the report prepared by the Vice Provost for Diversity and Faculty Development, in terms of hiring trends of faculty. This is over a five-year period, and what you see is what has happened here at Cornell in terms of changes. The percentage change in women faculty (Appendix 19), as you can see there has been some progress over the years in the hiring trend for women. I’ll allow you to make your own judgment as to how successful we have been. In 2001 Cornell ranked eighth out of twelve institutions in terms of the percentage increase in women faculty in the ten-year period between 1991 and 2001.

“Here is a companion table (Appendix 20) that looks at the hiring trend for minority faculty here on campus. This is for all colleges; we are not trying to break this down by individual colleges, although we could. There are endless tables that one could gain access to in order to look at this. As you can see, again you might say there is some progress. There is one interesting trend that I saw. If you look at the total Hispanic faculty that have been hired, that’s quite an improvement, although one can micro-analyze that as well and ask some serious questions about how to interpret this trend. For instance, are those individuals that are identified in the charts as Hispanics actually target minorities? Not all Hispanics are considered target minorities, but that is another issue. What we wanted to do is try and get a sense of where we were as a university as we try to increase diversity and also improve that sense of inclusion, that community feeling we have on campus.”

Professor Risa Lieberwitz, Industrial and Labor Relations: “How are you defining faculty?”

Professor Booker: “In this particular case, faculty as defined in the tables.”

Professor Lieberwitz: “Are we talking about tenured faculty?”

Professor Booker: “This is tenure-track faculty. Any other questions about the tables?”

Professor Kallfelz: “When you say minority faculty, you mean all minority faculty not just under-represented minority faculty?”

Professor Booker: “That is actually an issue that our committee dealt with. We wanted to come up with definitions. We discussed that. Yes, we thought that was a source of confusion in some cases. What is a minority faculty? How you define that individual can vary dramatically. For instance, is someone that is a non-U.S. citizen that happens to be of African descent a minority faculty or not? Depending on the context, the answer could be yes or no. The same is true for Hispanic. You could be from Chile, and you could be of Italian decent, but if you are from Chile and if you have a Hispanic surname, are you Hispanic or not? It’s confusing but those are the sorts of issues.”

Professor Kallfelz: “In an affirmative action program certain Asian Americans are not considered an under-represented minority.”

Professor Booker: “But some are.”

Professor Robert Harris: “They are considered in terms of faculty, because we have to go by the federal government guidelines.”

Professor Booker: “That’s right. It’s not a simple case. Those are the sorts of issues that we had to educate ourselves about as we tried to deal with this issue. As a matter of fact, what we decided to do was to try and take a more proactive

stance in terms of trying to see what we could do as a committee in terms of addressing this issue. So what we actually did, and to be honest, I'm not all that pleased with the outcome, is that we asked each of the colleges at the end of last year to submit a five-year report on their efforts in the area of diversity and inclusion. We got one response from CALS, and I managed on my own to somehow get the folks in Arts and Sciences to provide me with their report. That is the staff, because we just couldn't get a response. We heard there was a document, and I was surprised if you called them up, someone will actually go to the files, pull it out and send it to you.

"What we intend to do is to try and go through and organize some visits next semester and try to be proactive in terms of the stance we take. We are not so much interested in hearing reports of this sort, but we are trying to get the colleges to think about how they think about their efforts in terms of addressing this issue. We mainly wanted the colleges to begin thinking about the whole issue of inclusion, because if you hire a faculty member—these numbers that we saw before depend on more than just hiring faculty but also mean you have to try to increase your efforts at retention of minority faculty. What sort of environment do we create for individuals here on campus? What sort of environment do they encounter once they arrive on campus? What efforts are you making in your college and in your departments within the college to try and make that environment an inclusive environment? For instance, if you can recruit a minority faculty member or a woman, how happy are they? Just asking some questions, making some sort of assessment of the environment that exists within that community is actually an important question.

"So we are trying to create a series of questions, a scheme, that will get the college to think about how they are actually trying to address this question of inclusion. For instance, when an individual faculty member resigns, do you keep track of why that individual, minority and non-minority, resigns. Is there a difference in the data for minority faculty and women faculty? Is there some sort survey or tool that has been developed, perhaps not just by the college or even by the university, that tries to address that issue? We are hoping that we can get the deans and the affirmative action committees in these meetings to begin to think about these issues and address these issues in an effort to try to attack diversity at two levels: One, hiring trends and the other, retention. That is what we hope to do. Whether or not this is successful is another issue. Given the time, I probably should not show you any more overheads. Are there any questions?"

Speaker Norton: "Any questions for Professor Booker?"

Professor Booker: "Then we can all try to go home."

Speaker Norton: "Thank you very much. The chair declares the non-meeting adjourned."

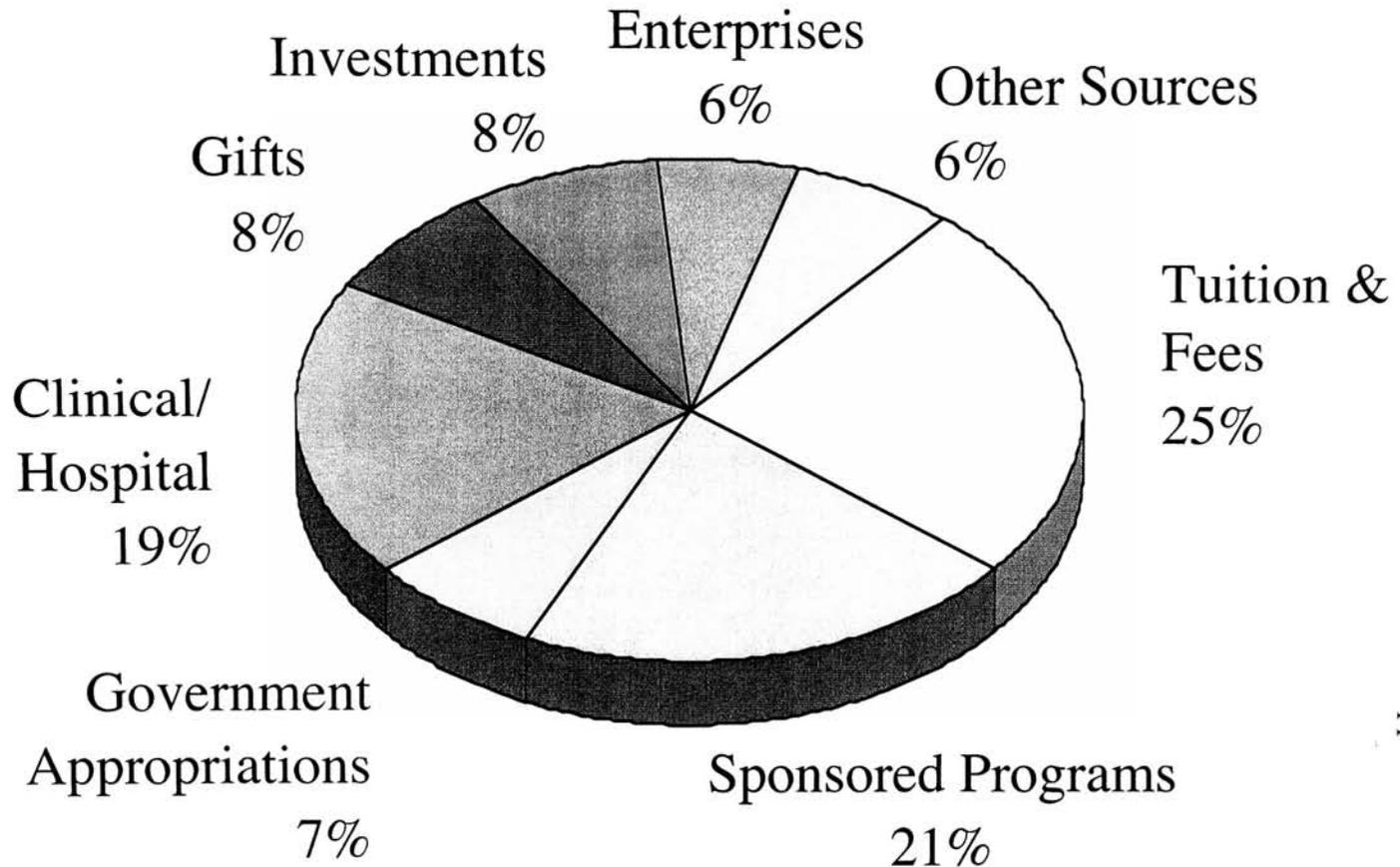
Respectfully submitted,

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

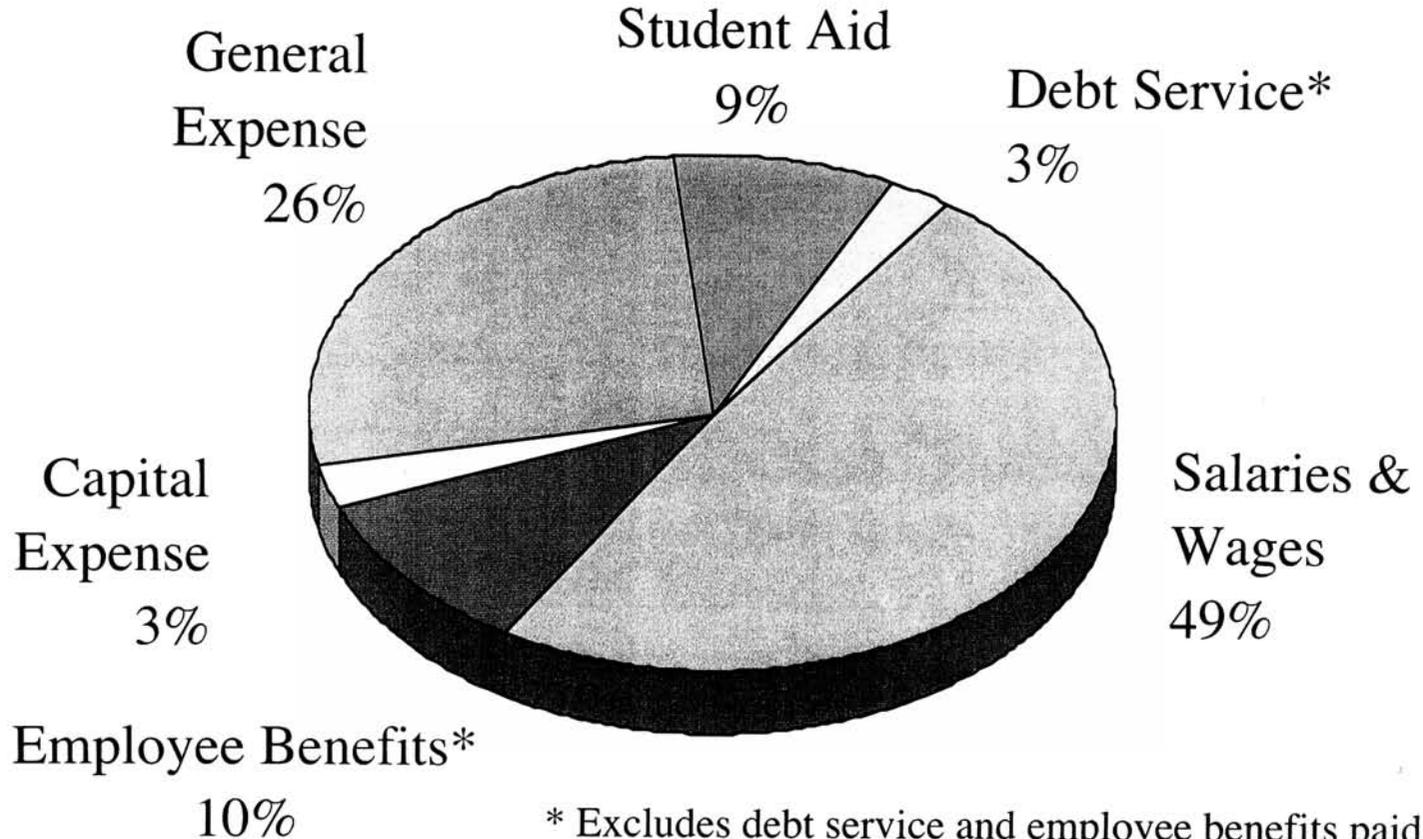
Planning and Budget Cycle

- ◆ Fall: Review results from prior year and refine budget models and parameters. Planning priorities established.
- ◆ Winter – Reach campus consensus and Board approval of budget parameters in January.
- ◆ Spring – Build detailed operating plans and present to Board for overall approval.
- ◆ Summer – Implement approved plans.

General Operating Revenue (2003-04 Financial Plan)

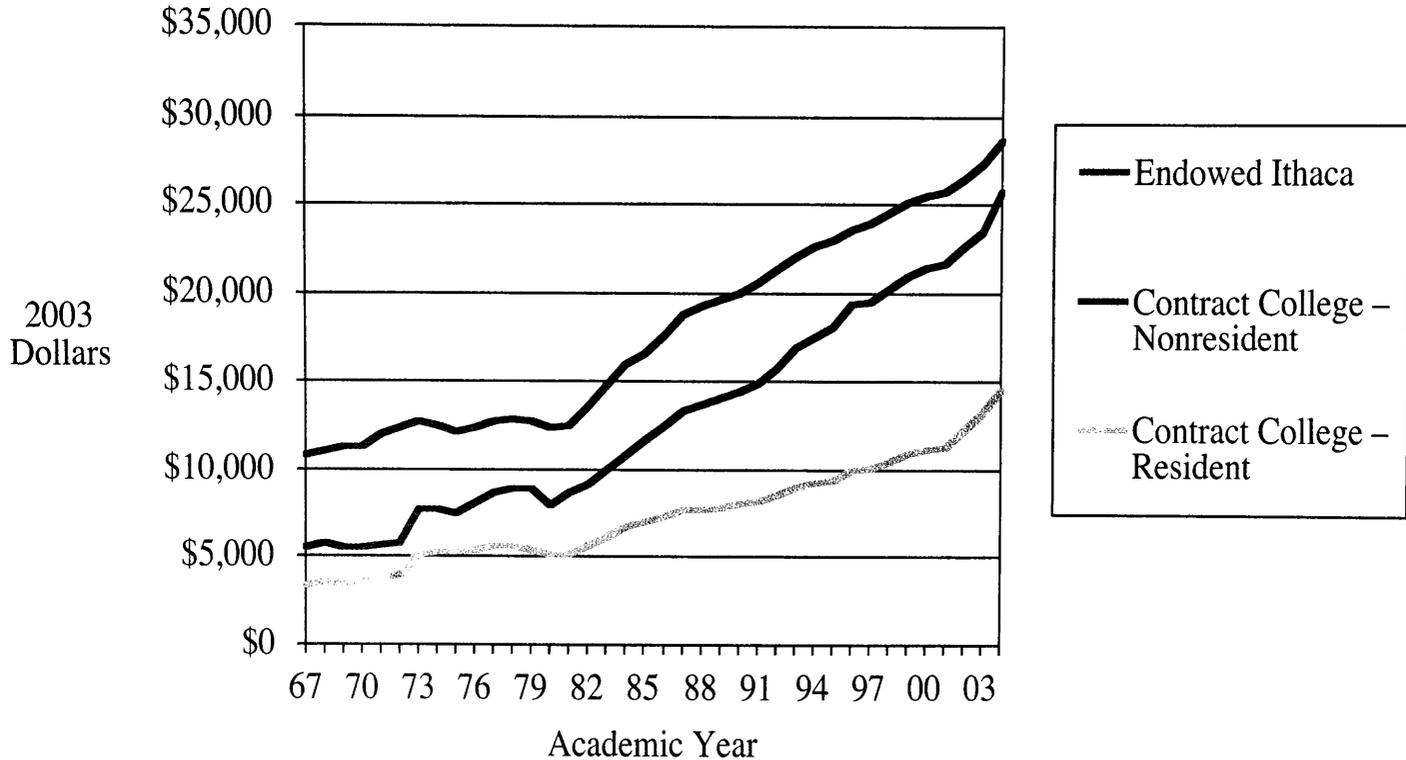


General Operating Expense (2003-04 Financial Plan)



* Excludes debt service and employee benefits paid by NYS on behalf of contract colleges.

Undergraduate Tuition (2003 dollars)



Tuition and Fees at Ivy League and Other Peers

	<u>2002-03</u>	<u>2003-04</u>	<u>Change</u>
Brown	28,480	29,846	4.8%
Columbia	28,206	29,788	5.6%
MIT	28,230	29,600	4.9%
U. Pennsylvania	27,988	29,318	4.8%
U. Chicago	27,825	29,238	5.1%
Dartmouth	27,771	29,145	4.9%
Harvard	27,448	29,060	5.9%
Cornell (Endowed)	27,394	28,754	5.0%
Stanford	27,443	28,563	4.1%
Princeton	27,230	28,540	4.8%
Yale	27,130	28,400	4.7%

Tuition and Fees, Room and Board

	<u>2002-03</u>	<u>2003-04</u>	<u>Change</u>
Columbia	36,488	38,590	5.8%
U. Chicago	36,553	38,553	5.5%
Cornell (endowed)	36,374	38,334	5.4%
MIT	35,860	38,310	6.8%
U. Pennsylvania	36,212	37,960	4.8%
Brown	36,356	37,942	4.4%
Harvard	35,950	37,928	5.5%
Dartmouth	35,388	37,770	6.7%
Stanford	35,884	37,636	4.9%
Yale	35,370	37,000	4.6%
Princeton	35,072	36,649	4.5%

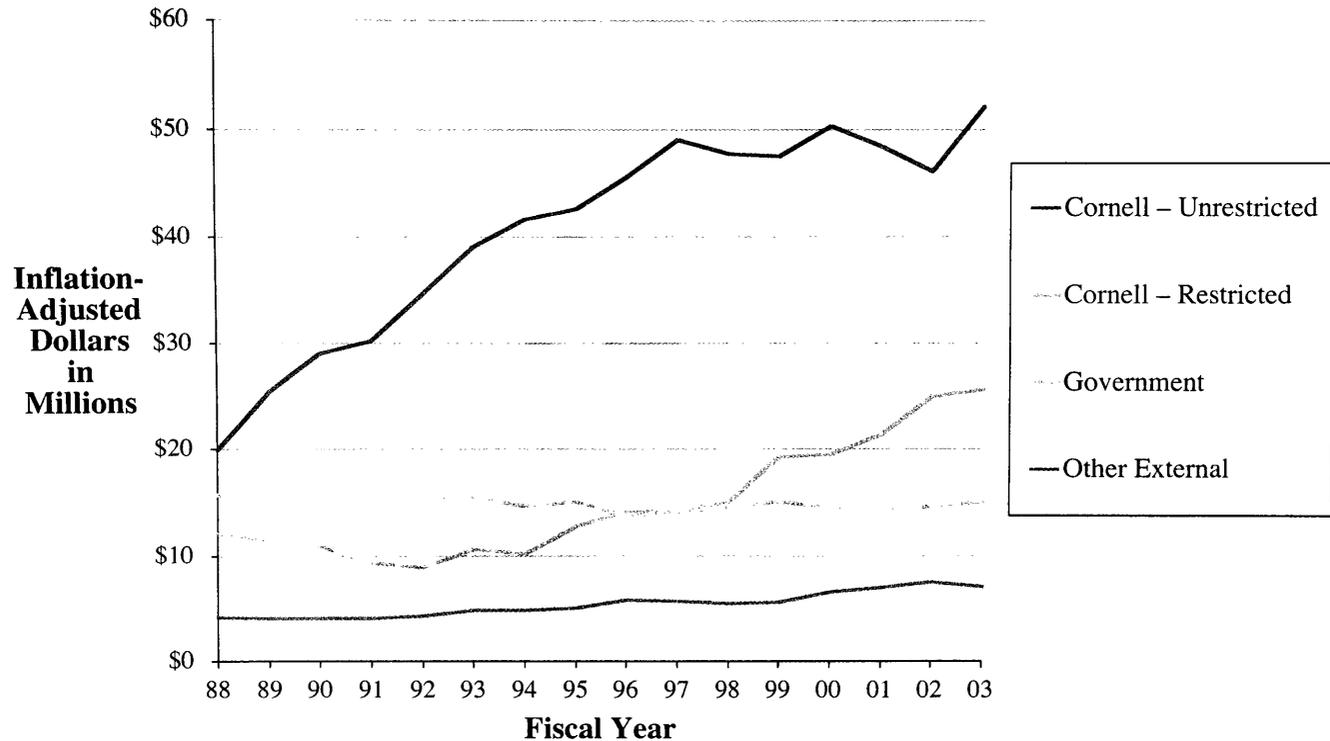
Resident Tuition and Fees at Selected Public Institutions

	<u>2002-03</u>	<u>2003-04</u>	<u>Change</u>
Cornell (contract)	13,274	14,624	10.2%
Penn State Univ.	8,382	9,706	15.8%
Univ. of Vermont	8,994	9,636	7.1%
U. Mass. Amherst	6,660	8,410	26.3%
Univ. of Michigan	7,485	7,975	6.5%
Rutgers	7,308	7,927	8.5%
Ohio State Univ.	5,691	6,624	16.4%
Univ. of Virginia	4,780	6,149	28.6%
UC- Davis	4,630	5,835	26.0%
SUNY- Buffalo	4,850	5,850	20.6%
UC- Berkeley	4,201	5,250	25.0%

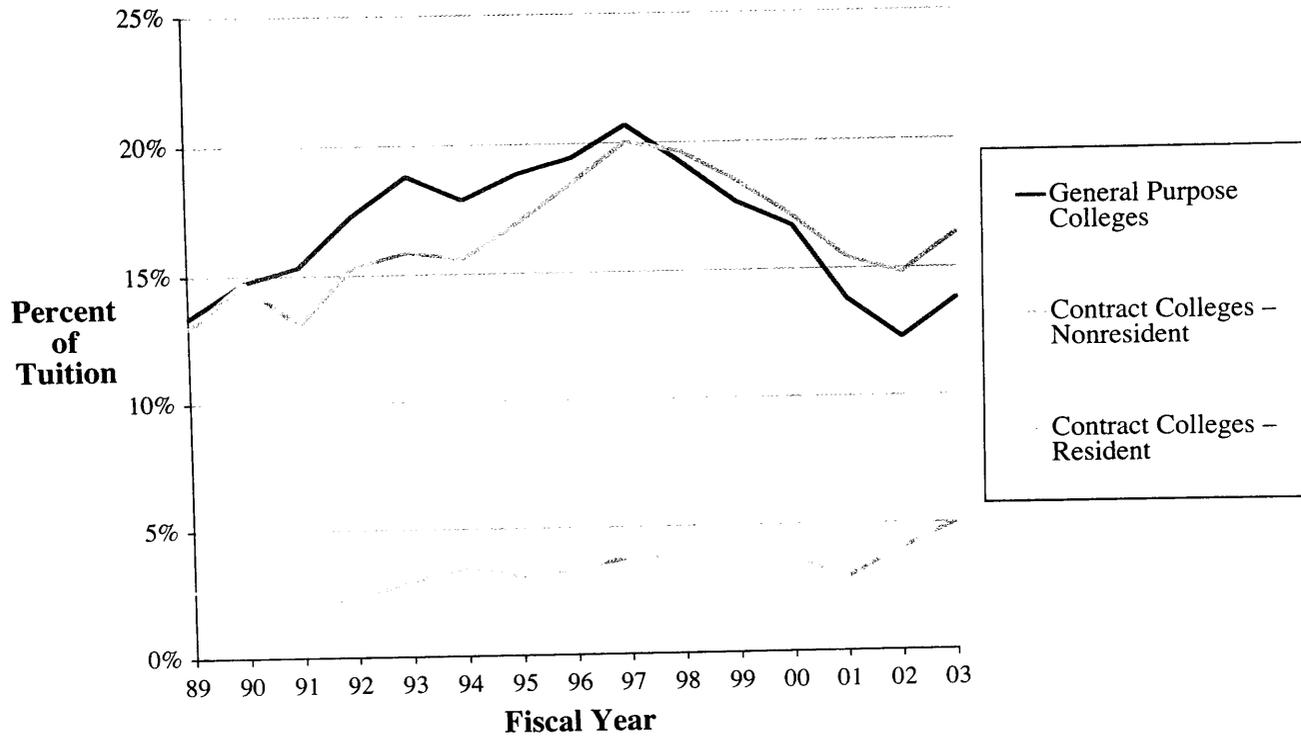
Non-Resident Tuition and Fees at Selected Public Institutions

	<u>2002-03</u>	<u>2003-04</u>	<u>Change</u>
Cornell (contract)	23,624	25,924	9.7%
Univ. of Michigan	23,365	24,777	6.0%
Univ. of Vermont	21,484	22,688	5.6%
Univ. of Virginia	19,990	22,160	10.9%
UC- Davis	16,974	20,063	18.2%
UC- Berkeley	16,580	19,549	17.9%
Penn State Univ.	17,610	19,328	9.8%
Univ. of Wisconsin	18,423	19,139	3.9%
U. Mass. Amherst	15,513	17,260	11.3%
Ohio State	15,114	16,611	9.9%
Rutgers	13,284	14,441	8.7%
SUNY - Buffalo	9,750	11,800	21.0%

Sources of Support for Undergraduate Grant Aid



Unrestricted Grant Aid as a Percent of Tuition †

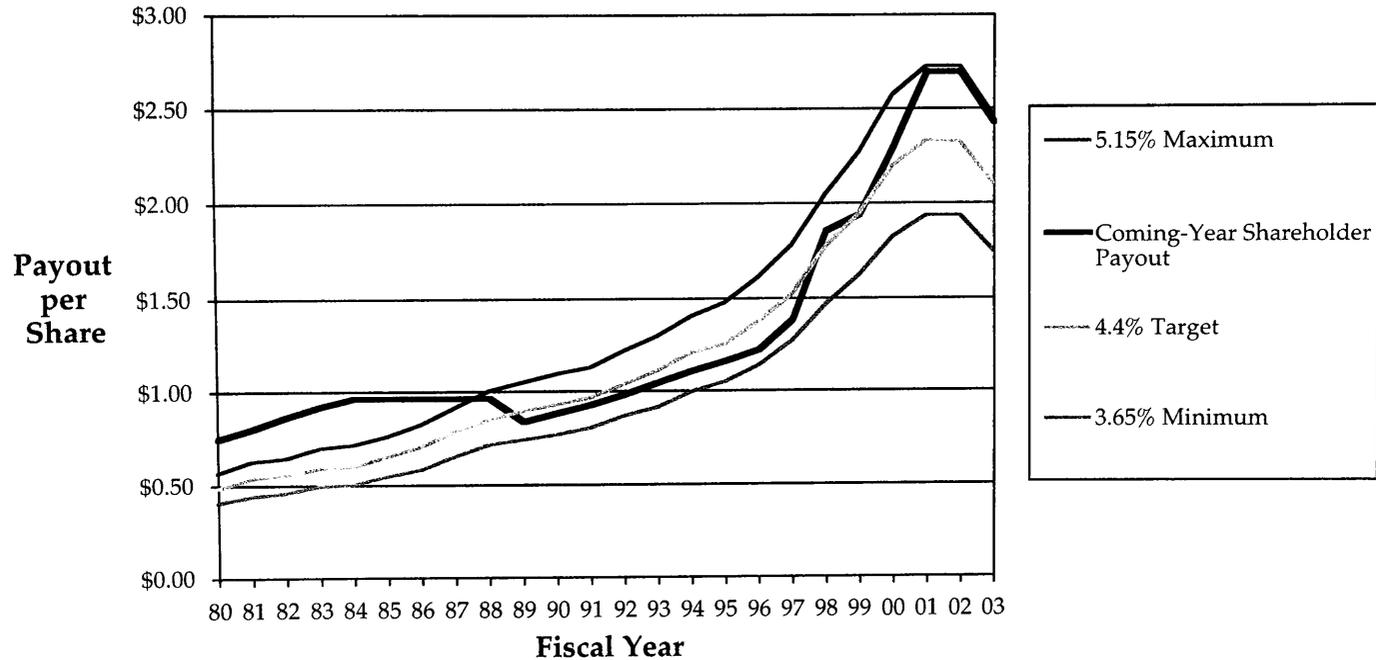


† Excludes Hotel Administration and off-campus students.

Cornell LTIP Payout Policy

- ◆ *Goal:* Steady, predictable payout increase for operating budgets smoothed for budget and planning purposes with sensitivity to changes in market value.

LTIP – Coming-Year Payout Versus Payout Policy



Faculty Salaries

- ◆ The Faculty Senate, academic deans, and administration have identified two sets of research university peers (one for Endowed Ithaca and one for the contract colleges).
- ◆ A goal was established to increase faculty salaries to the respective peer group average within a five to six year period, beginning in 2001-02.

Endowed Ithaca Faculty Salaries

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>
1. Stanford University	\$92,599	\$97,793	\$100,841	\$106,547	\$111,077	\$115,418
2. Cal Tech	93,436	96,887	100,068	104,305	109,214	112,583
3. University of Pennsylvania	87,890	91,466	97,332	102,606	109,473	112,547
4. Princeton University	88,000	92,166	96,103	102,889	108,248	112,416
5. University of Chicago	88,125	93,512	98,607	103,098	106,711	110,517
6. Yale University	85,425	89,682	94,201	98,598	104,058	108,624
7. Columbia University	84,460	89,237	92,619	98,257	103,598	106,529
8. Cornell (Endowed)	77,179	80,568	84,700	89,584	95,833	102,287
9. UCLA	77,030	83,766	87,602	93,714	95,801	96,668
10. University of Michigan	78,172	81,738	85,558	88,959	92,220	96,194
11. UC-San Diego	73,762	80,539	82,869	86,708	88,194	89,101
Average Excluding Cornell	84,890	89,679	93,580	98,568	102,859	106,060
<i>Cornell as a Percent of</i>						
<i>Average</i>	90.9%	89.8%	90.5%	90.9%	93.2%	96.4%
<i>Rank</i>	9th	10th	10th	9th	8th	8th

Contract College Faculty Salaries

	<u>1997-98</u>	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>
1. University of Pennsylvania	\$86,940	\$91,100	\$96,746	\$101,896	\$107,413	\$111,528
2. UC-Berkeley	76,409	85,969	89,013	93,509	94,157	96,022
3. University of North Carolina	72,727	76,014	79,630	85,426	86,120	88,129
4. Penn State University	68,790	71,830	74,586	78,264	80,892	85,588
5. University of Minnesota	68,583	73,261	75,991	79,384	81,839	85,453
6. Cornell (Contract)	61,497	65,799	68,657	74,804	79,636	85,429
7. University of Wisconsin	64,471	68,080	73,881	78,902	79,997	83,651
8. UC-Davis	68,560	74,608	77,091	80,612	81,424	82,894
9. Ohio State University	68,434	71,395	74,342	77,780	77,584	81,983
10. Michigan State University	64,148	67,137	69,940	73,492	76,460	80,910
11. Texas A&M University	62,496	65,464	68,755	73,419	78,568	77,621
Average Excluding Cornell	70,156	74,486	77,997	82,268	84,445	87,378
<i>Cornell as a Percent of Average</i>	87.7%	88.3%	88.0%	90.9%	94.3%	97.8%
<i>Cornell Relative Rank</i>	11th	10th	11th	9th	8th	6th

Faculty Salaries: 2003-04

- ◆ Average salaries grew 5.4% in endowed to \$107,794 and 4.8% in the contract colleges to \$89,519.
- ◆ The five year average for endowed was 6.0% and for the contract colleges 6.4%.
- ◆ Average salaries for continuing faculty grew 5.8% in endowed and 5.6% in the contract colleges. These numbers approximate the annual salary pools.

Staff Pay

- ◆ In 1997 the Ithaca campus staff pay was at 84% of the market median. We established the goal to pay staff on average, at 90% of the prevailing market medians within 5 years. We achieved this goal in 2001 with an overall position at 92% of market median.
- ◆ Goal updated in 2001 to target at “fair market” for 5 lowest pay bands (A to E) and targeted areas of Alumni Affairs and Development and IT by 2006.
- ◆ In July 2003 we were at 97% of market median for bands A through E and 96% overall.

Resolution regarding the University Library's Policies on Serials Acquisitions, with Special Reference to Negotiations with Elsevier

Submitted by the Faculty Library Advisory Board for consideration at the December 17, 2003 meeting of the University Faculty Senate

BACKGROUND

A Crisis in the Cost of Journals in the Sciences and Social Sciences

For many years, increases in the prices of library materials have exceeded increases in library acquisitions budgets, at Cornell and abroad. One significant reason is the growing commercialization of scholarly publishing, especially in the sciences and social sciences and especially where journals are concerned. Statistics from the Association of Research Libraries (<http://www.arl.org/stats/arlstat/graphs/2001/2001t2.html>) show that over the fifteen years from 1986 to 2001 the prices of serials generally increased by 215%, library expenditures on serials went up by 210%, and the number of serials titles purchased by large academic research libraries decreased by 5%. The Consumer Price Index during the same period increased by only 62%.

At Cornell, Ithaca campus library budgets for materials increased by 149% during approximately the same period, but the number of serials titles purchased increased by only 5%—at a time when the number of serials published increased by approximately 138%. The contract colleges subscribe to 14% fewer serials than they did fifteen years ago, even though their combined library acquisitions budgets have increased by 117% during that period.

Commercial publishers charge more—sometimes many times more—for their materials than scholarly societies or university presses do. The Dutch company Elsevier, which publishes mainly science journals, is the best example. Over the last decade Elsevier's price increases have often been over 10% and occasionally over 20% on a year to year basis. (They have recently announced a policy of not raising prices by more than 10% in a given year.) In 2003 Cornell subscribed to 930 Elsevier titles at a cost of approximately \$1.7 million. Those 930 titles represent fewer than 2% of the total number of serials titles to which Cornell subscribes; the \$1.7 million comprises something over 20% of the library's total serials expenditures, including those of the Medical School. Elsevier's proposed price increase of 6.5% for 2004 would have required an increase in the library's serials expenditures of approximately \$100,000. By contrast, the library's *total* materials budget, including materials for the Medical School, has in fact *decreased* by 1.4%. It is clear that increases of the magnitude that Elsevier regularly expects have become quite literally unbearable. The long-term trends of which these particular increases are a part are therefore also unsustainable.

The Cornell library's relationship with Elsevier has given definition and urgency to

problems the library has been facing for some time and that extend beyond Elsevier to include other commercial publishers.

Elsevier's pricing practices

One way the library can accommodate increases in serials prices that exceed increases in the library's budget is by canceling some titles. Elsevier's pricing practices, however, make this straightforward solution especially costly. In the past, Cornell has contracted with Elsevier for a package of journals and electronic services. The contract has been priced as a "bundle," that is, in such a way that, if the library cancels any of the Elsevier journals it currently subscribes to, the pricing of the other individual journals the library chooses to keep increases substantially. (The actual process is somewhat more complicated than this, but this is the end result.) Because the prices of the journals that are retained greatly increase when others are cancelled, the only way to achieve any real savings is to cancel a great many journals.

In 2003 the library was able to maintain its subscriptions to Elsevier journals only because of one-time assistance from an extra-budgetary source. Given that the library cannot bear Elsevier's price increases for 2004, it has decided that it must withdraw from the bundled pricing plan that has characterized past contracts and begin canceling Elsevier journal titles. The library, in consultation with affected faculty, has identified several hundred Elsevier journals for cancellation at the end of 2003.

There are two clear benefits to this course of action: it enables the library to retain the most important Elsevier titles without drastically impacting serials collections and the library's ability to acquire non-Elsevier journals and non-serials materials, and it frees the library, in 2004 and in the future, from contractual obligations that have in effect compromised its ability to make case-by-case judgments about the value to the collection of particular Elsevier journals.

Understandably, there is growing dissatisfaction at universities in the United States with Elsevier's prices and pricing practices and increasing militancy among university librarians and faculty with regard to modes of response. Cornell's announced intention to withdraw from the standard contractual arrangements with Elsevier for 2004 has received substantial attention in the press. Cornell is clearly perceived as assuming a leadership role in these matters. Moreover, the faculty at some other major universities have endorsed or are considering endorsing resolutions designed to address, in varying ways, this same set of issues.

(For more information, see the web page the library has set up to explain these issues: <http://www.library.cornell.edu/scholarlycomm/problem.html>)

BE IT RESOLVED THAT:

- (1) The University Faculty Senate supports the library's efforts to maintain and enhance the outstanding quality of Cornell's library collections for teaching and research. Moreover, recognizing the special challenges presented by current economic, market, and budgetary conditions, the University Faculty Senate supports the library's efforts to bring serials costs under control while at the same time maintaining the collection's quality.
- (2) Recognizing that given present and future budget constraints, the library requires autonomy and flexibility to manage its materials acquisitions decisions effectively, the University Faculty Senate endorses the library's decision to withdraw from Elsevier's bundled pricing plan and undertake selective cancellation of Elsevier journals as deemed appropriate by the library in consultation with the faculty.
- (3) Recognizing that current trends regarding serials costs are unsustainable and that the current business models and marketing strategies of commercial publishers bear significant responsibility for those trends, the University Faculty Senate encourages the library to take an aggressive approach in negotiating new contractual models and pricing structures with Elsevier and other commercial publishers designed to bring serials costs in line with realistic long-term library budget projections.
- (4) Recognizing that the cost of Elsevier journals in particular is radically out of proportion with the importance of those journals to the library's serials collection (measured both in terms of the proportion of the total collection they represent and in terms of their use by and value to faculty and students), the University Faculty Senate encourages the library to seek in the near term, in consultation with the faculty, to reduce its expenditures on Elsevier journals to no more than 15% of its total annual serials acquisitions expenditures (from in excess of 20% in 2003). Moreover, the University Faculty Senate encourages the library to work toward long-term pricing structures with Elsevier and other publishers based on reasonable measures of a subscription's importance to the Cornell collection.
- (5) Recognizing that the increasing control by large commercial publishers over the publication and distribution of the faculty's scholarship and research threatens to undermine core academic values promoting broad and rapid dissemination of new knowledge and unrestricted access to the results of scholarship and research, the University Faculty Senate encourages the library and the faculty vigorously to explore and support alternatives to commercial venues for scholarly communication.

Hiring Trends Women Faculty

Year	Total Women	Total Faculty	% Women Faculty
1997-98	304	1532	19.8%
1998-99	312	1539	20.3%
1999-00	323	1516	21.3%
2000-01	332	1520	21.8%
2001-02	358	1550	23.1%
2002-03	358	?	?

Source: Office of Vice Provost for Diversity and Faculty Development

In 2001 Cornell ranked 8th out of 12 institutions in the percentage increase in women faculty between 1991 and 2001

Hiring Trends Minority Faculty

Academic Year	Total Asian	Total Black	Total Hispanic	Total Native American
1997-98	82	38	25	5
1998-99	94	39	31	5
1999-00	98	43	35	4
2000-01	99	47	34	4
2001-02	102	48	36	5
2002-03	108	46	40	5
% gain	31.7%	21.1%	60%	0%

Source: Office of Vice Provost for Diversity and Faculty Development

In 2001 Cornell ranked 15th out of 16 institutions surveyed in percentage of minority faculty

MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, March 10, 2004

Professor Mary Beth Norton, History and Speaker: "The Senate will come to order. We have a quorum. Thank you all for coming. Now we have slightly more than a quorum. No photos or tape recorders are allowed during the meeting, and everyone please turn off your cell phones. This, by the way, means the chair as well. Setting a good example for the body, the speaker will turn off her cell phone. Please, when you speak, identify yourselves and your departments clearly. This is especially important for the minutes on what I know will be an important discussion that we are going to have today. There will be one Good and Welfare speaker, so he will have ten minutes, there being no other speakers today who spoke to us before the meeting. I now call on the Dean of the Faculty, Charles Walcott, for brief remarks."

1. REMARKS BY DEAN CHARLES WALCOTT

Professor Charles Walcott, Dean of Faculty: "Thank you very much. I do have just relatively brief remarks. I wanted to bring you up to date on some of the things that are coming—coming attractions as it were. The first of these is a discussion of two proposed titles, Research Scientist and Senior Research Scientist, which are wending their way through the various committee structures, and we have hopes will be available for the next meeting of this body. I suspect that will engender considerable discussion as to whether that makes sense.

"The conflict of interest policy is being amended to clarify what the faculty's rights and privileges are with respect to service on various town boards. It has been interpreted that our current conflict of interest policy says that were you to serve on a town board, you would be obliged to always vote in favor of Cornell were there any decision about these matters. There is some feeling that that is not the intent of these policies, at least in general. So that will be coming to you to discuss.

"There are some suggestions for changes in FACTA, the committee that recommends tenure to the provost, to streamline that process somewhat, and that is likely to appear in the next meeting or so. There is an ad hoc committee hard at work on guidelines for strategic corporate alliances. That we hope to have ready in another month or so to be looked at. Finally, there is the issue that has been raised to me several times about the Solomon Amendment. This is, as you may or may not know, a regulation promulgated by the Congress, which says that universities will give equal access to military recruiters as they do to corporate recruiters, and then the interpretation of the Department of Defense that it means not only equal but it means on campus and various other things. A number of universities are engaged in a lawsuit, and Cornell is busy trying to figure out what it makes sense to do from the University's standpoint. I'm sure

you will hear more about that either at the next meeting or the last meeting of the year. So those are the things that are in process, and I just wanted to give a forewarning that these are likely to appear at the next meeting."

2. APPROVAL OF MINUTES OF THE NOVEMBER 12, 2003 AND DECEMBER 17, 2003 SENATE MEETINGS

Speaker Norton: "Thank you, Dean Walcott. I now call for approval, since we actually now have a quorum, for the minutes of the November 12 and December 17 Senate meetings. I ask for unanimous consent. Is there any objection? You have all had a chance to look at the minutes on the web? Seeing no objections, I declare the minutes approved. Associate Dean Cynthia Farina unfortunately is ill today, so Dean Walcott has to do double duty and will present the report from the Nominations and Elections Committee. I hope all of you picked up a slate of candidates."

3. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Dean Walcott: "I will go through them on the overhead projector in the usual some what speedy fashion. I am presenting the slate of candidates (Appendix 1) for this spring elections. Faculty Trustees—there are five potential candidates for faculty trustee for one position. At-Large Member for the Faculty Senate, Tenured—there are two slots and there are several candidates. At-Large Member of the Faculty Senate, Non-tenured; Nominations and Elections and University Faculty Committee. These slates are going to be submitted to the faculty for a vote, and unlike many others at this meeting, the floor is open for additional nominations for anybody for these particular committees, and they are the Faculty Trustee, At-Large Members of the Faculty Senate, Nominations and Elections and the University Faculty Committee."

Speaker Norton: "Are there any additions to the slate of nominees? Seeing none, I will now call for a vote in acceptance of the slate that has been presented to us by the Nominations and Elections Committee, which will then go to the faculty for votes, because as you can see there are more than enough people nominated for each position. All in favor of this slate please say aye."

AYE.

Speaker Norton: "Opposed? The slate is approved."

Dean Walcott: "We have one more, Madam Chairman, which is a report from the Nominations and Elections Committee of nominations and elections that have taken place, and they also need to be approved by this body, however there is no opportunity for additional suggestions."

Speaker Norton: "This is it?"

Dean Walcott: "This is it."

**Report from Nominations & Elections Committee
March 10, 2004**

FACTA

Harry Katz, ILR

Financial Policies Committee

Michael Heise, Law

University Committee on Conflicts

Fred Gouldin, Engineering

ASSEMBLIES**Transportation Advisory Committee**

James Casey, Vet.

Speaker Norton: "All right, that's our slate. You can vote yes or no if you wish. All those in favor say aye."

AYE.

Speaker Norton: "Opposed? The slate is approved. Thank you. I now call on Professor Jonathan Ochshorn, Chair of the Committee on Academic Freedom and Professional Status of the Faculty for a report regarding the faculty suspension policy. Let me just make a couple of remarks on the ground rules for this discussion, which I am sure will be lengthy. We have allowed sixty minutes for it on our agenda. We will have a full hour for it. There will be no vote of course at this point; this is just a meeting for discussion on this issue. The chair will enforce the normal Senate rule, which is that once someone has spoken on this matter, you can't be re-recognized to speak again until after everyone else who wishes to be recognized is. I now turn it over to Professor Ochshorn."

**4. REPORT FROM THE FACULTY COMMITTEE ON ACADEMIC
FREEDOM AND PROFESSIONAL STATUS OF THE FACULTY
REGARDING FACULTY SUSPENSION POLICY**

Professor Jonathan Ochshorn, Architecture and Chair of the Committee on Academic Freedom and Professional Status of the Faculty: "Thank you. There is a sort of long answer and a short answer for this discussion on suspension policy. I think I'll start with the short answer. In the early 1950s, the University Faculty and the Board of Trustees created a procedure governing the dismissal of faculty members for misconduct. Dismissal of course is really the ultimate assault on academic freedom and a rather serious sanction for misconduct, and I think appropriately these procedures that were developed by the Board of

Trustees provide for a lot of protection or due process. There are hearings that can be invoked by the faculty member who is threatened with dismissal, and these hearings occur at the highest level, at sort of a presidential level. It's rather rigorous, time consuming and I think appropriately so. (Appendix 2 - Summary of suspension policy draft proposals)(Appendix 3 - Draft revisions to dismissal procedure) (Appendix 4 – Draft policy on job-related faculty misconduct)

“On the other hand, there is no equivalent procedure when a faculty member is threatened with suspension. Suspension, in a way, is the same level of severity as dismissal, only temporary. In other words, it involves the same abrogation of a faculty member's rights, the same assault on academic freedom, in the sense that the faculty member no longer can do all of the things that academic freedom protects. So I think this was appropriately given to the Committee on Academic Freedom and Professional Status of the Faculty to take a look at.

“The short answer is that we came to the conclusion that the suspension of a faculty member for misconduct should be treated in the same way that dismissal is, that is a faculty member should have the same rights of a hearing and the same sort of due process, and it should happen at the same level, that is at the presidential level and not be handled casually or informally at the college level or by the dean or, as it turns out, it should not happen without giving the faculty member any rights to a hearing. So that's the short answer. The short answer of our recommendation is simply that this existing dismissal procedure be amended or revised so that rather than simply including dismissal as a sanction governed by these protections, it would include suspension and dismissal.

“If only things could be so simple, the discussion might take less than an hour. I would like to go into the long answer now, and explain why our work got a little bit more complicated and try and put this in context. Hopefully, you have received some of this information. If not, and if you would like to follow along, I have a few copies of these documents, the same ones that were handed out. Maybe, I'll just pass them back.”

Dean Walcott: “I'll do that Jonathan.”

Professor Ochshorn: “O.K. A little background—our committee was charged by former Dean of the Faculty Cooke to take a look at this question of suspension. It occurred to him that there were no existing policies governing the imposition of suspension, and he wanted our committee to take a look at it. So this started about a year ago. He suggested that we look at the recommended protocols of the American Association of University Professors (AAUP) as well as peer institutions. And this is something we did.

“In looking at suspension, it was really impossible to just focus on suspension without also looking at the overall context of how the university deals with faculty misconduct in general. So we looked at existing policies, and the basic overview is as follows. The Campus Code of Conduct covers non-work related misconduct, and it does a pretty good job of it we think. It does not cover misconduct related to your academic responsibilities. For that kind of

misconduct, work-related misconduct, there have been various policies promulgated through the years that deal with things like sexual harassment, financial irregularities and conflict of interest, and these all have been developed particularly in relation to, usually, federal initiatives that require that these policies be developed by the university. So they are done in a sort of ad hoc manner; they each have their own separate procedures for hearings and so forth.

“For work-related misconduct that does not fall within the jurisdiction of these policies -- and it turns out that there is all sorts of misconduct that isn't covered by these policies -- there is no university policy governing such misconduct. In the past and in the present, it is handled simply at the discretion typically of the dean of the unit or college, without any policies or, from our point of view, without any protection for faculty members. There are a couple of exceptions.

“As I mentioned, there is this dismissal procedure developed by the Board of Trustees, but that covers dismissal only, and it is limited to four classes of professorial titles: assistant, associate, full professor and university professor. Any other college faculty member is not covered by this procedure. There is nothing governing the imposition of suspension, no specific policies for suspension. Some of the problems we discovered I mentioned already. The incremental or ad hoc growth of policies results in the fact that there isn't a comprehensive or cohesive set of policies governing misconduct.

“In fact, it is remarkably complicated to figure out what the existing policies are here, because they occur in different ways. First of all, you all know that there are policies at Cornell, and there is even a policy on policies. In addition, there are the by-laws of the university. The policies and the by-laws are easy to find. You know, you can go on line, and they are fairly well organized, but then there are these other things that the Board of Trustees passes. It is sort of like their legislation, and this appears to be all over the place and not easily found. There may be one or two people in the university who actually know what these things are, so if you have a question, you have to find those people and ask them, because it's not indexed; there is no easy way to find these. The dismissal procedure is an example. It was just some legislation adopted in 1951, and it happens to have been reproduced in the *Faculty Handbook*, so it is relatively easy to get access to it, but as to what else the Board of Trustees has adopted over the years, who knows?

“Partly, this is the best we could do in trying to figure out what the policies were, but it is an underlying problem and ultimately, perhaps, it would be a good idea to revisit the whole question of misconduct in a comprehensive way. It is not something that the Committee on Academic Freedom was willing or able to do, and it may be just something that won't happen given the complexity of our university compared with some of our peer institutions who have maybe more cohesive policies but have simpler institutional frameworks.

“The second question has to do with what I would call jurisdiction. The definition of what a faculty member is turns out to be a really complex question. As I mentioned, the dismissal procedures cover only four types of professorial

appointments. Various other policies define faculty in different ways. For example, the college-level grievance procedures, which we will mention later, are very broad in covering virtually anyone with any type of academic appointment. Some of the other policies, for example, sexual harassment, conflict of interest, financial irregularities, they all define faculty in their own way. So our committee really looked at this question fairly carefully, and part of the complication of what results has to do with attempting to deal with the way faculty are defined in these various policies. In other words, we felt that we would leave the dismissal policy, which is limited to the professorial titles, more or less intact, simply adding suspension to it. Then we also felt that we ought to deal somehow with the other faculty in the university that would be left out. So we ended up making two separate proposals.

“This is what we proposed, and I have divided it into severe and minor sanctions. We have defined severe sanctions as dismissal and suspension. We feel that these are the most extreme assaults on academic freedom and that they are properly grouped together in that they both constrain the exercise of academic freedom pretty much in the same way. Dismissal is forever; suspension is temporary, but what they do is pretty much the same. They prevent a faculty member from exercising his or her rights in a fairly complete way.

“Our basic proposal is to add suspension to the university dismissal procedure, and that in a way is the simplest thing we have done. We also suggest that those faculty members, lecturers and others that are not covered by the dismissal procedures should have the right to file a grievance within the existing college grievance structure before a severe sanction is imposed. This is not currently the case. You can file a grievance but only after you have already been suspended. We feel that for these severe sanctions, you ought to have the right to grieve before the sanction is imposed. And this would cover everybody with an academic appointment.

“We also introduced the concept of emergency suspension. The text comes almost directly from the American Association of University Professors guidelines or suggestions. It is something that appears in virtually all of the peer institutions we investigated, but does not appear at Cornell at this time. It is the opportunity for a faculty member who is threatening serious harm either to him or herself or to others to be suspended with pay pending the outcome of this process of suspension. So it gives some flexibility to administration to deal with situations that are of an emergency nature. This is something that is almost universally available in our peer institutions, as I said, and something we suggest for Cornell.

“As far as minor sanctions go, we really are not changing the status quo, we are simply putting it in writing and formalizing what typically happens in any case. That is to say, faculty should be notified of the charge, given an opportunity to be heard, and they already have the opportunity to file a grievance in the case of a minor sanction, so nothing much changes here except to make it more explicit.

“The next piece of the puzzle has to do with how we are proposing to implement these ideas, and as I suggested, we have divided this proposal into two parts. The first of which is the simple part, and it is simply a revision to the existing dismissal procedure adding suspension, to make the process for dealing with suspension the same as dismissal. It only applies to professors, associate professors, assistant professors and university professors, so we are not changing the jurisdiction. The second policy we felt is a kind of an optional policy. In other words, you could vote for this revision to the dismissal policy and not deal with the second one. However, we felt that the second policy was necessary given the current state of misconduct legislation at Cornell. The second proposal would act as a kind of road map. On the one hand, it would be an overarching policy on the general topic of misconduct and point faculty in different categories to different places, letting them know in a sense what to do, and also making some new rules and regulations where we felt it was necessary.

“So the first bullet there is that this second policy references the dismissal procedures for the appropriate faculty. In addition, there are some limits set on the duration of suspension. Our committee felt that suspensions shouldn't be less than a month, or more than a year. I won't go into the specific rationale, but if there are questions about any of these things, please feel free to ask.

“It establishes reporting requirements. Right now it is virtually impossible to get any information about who has been suspended, who has been dismissed over the last year, ten years, fifty years. It's all anecdotal. Even the administration when they want such information has difficulty finding it, because nobody is keeping track. We think that for suspensions and dismissals the Dean of the Faculty should be charged with keeping track of these things in some sort of permanent archive, because information is the great weapon, and if you don't have this information, you really don't have any feedback on, first of all, the effectiveness of this policy, whether it needs to be adjusted and so forth. So we think that deans should be required to report any suspension or dismissal to the Dean of Faculty just so we have a sense of what is happening in the university and can make adjustments if necessary.

“No severe sanction should be imposed without first providing the opportunity for a hearing. This is something that basically covers the non-professorial class of faculty and it's a change from the status quo. Where now anyone could be suspended and you can file a grievance after you are suspended, what we are proposing is that you should be able to grieve before the sanction is imposed when it is a severe sanction. As I said earlier, we suggest guidelines for the imposition of minor sanctions, and this is something that just formalizes what already happens, and finally, allows emergency suspension with pay pending a resolution of a misconduct charge. This is only in emergency cases, and it is something that is almost universally available at other peer institutions.

“Speaking of peer institutions, our research indicates that virtually all of our peer institutions, as well as the AAUP, link dismissal and suspension in a single procedure, so what we are proposing is absolutely commonplace at our peer

institutions. There is a single procedure for both suspension and dismissal. Cornell is somewhat unique in only dealing with dismissal.

“The other question that was raised is whether or not it is appropriate to deal with suspension at that high administrative level. Dismissal is handled by a presidential hearing committee and then goes to the Board of Trustees. Is it appropriate to handle cases of suspension in the same way? We looked at what our peer institutions do and virtually every one does handle suspension and dismissal at the presidential level or higher. So again, what we are proposing is absolutely in line with what our peer institutions do and what the AAUP recommends.

“What would be really useful for our committee is to get feedback from this body. If you want more information, you can get a link to our suspension web site off of the University Faculty homepage. There are also e-mail links, or you can just remember jo24 and e-mail comments to me. What I think will happen is that we will get your feedback both from this meeting and if you have anything that occurs to you after the meeting, and then we will revise this draft proposal if necessary and hopefully bring it back at some point for a formal vote by this body.”

Speaker Norton: “Thank you very much. Are there comments and questions? The floor is now open for comments and questions. Remember please identify yourself clearly by name and department.”

Professor Stephen Vavasis, Computer Science: “I am just wondering about the definition of suspension. It seems kind of broad; let me just give you an example. Suppose that two faculty members are assigned to co-teach a course and all of a sudden they have a big fight. They just can’t get along with each other. So the chair of the relevant department arbitrarily picks one and knocks him or her off the course. Is that a suspension?”

Professor Ochshorn: “That’s an excellent question, and it is something that we debated in our committee. Some of it hinges on the choice of the word ‘and’ or ‘or’ in the list of things that are included. Presently, it can be read a little bit ambiguously, however if you follow through to the end of the definition, I think the intention is that the suspension isn’t any abrogation of rights, but it’s an abrogation of the whole package of rights that prevents the faculty member from exercising his rights and responsibilities. It is something that if you have suggestions on how to clarify that definition, we would love to hear it, but I think the intention is that a suspension isn’t when you are prevented from doing one thing. For example, you can’t work with graduate students or you can’t teach this course. That’s not a suspension; it’s a sanction, but we are reserving this suspension as a severe sanction for the equivalent of a dismissal but a temporary dismissal. I would encourage you—if you can figure out a way of writing something that made this perhaps clearer, send it to the committee.”

Professor Peter Stein, Physics: "I'm a member of the committee, and I feel rather strongly on that. I proposed on the committee, and I guess I was outvoted that it should be 'or', because"

Professor Ochshorn: "No, it is 'or.'"

Professor Stein: "It is? I looked for it and couldn't find it."

Professor Ochshorn: "You were not outvoted. I was outvoted."

Professor Stein: "Well, 'or'. The type is so small it's hard to read. Anyway, just to answer to your question, it is my belief that any of those things is egregious enough to invoke the global process. It rightfully should be interpreted as any computer scientist would interpret the word 'or'."

Professor Ochshorn: "I think this is something where your feedback would be quite useful. It was a point of contention within the committee. As it stands now, I think there is a little bit of ambiguity in that definition."

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics: "I have been a casual observer of this process for a number of years, and one of the reasons that it is very difficult to find statistics is that often when these cases come up, the threat of dismissal causes the parties to negotiate a private settlement. So just having data, for example, on the number of people dismissed or the number of people suspended will not really give you a full sense of what is going on."

Speaker Norton: "The speaker would ask Professor Ehrenberg if you have a solution to that problem?"

Professor Ehrenberg: "I would say that having the ability, now thinking about it from the perspective of both the administrator and the faculty member, to privately negotiate an agreement which allows both parties to avoid going through the formal process is very good, and it is not something that we should be concerned about. But I think what we should be concerned about is, will these changes that you ultimately enact lead to a decreased likelihood of these settlements occurring and is that a good or bad thing?"

Professor Ochshorn: "It's an interesting question, one that we discussed at great length. On the first point, this question of informal settlements, I agree with you completely. In fact, if you read our revision to the dismissal procedure, that is the only other sentence we have added in, aside from adding suspension. We have made explicit this idea that we do encourage informal settlements and that in the event of an informal settlement, the procedure stops; it doesn't need to go to completion if the parties agree.

"I think regarding the idea of reporting, maybe it won't be complete. For example, at the present time there are sanctions that are at the level of suspension and dismissal, and it is very difficult to get information on those. So at least the

ones that do reach that level will be reported. I think it is good for our body to keep track of these things, just because, the truth is, it happens, at least we think, very rarely. In that case, it may be that these proposals are adequate. If it turns out that something else is happening, I think it is useful to know. Without this reporting requirement, I don't think we have any real chance, other than anecdotal information, for knowing the scope of the problem."

Professor Terence Irwin, Philosophy: "You may have explained why you can't answer this question, but I was wondering if you could say whether the number of people against whom such a process has been initiated, the number of people who get a suspension or dismissal, that has taken place over the last decade doesn't seem to you to be more like two or ten or twenty or something like that?"

Professor Ochshorn: "Probably somewhere between two and ten. But you know the interesting thing is if you look at the last one hundred years, you get the same answer. So you could read this as a very steep escalation in the problem. We don't quite know how to read it. But I think this is one of the things that triggered ex-Dean Cooke's interest, is that there seemed to be a sort of small flurry of suspension issues in the last couple of years. I do believe that it is probably somewhere between two and five but all happening fairly recently in the last three or four years."

Professor Charles Walcott, Dean of the Faculty and Neurobiology and Behavior: "Have you discussed these with any of the deans? I could imagine that a dean might take the position that this is his or her prerogative and that this is something that they would not wish to have abridged."

Professor Ochshorn: "We did have a discussion and invited the deans, and you are absolutely right. They had several objections to this idea. We actually went back and addressed some of their concerns. For example, this idea of an emergency suspension, even though it appeared in an earlier iteration, we have sort of streamlined it, addressing some of the objections of the deans. In general, I think they would prefer the status quo. Certainly, it makes life easier from their perspective. I think though that given the fact that our peer institutions virtually universally have similar protections for faculty, in general it is in our interests to adopt such protections. It is impossible to read into the future; there are often unintended consequences for doing such things, and I couldn't pretend to know what those consequences might be—whether it might be an increase or decrease in the use of this sanction. But overall, I think it's in our interests to have some due process, rather than to leave these kinds of things at the discretion of the deans."

Professor Theodore Clark, Microbiology and Immunology: "I wondered if the reason for setting limits on the duration of suspension means that currently there are no limits?"

Professor Ochshorn: "Currently there is no policy."

Professor Clark: "So you could be suspended indefinitely."

Professor Ochshorn: “Well, indefinitely sounds like a dismissal, but there are no limits and there is no policy.”

Professor Alan Bell, Animal Science: “Stepping down to a lower level of administration, department chairs, I think it was the first question, the example posed—I guess I feel that it is probably not necessary to broaden that definition of what constitutes suspension because that type of specific example would certainly be covered in the *Faculty Handbook* where it states that department chairs have the prerogative to assign and withdraw assignments, and the faculty member has the right to grieve such an action. So I am suggesting that a narrow and more severe definition of suspension is appropriate.”

Professor Richard Talman Physics: “I have a needling, semantic inquiry. To me the verb ‘grieve’ and the noun ‘grievance’ don’t actually correspond. Is this standard terminology?”

Professor Ochshorn: “I don’t think we use grieve except in my informal summary, so I willingly strike it and defer to your superior knowledge. I think in the actual proposal we only use the noun.”

Professor David Grubb, Materials Science and Engineering: “I do have some experience on the grievance committee of the college, and we do have grieve and we have grievors and grievees and so on.”

LAUGHTER.

Professor Grubb: “But independent of that quibble, you did mention talking about having a hearing before the event and using grievance, implying that it would be grievance procedure. Each college has its own grievance procedure, and they would have to be rewritten. They specifically say right now there has to be an action first.”

Professor Ochshorn: “But an action might well be the threat of a suspension. I think one could construe an action as being the threat of suspension without necessarily revising the grievance language.”

Professor Grubb: “Well, the grievance language is different for each college.”

Professor Ochshorn: “It’s different, but they are based on guidelines that are set by the university, so there is enough in common I think.”

Professor Grubb: “I also heard someone say that although grievance procedures have built in time tables to try and get them to happen in a timely manner, it’s actually difficult to do that.”

Professor Ochshorn: “That’s correct.”

Professor Grubb: "So if you use the grievance procedure and the only other thing was some extreme emergency that's the way things have fallen in the end."

Professor Ochshorn: "This is one of the objections from the deans' standpoint is that this could delay the imposition of the sanction. I guess our attitude is that for minor sanctions none of this applies, but for something at the extreme of a suspension or a dismissal, we feel that the protection of due process is more important than the delays in imposing the sanction. As I've said, in cases of emergency, obviously you could invoke the emergency suspension provision. So if somebody is at risk or at harm, one can take immediate action. So, you are right it could be a sort of onerously, tedious and long-term process, but the question is whether the protection of faculty rights in these cases is sufficiently important. It's kind of a balance of those two things. Our committee felt that in the case of suspension and dismissal it warrants these protections, which cause these delays."

Professor Ronald Booker, Neurobiology and Behavior: "Who determines whether or not it is an emergency?"

Professor Ochshorn: "The dean, and it gets reported to the Dean of Faculty, so at least there is someone representing the faculty on the other end of this. A lot of this is at the discretion of the dean. The same question could be raised—who determines whether it's a minor or severe sanction? Again, it's the dean. In the case that there is a disagreement, then it has to go through the grievance procedures or if it's something that goes well beyond the university, I suppose it could go to a court of law outside, but in general it is virtually impossible to dot every 'i' and cross every 't'. Some of these things become at the discretion of the dean to make those interpretations.

"A faculty member has certain rights. For example, in the case of an emergency suspension, if it is something that a faculty member disagrees with, they can grieve or if it is something that in some way threatens them, it may be possible in some cases to take these things to the courts outside Cornell. So the faculty member has certain rights, on the other hand in cases of emergency, I think it's important that some administrative figure has the discretion to act quickly. That again is a balance between the rights of the faculty and the protection of the faculty member and others."

Professor Sheila Hemami, Electrical and Computer Engineering: "Is this not sort of an exercise in futility? For the most part, my experience has been that when these things happen, it is generally viewed as a huge embarrassment all the way around. The faculty member is embarrassed; the college is embarrassed and Cornell is embarrassed. I think everybody sees it as in their best interest to work out some under-the-table deal and typically if true misconduct has occurred, the faculty member runs off with their tail between their legs to another institution. I guess what I would like to see, especially in the case of things like sexual harassment, where we have had cases here at Cornell, with long-term sexual harassment, where eventually the faculty member did go elsewhere and is most likely continuing to sexually harass people. To avoid this type of Catholic church

issue, I would like to see perhaps a little bit more—I understand what this is trying to do, but at the same time it seems like getting all the ‘t’s crossed and ‘i’s dotted and off the table, we are not really going to address the action or the abuses.

Professor Ochshorn: “I don’t know how to address that question. You probably have more experience about it at Cornell than I do. I don’t know the extent to which this is an issue or a problem. Certainly, it is not addressed because we do promote the idea of an informal settlement, which could actually do exactly what you are suggesting. I don’t know any way around that, except to prohibit informal settlements and make everything go to trial, and I’m not sure that’s something we want to see, because in many cases the informal settlement is in everyone’s best interest. In some cases, the faculty remain at Cornell.”

Speaker Norton: “The speaker is trying to call on people in the order in which she sees the hands go up.”

Professor Anna Marie Smith, Government: “I’m not as worried about that because it seems to me that we need a policy where a faculty member is not tucking the tail between the legs but is saying, ‘Hey, on principle I think you are wrong. I think I belong here.’ So that doesn’t worry me. But what is kind of curious is just how silent your text is on the conditions, on the grounds for penalties and sanctions. Obviously you can’t have an exhaustive list of wrongs here, but did you talk about that? If you compare this to the sexual harassment policy where at least Cornell makes some attempt to define what sexual harassment is and what rises to the level of sexual harassment and what does not constitute sexual harassment. The fact that it is rather silent on the grounds here sort of strikes me.”

Professor Ochshorn: “Yes, we did discuss it, and we intentionally left the wording alone, viewing the policy as being appropriately vague. Let’s take a look at it: ‘Misconduct or failure to perform the duties required of the position.’ That’s how the existing procedures define the issues that could bring up the dismissal or now suspension. Again, I think it would be very difficult to be more specific. If you have any suggestions. . . . We didn’t encounter any in our reading of all of the other universities. What some of the universities do that we don’t do is be more specific about what constitutes a minor sanction, which is the other side of the coin. What are sanctions? We haven’t dealt with that question, but I don’t think we encountered any sort of list of crimes, so if you have some thoughts on that. I think in this case, it’s a little bit vague and maybe that’s appropriate. That’s my preliminary reading of this. I’m interested if you have any other specific ideas.”

Professor Philip Nicholson, Astronomy: “I have a question about the emergency suspension, whether this was a completely new policy or whether you are attempting to formalize here something that you think is more or less an existing policy that is not written anywhere?”

Professor Ochshorn: "As far as I know, it does not exist at Cornell. As I said, the language comes almost verbatim from the AAUP recommendations, and that language also appears at virtually all of our peer institutions. I think, given the fact that there is no policy on suspension, it is conceivable that the university acts that way, since they can basically do whatever they want. I don't know specifically what action the university has taken in the last several years. It is possible that you are right, since they can do whatever they want now anyway, they might just do that."

Professor Nicholson: "But it was motivated by the AAUP policies."

Professor Ochshorn: "Yes, and it's motivated by, once we set up these procedures which protect the faculty, to give the administration some guidance for protecting faculty in cases of emergency. It's a necessary corollary to these revisions."

Professor Steven Shiffrin, Law School: "I have two areas to discuss since I can only stand up once. One relates to what Anna Marie Smith was talking about. It seems to me that whatever the AAUP says should be the standard for dismissal, should be the same standard for suspension. There is a body of cases on that. You are not going to make it precise, but what you want to do is to tap into that body of case law. It seems to me that, call it misconduct, there are degrees of misconduct and the current choice is that if suspension weren't permitted, you would fire someone or you would keep them on, and that can't be right. There has to be a middle ground. "That's just a comment.

I have a question about the definition of severe sanctions, which says, 'Duration of suspensions: No suspension shall be imposed for a period of less than 30 days nor more than 12 months.' So suppose the dean says to me, 'Shiffrin, you can't come to work for 29 days.' If I read this language, it sounds as if that is a minor sanction, because it is any sanction other than a severe sanction, and a severe sanction is 30 days or 12 months. The first part is am I right about that?"

Professor Ochshorn: "No."

Professor Shiffrin: "Good. What you are saying is that you can't suspend me for 5 days or 15 days or 20 days."

Professor Ochshorn: "That is to say that it is a suspension and because it's 29 days it is an unacceptable suspension, one that is disallowed."

Professor Shiffrin: "Now my question is how did you decide on 30 days? Why 30 days? Why didn't you afford a dean the opportunity to say I am suspending you for 5 days and it will either be an emergency suspension or it won't."

Professor Ochshorn: "Can I turn the floor over to another member of the committee? There was a lot of discussion. Peter, do you want to give the rationale?"

Professor Stein: "Yes. The problem one runs into—I was the author of that statement. I don't know why 30 and not 29; you've got to choose a number. The number chosen was 30. The feeling was that any suspension is a rather severe affront to one's position in the university, and one can imagine a situation where a dean There is a conflict, this doesn't happen when there isn't a conflict between a faculty member and a dean, and a dean wants to rub your nose in it. What had been written at that point said that any suspension triggers this dismissal procedure, which is extremely hard to do and involves many faculty members for a long period of time. We had a small number of dismissal procedures, and in fact they were very serious. There was a lot of work and a lot of effort and a lot of people were very much inconvenienced by that. The situation was a dean who wants to rub someone's nose in something might say, 'I'm going to suspend you for a day.' The question is what do you do about that? You could in fact invoke the dismissal procedure, because you feel very damaged by that decision. On the other hand, looking at the side of the person who is enlisted to carry out the dismissal procedure, it almost sounds as if the aggrieved faculty member is invoking an unreasonable toll on the people that have to adjudicate that case for what in fact is a couple of day's pay or something like that. So, trying to make the process for adjudicating consistent with the sentence that is imposed, the feeling was that if you say anything is really serious, then it has to be a serious dismissal to avoid this kind of situation where it seems that the faculty member is wasting a lot of people's time on a relatively trivial matter. So that's the logic behind it."

Professor Shiffrin: "So, I'm a dean, and I have somebody who I think is a threat to himself and to others and in fact needs to be institutionalized, say for 72 hours, (there are laws which permit such things) and under this policy the dean can't do it. The dean doesn't want this person gone for 30 days. If in fact this person has had a break down and is provided with medication that puts the person back in shape, the dean can do nothing. I could parade a series of hypotheticals in which you could have somebody who is a problem for a particular period of time and doesn't need to be institutionalized."

Professor Stein: "That one doesn't work, Steve. That's an emergency one and that fits into the emergency suspension category."

Professor Shiffrin: "No, as I read the emergency, it doesn't fit because an emergency is a suspension with pay, and you can't suspend with pay for 10 days under this policy because it's not 30 days. In any event, I think you have done a wonderful job, but on this particular thing I think you need a small amount of work."

Professor Ochshorn: "You think it needs clarification. I would just add that this wasn't an issue subject to discussion, and I think it's something that faculty can consider whether there needs to be some fine-tuning and clarification. There is also this question of a medical kind of issue versus a misconduct issue, and you are implying that it may be a combination of both. It's not only a medical issue but it's also a misconduct issue."

Professor Gary Rendsburg, Near Eastern Studies: "I would like to raise a question about whether there are limits to the emergency suspension as well, but I think that may have just been addressed. My other question is—can a suspension be renewed or extended at any point? If it is a three month suspension, can it become a six month suspension after the three months, etcetera?"

Professor Ochshorn: "That came up, and the committee felt that the dean can simply initiate another suspension after an existing one, in effect extending that. So the answer would be yes."

Professor Rendsburg: "Including the twelve month one?"

Professor Ochshorn: "I suppose. It's a separate suspension. It's sort of like the two World Trade Centers. Is it one incident or two? I suppose if it's two incidents, you can have two consecutive suspensions. I suppose if it's the same incident, then perhaps you could make a case that it would not be permitted under the current legislation."

Professor Elizabeth Earle, Plant Breeding: "If the Senate decides to pass some revised version of this policy, what would be the next step in the procedure? Who would have to approve it before it would go to the Board of Trustees?"

Professor Ochshorn: "As far as I know, it is the Board of Trustees that must adopt it, so we are not empowered to make this ourselves. As far as what happens next, I'm not exactly sure, but I imagine there is considerable discussion with university counsel advising the president and the provost on this. In fact, I think the dean of faculty may try to engage their comments sooner rather than later to see what their reaction might be. Maybe you could help me out here in terms of the process leading to the Board of Trustees, assuming ratification by the Senate."

Dean Walcott: "Unfortunately, I'm new at the job, so I don't honestly know, but my general strategy would be to consult with the provost and the president and get their advise and counsel. I'm sure they will want to have university counsel look at it. I am sure they will want to share it with the deans and listen to the deans' comments. Then they will give us some feedback. My hope was that by having a discussion here, we could raise the issues and I could start that process in motion and see what kinds of comments came from the president, the provost and the deans, and we could decide what it is we needed to do. That was my thought as to how to proceed."

Speaker Norton: "Obviously, at some point, actual language will come before us for debate, discussion, possible amendment and so forth. I guess one of the issues is—does some of that consultation take place before the Senate adopts the language or after? What you are saying, Mr. Dean, is that it would take place before."

Dean Walcott: "I think it would save everybody time, rather than pass something that is unsatisfactory or impossible from a variety of points of view."

Professor Vicki Meyers-Wallen, Biomedical Sciences: "I would like to define misconduct in such a way that if you were a dean or department chair you would not take this suspension policy lightly, that it would have to be something pretty severe for this procedure to be implemented. I believe even in the sexual harassment policy, there is a clause about academic freedom. I think it would be useful for this misconduct policy to have a clear statement that misconduct cannot include actions that are within the protection of academic freedom. I think such a clause needs to be included in this policy."

Professor Ochshorn: "I think that is a good idea. I think I'm familiar with that reference to academic freedom in a lot of the other policies, and maybe they should occur in these Board of Trustee procedures as well."

Professor Richard Burkhauser, Policy Analysis and Management: "I'm also a chair, and I'll go back to one of the first questions that was asked. One of my responsibilities as chair is negotiating with my faculty over scarce resources, so I am going to list five things which I want to know whether this rule, as currently written, would have an impact on what I understand is the current rule, which is chairs make a decision and that can be grieved: courses taught, times that courses are taught, rooms that courses are taught in, lab space, other space."

Professor Ochshorn: "I don't see these as anything that has to do with misconduct or sanctions. By the way, I think if you read the *Faculty Handbook*, chairs do not necessarily make these decisions unilaterally, but you ought to engage in conversations with the faculty and it's one of these very unclear things about how ultimately who is in charge. But I don't see that this is a suspension issue."

Professor Burkhauser: "Excuse me, but I think the *Faculty Handbook* is very clear on that matter. There is no question that there is negotiation at all times, but ultimately the chair has the responsibility for making that decision. That's my understanding of the *Faculty Handbook* and then there can be a grievance procedure afterwards. So I think it's very clear."

Professor Ochshorn: "What's not clear is the process leading to the final decision. It all works when it works, and when it doesn't work . . ."

Professor Burkhauser: "The question is will this affect that process?"

Professor Ochshorn: "I don't see how it will affect the process. I think what we are dealing with are questions of misconduct not the assignment of courses or rooms. You haven't raised the question of misconduct; you are just simply exercising scarce resources. How does misconduct enter into this?"

Professor Burkhauser: "The faculty think they are being treated unfairly because of some sense that the chair is doing this to punish them for some reason or other."

Professor Ochshorn: "It sounds to me like something that the grievance procedures are set up to deal with, and I don't see how what we are proposing has any impact on that. What we are talking about are specific charges of misconduct that result in a proposed sanction such as a suspension or dismissal. That has nothing to do with these kinds of ordinary negotiations or allocations of resources or assignments of courses. Nothing to do with that as far as I can see."

Speaker Norton: "Other comments?"

Professor Robert Kay, Earth and Atmospheric Sciences: "The other part of that is misconduct or failure to perform the duties required of the position. I guess I haven't heard anything about the duties. I don't know if they are spelled out either."

Professor Ochshorn: "I doubt it. This is the existing language in the dismissal procedure, and it is very vague. I agree. Whether that's a problem, I don't know that it is a problem. Again, if you have any specific suggestions on how that might be clarified . . . I think usually if you are very specific about listing the duties and listing the responsibilities, you are creating more problems than you are solving. I think our whole job here is based on this sense of mutual respect and responsibility that is not quite explicitly stated. Maybe it's because our responsibilities are so diverse within the various colleges. Maybe there are other reasons. I'm not sure that it's a problem. On the other hand, I'm eager to hear any suggestions that you might have."

"It may be in our interests to leave it vague. I'm not sure that the vagueness of that wording is what has caused or could cause problems. I haven't heard of any issues of suspension or dismissal that were a result of vagueness. The issue that I think we have is the problem of due process and protection of faculty when charges of misconduct are brought, not the problem that the charges themselves were based on some vague notion of what our responsibilities were. I could see how it might be a problem, but I don't think has been. I don't know a clear way through the dilemma of being too specific, which might cause more problems than being too vague."

Speaker Norton: "The speaker might venture to point out that she suspects that the duties in question would be those spelled out in the person's appointment letter, which would be very clearly spelled out as they now are."

Professor Ochshorn: "I think that is a good point."

Speaker Norton: "And that would be a part of the person's contract."

Professor Ochshorn: "Right."

Speaker Norton: "Other comments?"

Professor David Pelletier, Nutritional Sciences: "So this leads into a rumor I have heard that under tight budget times some deans might be considering if they have a faculty member who has not published for five years, has not raised a grant for five years, they have a fifty percent research appointment, and after plenty of warnings and still no productivity on that side, the dean has the power to remove that part of the salary from that faculty member. Does that fall into a suspension category, in which case the dean needs to go through this big procedure, or is that under administrative discretion similar to the department head?"

Professor Ochshorn: "I don't think I know enough about that situation to render a judgment. What sort of faculty appointments we are talking about where the dean has the discretion to do this? Are we talking about professorial appointments?"

Professor Pelletier: "Tenured faculty members who are not producing."

Professor Ochshorn: "Well, I am looking for some help here. I don't know the answer to your question."

Speaker Norton: "Can the people at the back offer some help on this point?"

Professor Joseph Laquatra, Design and Environmental Analysis: "I heard the same thing. There actually may be some cases where that is being investigated, where a professorial appointment, which is forty percent research, sixty percent teaching, and one side of it where there is no productivity, is cutting the appointment back by that amount. I would suggest that the dean in his discussions with the president and provost and other deans may determine to have discussions on that to see if that is something that might happen and whether or not that's what we want this policy to be about."

Professor Ochshorn: "Our committee hasn't dealt with that. We hadn't heard about that as an issue."

Professor Risa Lieberwitz, Industrial and Labor Relations: "I'm not sure if this is similar to what was just said, but it seems to me that if in fact it is happening that there are discussions at a policy level of actually having deans take that kind of action of saying to somebody, 'You are not producing enough, therefore we are going to change your job,' that is the sort of broad policy issue that should be discussed broadly, perhaps in relation to this. But what I think you are raising is a huge issue of academic freedom. So I would suggest that we have the UFC look at this and see whether there is a committee to send this to."

Professor Donald Farley, Electrical Engineering: "I think that certainly things like this have happened in the Engineering College, and what happens is the person who isn't doing any research takes on additional teaching duties. That's in consultation with the chairman or whatever."

Susan Steward, Director of Academic Personnel Policy: "I'm a consultant to this committee and that's how I speak today. I would recommend that you consult in the *Faculty Handbook* the part-time appointment policy, which governs such situations. It requires the faculty member's consent to a move to a part-time appointment, and in my interpretation would mean that as you move outside of that consent it would fall under the dismissal and suspension policy."

Professor Ochshorn: "Might I add that when I mentioned that there were one or two people in the university who actually know what the rules and regulations are, one of them is back there. So make a note."

Speaker Norton: "We are just about at the end of the time designated for this. The speaker cannot stop herself from making an historical observation about this original policy, which is of course that it was adopted in 1951, which is a crucial moment for academic freedom, i.e., it's the middle of the McCarthy period. I am certain that the original vagueness and the imprecise language and the way in which it is organized around professorial dismissals have very much to do with the context of the late 1940s and early 1950s and loyalty oath issues and so forth. So that's just my historical observation on this. Thank you very much, Professor Ochshorn. We will see this again. I know."

"Now it is time for Good and Welfare, and I will call on Professor Kenneth Kennedy from the University Lectures Committee for a report."

5. GOOD AND WELFARE

Professor Kenneth Kennedy, Department of Ecology and Evolutionary Biology and member, University Lectures Committee: "The Messenger Lectures were founded in 1924 by Mr. Messenger who proposed to have twelve lectures a year on the evolution of civilization. This has led to a committee to designate one Messenger Lecturer for each semester, and the lecturer designated may give three lectures or six lectures in that semester. For three lectures, the individual receives \$3000, plus travel and lodging and entertainment. Entertainment isn't specified. There is also funding for dinner and meeting with students, and this is certainly a valuable asset. If the individual is giving six lectures in the semester, the amount is \$7500 with travel, lodging and entertainment."

"The University Lecture is a different category. That was endowed by Goldwin Smith and involves one lecture by a person for the honorarium of \$1000, plus travel and lodging expenses. In addition there are funds provided to the department for hosting a dinner and reception."

In other words, we have a lot of money. So you will help us spend it, I'm calling it to your attention. What is required in order to nominate someone (perhaps a person who is going to be a member of a colloquium or symposium that you wish to establish) is to negotiate with the Dean of the Faculty's Office, 315 Day Hall. The present chair is Dr. Shelley Feldman. Committee appointments are for four years. We also expect that there be some co-sponsorship with other

moneyed foundations on the university campus or elsewhere, and that what we can do is supplement some of your expenses.

“These pieces of information are detailed in a handout that we have over here on the table, which I hope you will read, learn and intimately digest, and if you find that these funds are applicable, that you will go ahead and get in touch with us. Are there any questions?”

Dean Walcott: “How many of these University Lectures would you anticipate might take place in a normal year? Are we talking about one lecture or a dozen?”

Professor Kennedy: “There are usually 3-4 per semester.”

Speaker Norton: “Are there any comments or questions? Seeing none, the meeting is adjourned. Thank you all.”

Adjourned 5:50 p.m.

Respectfully submitted,
Cynthia Farina, Associate Dean and Secretary of the University Faculty

Cornell University AFPS Committee

Draft policy on job-related faculty misconduct

040310-9952S

Appendix 4

DRAFT: 12-08-03

Policy Statement:

Reason for Policy:

Entities Affected by this Policy: University professors and college or school faculty members.

Who Should Read this Policy:

Definitions:

- **College or school faculty member:** as defined in the bylaws of Cornell University, each college or school faculty, except the Graduate Faculty, shall be composed of the president, the dean or director of the college or school; all professors, associate professors, and assistant professors in the department or departments under the charge of that faculty; instructors, senior research associates, senior extension associates, lecturers, senior lecturers, clinical professors, associate clinical professors, and assistant clinical professors, and those bearing the adjunct title. Each college or school faculty may, in its discretion, grant membership to senior scholars, senior scientists, and other professional personnel for whom such membership is deemed appropriate by such faculty. Any college or school faculty may elect to its membership persons who are already members of other faculties of the University for so long a period as they continue to be members of such other faculties.
- **Emergency suspension:** A suspension with pay pending the ultimate determination of the faculty member's case.
- **Minor sanction:** any sanction other than a "severe sanction."
- **Severe sanction:** dismissal or suspension.
- **Suspension:** a temporary abrogation of a faculty member's rights, responsibilities, or remuneration. Any temporary abrogation of a faculty member's rights, responsibilities, or remuneration that effectively prevents the faculty member from carrying out the responsibilities of his or her position will be considered a suspension for the purposes of this policy, whether or not it is named as such.

Purpose and Scope of this Policy:

To ensure fair and adequate processes for faculty charged with job-related misconduct or failure to perform the duties required of the position held, the following procedures govern the imposition of severe sanctions, minor sanctions, and emergency suspensions.

Procedures:

Severe Sanctions

Duration of suspensions:

- No suspension shall be imposed for a period of less than 30 days nor more than 12 months.

Reporting requirements for severe sanctions:

- All severe sanctions, including those resulting from informal settlements, shall be reported to the Dean of Faculty by the appropriate administrator. Such reports shall include a summary of both the complaint and its resolution, and shall be maintained in a permanent archive.

For university professors, professors, associate professors, and assistant professors:

- If the administration believes that the conduct of a faculty member is sufficiently grave to justify imposition of a severe sanction, the procedures for dismissal and other severe sanctions adopted for this class of faculty members by the

Board of Trustees shall apply.

- Where the recommendation for a severe sanction is a result of action taken under any other university policy (including those policies governing "academic misconduct," "sexual harassment," "financial irregularities," and "conflict of commitment/interest"), the faculty member may appeal the recommendations issued under that policy by requesting a hearing according to sections B, C, and D of the procedures for dismissal and other severe sanctions adopted by the Board of Trustees. In this case, the administrator shall not implement the sanctions recommended under the initial policy procedures but shall instead report to the president the results of any investigations undertaken, together with his or her recommendations. The president shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her if, after receiving the administrator's report and making such independent investigation as may seem appropriate to the president, it is the opinion of the president that further proceedings are warranted.

For college or school faculty members other than professors, associate professors, and assistant professors:

- When complaint from any source is made against such member which might lead to the imposition of a severe sanction, and unless the alleged misconduct falls under the jurisdiction of a specific Cornell policy containing alternate procedures, the dean of his or her college shall inform the member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it.
- If the matter is adjusted informally to the satisfaction of the dean and the faculty member, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the dean shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her.
- No severe sanction shall be imposed without first giving such member an opportunity to invoke grievance procedures and seek review by the Committee on Academic Freedom and Professional Status of the Faculty [AFPS], to the extent permitted by the specific policy guidelines governing such reviews, and within the following stated time periods: The member shall have 4 weeks after being informed in writing of the charges and recommended sanctions to invoke grievance procedures or review by the AFPS. Where a review by the AFPS is requested following a grievance action, the faculty member shall have 4 weeks after the completion of the grievance procedure to request review by the AFPS.
- The opportunity to invoke grievance procedures and seek review by the AFPS before the imposition of a severe sanction, as described above, applies also to cases where the recommendation for a severe sanction is a result of action taken under any other university policy (including those policies governing "academic misconduct," "sexual harassment," "financial irregularities," and "conflict of commitment/interest").

Minor Sanctions

If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, the following procedures will be followed:

- If a minor sanction is imposed under a specific university policy (such as "academic misconduct," "sexual harassment," "financial irregularities," and "conflict of commitment/interest"), the faculty member may obtain consideration and, possibly, redress by invoking a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.
- If the conduct justifying a minor sanction is not regulated under any other specific university policy, the appropriate administrator will notify the faculty member of the basis of the proposed sanction and provide the faculty member with an opportunity to persuade the administration that the proposed sanction should not be imposed. A faculty member who believes that a minor sanction has been unjustly imposed may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.
- A faculty member who believes that a sanction proposed under the procedures for "minor sanctions" is, in fact, a "severe sanction" may invoke a formal grievance action according to the grievance procedures adopted by his or her college and, where appropriate, request review by the AFPS.

Emergency Suspension

If a university professor, or college or school faculty member, is charged with misconduct and if the member's continuance threatens serious harm to the member or others, the faculty member may be suspended by the president (or his or her designee) or assigned to other duties in lieu of suspension pending final resolution of the charge. The president (or his or her designee) shall report to the Dean of Faculty concerning the propriety, the length, and any other conditions of the emergency suspension. Salary shall continue during the period of the emergency suspension.

Appendix 1**REPORT FROM THE COMMITTEE ON NOMINATIONS AND ELECTIONS
SLATE OF CANDIDATES**

(All terms commence July 1, 2004)

FACULTY TRUSTEE - 1 vacancy, 4-year term

Terrence Fine, Professor, Electrical and Computer Engineering
 Peter Kahn, Professor, Mathematics
 Francis Kallfelz, Professor, Clinical Sciences
 Kathleen Rasmussen, Professor, Nutritional Sciences
 Kenneth Reardon, Associate Professor, City and Regional Planning

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

Rosemary Avery, Professor, Policy Analysis and Management
 Susan Christopherson, Professor, City and Regional Planning
 Normand Ducharme, Professor, Clinical Sciences
 Kevin Kornegay, Associate Professor, Electrical and Computer Engineering

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

Marianella Casasola, Assistant Professor, Human Development
 Susan Piliero, Associate Professor, Education
 John Sipple, Assistant Professor, Education

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

N'Dri Assie-Lumumba, Associate Professor, Africana Studies and Research Center
 Cornelia Farnum, Professor, Biomedical Sciences
 Christine Olson, Professor, Nutritional Sciences
 Gregory Page, Associate Professor, Art
 David Shalloway, Professor, Molecular Biology and Genetics

UNIVERSITY FACULTY COMMITTEE - 3 vacancies, 3-year terms

Robert Bland, Professor, Operations Research and Industrial Engineering
 Richard Durst, Professor, Food Science and Technology
 Elizabeth Earle, Professor, Plant Breeding
 Ronald Ehrenberg, Professor, Industrial and Labor Relations
 Joyce Morgenroth, Assoc. Professor, Theatre, Film & Dance
 Alice Pell, Professor, Animal Science
 David Pelletier, Assoc. Professor, Nutritional Sciences

Cornell University AFPS Committee

Summary of suspension policy draft proposals

Appendix 2

J. Ochshorn, Chair, AFPS Committee 3/3/04

I. Background

AFPS charged by ex-Dean of Faculty Cooke in Spring 2003 to:

- Review existing policies at Cornell concerning suspension of faculty; and
- Review the protocols recommended by the AAUP for this situation, as well as protocols used by our peers.

II. Existing policies governing faculty misconduct

- Campus code covers non-work-related misconduct only;
- For work-related misconduct, a series of independent policies have been promulgated: e.g., sexual harassment, financial irregularities, academic misconduct, conflict of interest;
- For work-related misconduct outside the jurisdiction of these specific policies, no university policies or procedures have been developed, except as follows:
 - for certain professorial titles, a university "dismissal" procedure exists; and
 - college grievance procedures may be invoked, but only after a sanction has been imposed.
- There are no specific procedures governing the imposition of the sanction of suspension for work-related misconduct (except to grieve after the fact).

III. Some underlying problems

- Incremental growth of policies; no comprehensive and coherent system for faculty misconduct.
- The question of jurisdiction is quite complex. Existing definitions of "faculty" vary within Cornell from the most restrictive (the "dismissal" procedure is limited to four classes of professorial titles) to the most broad (grievance procedures are designed for all employees of the university with teaching/research responsibilities, except for TAs, RAs, and GRAs).

IV. Proposals for "severe" sanctions

- Add suspension to the existing university "dismissal" procedure;
- Faculty not covered by revised "dismissal" procedure have right to file a grievance within the existing college structure before sanction is imposed;
- Emergency suspension with pay for a faculty member charged with misconduct, pending the final determination of the case, where serious harm to the faculty member or to others is threatened.

V. Proposal for "minor" sanctions

- Faculty are notified of the charge and given the opportunity to be heard before the minor sanction is imposed. This merely formalizes what typically occurs in any case.

VI. Structure of the proposals: 2 parts

(1) Proposed revision of the "dismissal procedure," to include suspension.

(2) Proposed policy on (work-related) faculty misconduct: a "roadmap" providing guidelines for the imposition of both severe and minor sanctions.

- References the (revised) dismissal procedures;
- Sets limits on the duration of suspensions;
- Establishes reporting requirements for severe sanctions;
- Mandates that no severe sanction can be imposed without first providing the opportunity for a hearing;
- Establishes guidelines for the imposition of minor sanctions; and
- Allows for emergency suspension (with pay) pending resolution of a misconduct charge.

As written, the first part could stand alone, while the second part presumes that the dismissal procedures (the first part) have been revised to include suspensions.

VII. Peer institutions

Most universities for which we have documentation, as well as the AAUP, link dismissal and suspension in a single procedure

Virtually every university for which we have documentation, as well as the AAUP, provide for implementation of dismissal and suspension at the presidential level or higher.

Appendix 3

Cornell University AFPS Committee Draft revisions to dismissal procedure

DRAFT: 12-03-03

Proposed changes to dismissal procedure originally adopted by the Board of Trustees and University Faculty in 1951:
Changes shown in **bold text**.

Summary of proposed revisions:

1. Add "severe sanctions" to scope of procedures.
2. Add suggestions for informal resolution.
3. Add definitions of key terms (suspension definition changed 12/3/03).

Definitions:

Severe sanction: dismissal or suspension.

Suspension: a temporary abrogation of a faculty member's rights, responsibilities, or remuneration. Any temporary abrogation of a faculty member's rights, responsibilities, or remuneration that effectively prevents the faculty member from carrying out the responsibilities of his or her position will be considered a suspension for the purposes of this policy, whether or not it is named as such.

The university reserves the right to dismiss and discontinue the appointment of any member of its faculties, or **impose other severe sanctions**, on reasonable notice and after giving such member an opportunity to be heard, for misconduct or failure to perform the duties required of the position he or she holds.

In the case of a university professor, professor, associate professor, or assistant professor the following procedure shall be adopted:

A. When complaint from any source is made against a university professor, a professor, an associate professor, or an assistant professor which might lead to his or her dismissal or the **imposition of other severe sanctions**, the dean of his or her college, or in the case of a university professor the dean of the University Faculty, shall inform the faculty member of the complaint against him or her, investigate the case, and if the faculty member is willing, consult with him or her regarding it. **If the matter is adjusted informally to the satisfaction of the dean and the faculty member, no further proceedings shall be invoked by them. If the matter is not adjusted informally, the dean shall [thereafter] report to the president the results of the investigation together with his or her recommendations. The president shall cause the faculty member to be furnished with a written and detailed statement of the charges against him or her if, after receiving the dean's report and making such independent investigation as may seem appropriate to the president, it is the opinion of the president that further proceedings are warranted.**

B. If the faculty member desires a hearing, he or she shall so request in writing within thirty days of the receipt of the written charges against him or her, and he or she shall then be entitled to a hearing before a board appointed by the president and consisting of five members of the University Faculty, of whom two shall be selected by the faculty member, two by the president and the fifth by the other four.

C. At such hearing the faculty member shall be entitled to be accompanied by an advisor or counsel of his or her own choice, to present witnesses in his or her own behalf and to confront and question the witnesses against him or her. If the faculty member so requests before or at the opening of the hearing, he or she shall after its conclusion, be furnished, without cost to him or her, a full report of the proceedings before the board, including the testimony taken, the evidence received, and the board's findings and recommendations. The board shall submit to the president a report of its findings and recommendations and this report shall be appended by the president to any recommendations he or she may make to the Board of Trustees in regard to the case.

D. The faculty member shall be free to resign at any time within thirty days of receipt of the written charges against him or her, but if he or she has neither requested a hearing nor resigned within such thirty days, the Board of Trustees shall be free to dismiss him or her, or **impose other severe sanctions**, without further notice or hearing.

MINUTES OF A MEETING OF THE FACULY SENATE
Wednesday, April 14, 2004

Professor Mary Beth Norton, History and Speaker: "The Senate will come to order. I would remind you that no photos or tape recorders are allowed during the meeting. Please turn off your cell phones. The speaker already turned off hers. I will ask everyone who speaks to identify yourselves and your department, and I will also tell you that there are no Good and Welfare speakers who have come forward at this time. If anybody does want to do Good and Welfare, they can slip me a note during the meeting. Actually, I guess you are supposed to do it in advance, but if anybody has anything they want to say for Good and Welfare, the field is open, or perhaps we can adjourn ten minutes early if everyone speaks with dispatch. I will now call on the provost for remarks and to answer questions."

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN

Provost Biddy Martin: "I will speak with dispatch. Hi, everybody. I apologize for missing last month's meeting. I don't like to miss these meetings, and I don't even remember anymore why I had to.

"It has been a busy semester. We announced today the appointment of a new dean of Architecture, Art and Planning, and both Jeff and I are extremely enthusiastic about the appointment of Mohsen Mostafavi, who is currently the Head of School of the British Architecture Association School in London. He will join us in July. You will see the announcement in the press tomorrow, but I am giving you advance information. The search for a new dean of the College of Human Ecology will be completed within the next few weeks, and we hope to have a new dean in place in Human Ecology by the beginning of the semester as well. That will complete the four dean searches that I have chaired this year, and it will be very nice to have so many deans at the beginning as opposed to the end of their terms. I'm happy to answer any questions.

"The other highlights of the semester as I see them include but are certainly not confined to the beginnings of the Institute for the Social Sciences under the leadership of David Harris, who is a relatively new faculty member in the Sociology Department here. The new Institute for the Social Sciences, as many of you know, will be located in Noyes Lodge, a gorgeous site for an institute. The language lab currently housed there will be housed in the library. The humanities and social sciences seminars have both been very lively this year. I've enjoyed both of those tremendously, and in general the life sciences initiatives are going well. The searches seem to be generating good appointments or at least a lot of interest in the positions among very excellent scientists. I can't think of anything at the moment that I would consider to be going badly, but given the questions that you will ask me, I am sure that I will learn what those things are. I'm happy to take questions from anybody."

Speaker Norton: "Questions for the provost?"

Professor Eric Cheyfitz, English: "Biddy, I came specifically just to try and get some information on university response to HR3077. Since from the beginning I had worked with graduate students on the GPSA (Graduate and Professional Students Association) to formulate a resolution asking the university to consider it in open debate. I know the graduate students tried to bring the issue up before this body but were told it wasn't specifically within the purview of the body. That seems strange to me since it is a pressing academic matter. It is now before the Senate of the United States, and it impacts obviously on area studies programs."

Provost Martin: "You need to explain what it is."

Professor Cheyfitz: "Yes, HR3077 is the modification of Title VI of the Higher Education Act. It impacts on area studies programs. There is certainly academic resistance that has been mustered around the country. It was passed by the House of Representatives last fall and (to many of us) has a particularly disturbing amendment that institutes a highly politicized advisory board to the Secretary of Education, including people from national security agencies, who will, unfortunately, mediate in granting decisions between peer review panels and the Secretary of Education and in recommendations generally about the kind of funding that will go out to universities.

"It is set in the context of post-9/11; it's set in the context of the Patriot Act agenda. It was instituted by certainly what is a declared neo-conservative academic influence on the Congress that saw that area studies programs were, to paraphrase, too left wing. It seems to me to be overly influenced by Edward Said's work. Be that as it may, the legislation did pass the House of Representatives, and it is now before the Senate. The graduate students in the fall formulated a resolution, which I worked on with them at their request, to ask if we could not have an open debate in the university about the university's position on this piece of legislation, because it is so crucial clearly to the future of academic studies. And it goes along with other initiatives like the Academic Bill of Rights proposal from David Horowitz, which has entered the legislative bodies of various states and is being considered by Congress as well and is itself an attack on academic freedom and autonomy. So I was wondering. I had spoken with Nick Van de Walle at some point, and he said the provost was convening a committee or a group to talk about HR3077. I don't know if that's true or not."

LAUGHTER.

Professor Cheyfitz: "Sorry to take you by surprise."

Provost Martin: "No, that's OK. I would be delighted to convene such a group. I don't have control over the agenda of this group. You came to find out about that, so you should ask the body and not me. But I am aware of the issue and the problem. We oppose it. We have had our folks in Washington lobbying from the outset against this, and we will continue to. The folks in Washington are

guardedly optimistic that it won't pass the Senate, and we hope it won't. That's about all I can say at this moment. Why it hasn't come before this body, thankfully I can say I have no idea or control over that.

"The Academic Bill of Rights—President Lehman and I were asked by a student group here to sign the Academic Bill of Rights, not the one composed by Horowitz but one composed by students here. It is actually a beautifully written document, and my position on that is simply that it says precisely what we already believe. It would be redundant to sign it and have the implication that we are not following our own principles. That's my stance on those two issues."

Professor Michael Lynn, Hotel School: "Since you spoke about the recently completed deans searches, and we will be looking for a new dean in the Hotel School, can you tell me anything about the timing of that search? When the committee will be constituted, etcetera?"

Provost Martin: "The minute we have completed the Human Ecology search and that will be within the next two weeks, we intend to then appoint a search committee for the dean of the Hotel School, and we will have some preliminary meetings before the end of the semester. I actually will, with John Siliciano, meet with faculty in the Hotel School soon, as soon as we are done with a couple of other things. That is an important search. I don't know how many of you read in the paper that David Butler, current dean of the Hotel School, decided that he does not wish to be reviewed for reappointment. Fatigue is setting in, I think for many of our administrators. Any other questions?"

"I will get you more information, Eric. You can write to our Office of Government Relations and Steve Johnson, in particular, who is the one primarily responsible for the work we do in Washington, and he can give you the information about how we are working together with others on the legislation."

Professor Howard Howland, Neurobiology and Behavior, Senator-at-Large: "With regard to the review of the Biological Sciences, do we have any public document or output on that? Has the review been done? Remember when we passed the initial legislation . . ."

Provost Martin: "For the undergraduate biology program?"

Professor Howland: "Well, for the whole program. It was going to be reviewed."

Provost Martin: "Yes, we had an external review of the Life Science Initiative a year and a half ago, an internal and an external review. The external review team is returning in June to do yet another review."

Professor Howland: "The Life Science Initiative isn't quite a review of the decision of abandoning the Division of Biological Sciences, is it?"

Provost Martin: "No, it's not. You're right. Do we intend to have what would constitute as an official review of that decision? No."

Professor Howland: "I thought that was part of the agreement. That was part of the legislation, when it was passed, that that was going to happen."

Provost Martin: "You may well be right. I would say that my personal feeling is that it would not be a good use of our time and energy to review the decision, given the exponential changes that have occurred since the Division was dissolved in the life sciences and its particular relations with physical and engineering sciences. However, having said that, if we agreed to review that decision, then we should certainly do it. As I say, what we did at that time, I know you remember correctly, is set up an internal life sciences advisory council and an external life sciences advisory council and agree to have regular reviews, internal and external of the life sciences generally across campus. That has been done, and the external reviewers are returning for a second visit in June. That group includes Harold Vramus, Gerald Fink, Chris Summerville, Bob Langer and Pamela Matson.

"So we should talk about the relationship among all these reviews. What I would not want to do is put our faculty through yet more program review unless there is some strong sense that we would actually revisit the decision. The undergraduate biology program is currently undergoing its own internal review, and we are waiting for the results from Jeff Doyle to see what kind of external review we might need to set up."

Speaker Norton: "The speaker will call on Dean Walcott for brief remarks."

2. REMARKS BY DEAN CHARLES WALCOTT

Charles Walcott, Dean of the Faculty: "I just have three things to report. First Bob Richardson and I have distributed to you all, somehow or other, conflict of interest forms, which can be completed on the web. You simply go to the Faculty Senate website, click on "conflict of interest" and the appropriate form magically appears. You just need to fill in a few boxes and most of you will be done. It's important, and please do it.

"Secondly, last time we talked about the suspension policy. We had a discussion of it here. I have subsequently talked with both the president and the provost about this, and I then had a meeting with deans who expressed some reservations about some parts of the policy. They have formed a group to work with the committee on Academic Freedom and Professional Status of the Faculty to try to find a meeting of the minds. That is going to be undertaken very shortly, and hopefully we will have some kind of policy to bring back to you in May or at latest in September.

"Finally, the third point is that Ken Kennedy talked to you about the Lectures Committee. What he didn't point out and which I would like to point out to you is this committee seems to have quite a lot of money available, an embarrassing

amount of money. Therefore, we would welcome from departments and faculty members proposals to use this money, which can be supporting lecturers coming in, usually for the benefit of more than one department, so you will need to get somebody else to co-sign, but a simple letter of formal proposal will do it. The next deadline is October 1, so you have time to think about that. This is a substantial pot of money that is available that is not being used as fully as it ought to be, and I am embarrassed at its magnitude. So please help spend this in good and helpful ways to bring in interesting lecturers that you might otherwise not be able to afford in the departments.”

3. APPROVAL OF MINUTES OF THE MARCH 10, 2004 SENATE MEETING

Speaker Norton: “Thank you, Dean Walcott. Now it is time to ask for unanimous consent for approval of the minutes of the March 10 meeting. Are there any corrections or additions to the minutes, which are available on the web? Seeing none, I assume we all consent to the approval of the minutes, and they are so approved. I will now call on Cynthia Farina for a report from the Nominations and Elections Committee.

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Cynthia Farina, Associate Dean and Secretary of the University Faculty: “Good afternoon. The Nominations and Elections Committee is bringing you today the first round of committee appointments for next year. So these are all appointments for the new academic year. There are a couple of additions that are marked with asterisks. That is the report.”

Report from Nominations & Elections Committee April 14, 2004

Terms begin July 1, 2004

Academic Freedom & Professional Status of the Faculty Committee

Shelley Feldman, CALS
Vicki Meyers-Wallen, Vet.

University Benefits Committee

Anil Nerode, A&S, Chair

Educational Policy Committee

Ann Lemley, CHE
Jean Locey, AAP
Elizabeth Sanders, A&S

Faculty Advisory Board on Information Technologies

Theodore Eisenberg, Law

Financial Policies Committee

Michael Heise, Law
 Christopher Minkowski, A&S
 Linda Nicholson, A&S

University Lectures Committee

Bart Selman, Engr.
 David Winkler, CALS

University Faculty Library Board

William Arms, Engr.
 J. Robert Cooke, CALS, Chair
 Buzz Spector, AAP

Music Committee

Graeme Bailey, Engr.

Professors-at-Large Selection Committee

Daniel Huttenlocher, Engr.
 Quentin Wheeler, CALS

Speaker Norton: "All those in favor of the committee's report, please say aye."

AYE.

Speaker Norton: "Opposed? The committee report is approved. Next on the agenda, I will call on Dean Walcott who is the chair of FACTA to present a resolution to revise FACTA legislation, which you all should have received."

5. RESOLUTION TO REVISE FACTA LEGISLATION

Dean Walcott: "Just a few words of preamble. One of the things that concerns me in looking at the whole faculty governance situation is to try and minimize the number of committees that we have and the amount of work that they have to do. One of our busiest committees is FACTA, which passes on, at the moment, all the cases in which the university is going to award tenure. This represents a very substantial workload for the committee. Some time ago we looked at the results of FACTA's deliberation and conversed about it with the provost to try and see if there were some changes that we could make to the committee's role that would make it less onerous. So we come before you today to propose basically two fundamental changes.

"The first and most far-reaching change is that lateral appointments, that is appointments to the faculty of people who have achieved tenure elsewhere and who are coming into Cornell, go directly to the Provost, and if she has any questions about the file, she will refer it to FACTA. If there are no questions, and in the vast majority of cases there haven't been, she will simply act on these and they will not need to go through the FACTA process. That is the first and most important change. (FACTA resolution – Appendix 1) That is number one

on the list of proposed changes. The second is to clarify the relevance of departmental college standards by reference to the *Faculty Handbook*, and the third is to make explicit FACTA's ability to comment on things that it sees that are problematic in individual units, to comment on those things separately from any particular tenure case. Those are the major content changes. There is one final one, a clarification in FACTA's role in determining the sufficiency of the file. I have transparencies which go through all the usual 'whereases' and so on, and I'm happy to show them to you, but I really think that the essence of it is first, the 'no laterals' being reviewed by FACTA and secondly these others, it would seem to me, less significant changes.

"I am certain Provost Martin would be happy to entertain questions about her I mean after all FACTA is a committee that is to assist her in determining suitability for tenure. So I think it would be helpful, if there were questions, if she would be willing to help respond to them. So that is the motion, and it comes from FACTA itself, so I don't believe it needs a second."

Speaker Norton: "Is there discussion on the proposed amendment to the faculty legislation. Actually, the speaker would make a comment. The speaker's comment is grammatical. Shouldn't the first verb be 'are' sufficient rather than 'is' sufficient, since we have the 'documentation and the evidence.' The speaker has graded many papers recently."

LAUGHTER.

Speaker Norton: "This is a grammatical correction. I assume unanimous consent on the part of the body. Is there general discussion?"

Professor Alan McAdams, Johnson Graduate School of Management: "I mentioned to my colleagues that this is coming before the Senate, and they are delighted. I share their delight. We are at the moment negotiating with a person who looks like a wonderful addition to our faculty, and if this is passed it would help us a lot."

Speaker Norton: "Are there other general comments? The chair acknowledges that there is going to be an amendment in a moment, but the chair would like to see if there are other general comments before calling on the person who is going to offer the amendment."

Professor Peter Stein, Physics: "I have a general question. It's a good idea to try to reduce people's workload, but of course we could reduce their workload by just having FACTA be advisory to the provost when the provost wants it. That would be a substantial decrease in the workload."

Provost Martin: "Don't count on it."

Professor Stein: "Well, perhaps, but it certainly couldn't be an increase. That's for sure. The original premise of setting up FACTA was that one, the university faculty have a stake in the quality of tenure appointments that are made

anywhere on the campus. Number two—in order for a broad university group to make an evaluation, they have to have a good sense of the range of excellence of people that we appoint to tenure. If one is only pulled out to look at a few cases and doesn't see the whole broad spectrum, then one loses some measure or some judgment to make an individual measure. It seems to me that one could, for instance, imagine a situation whereby we made much better tenure appointments when they were lateral than when they were promotions from the inside. If in fact the FACTA did not get to see what the quality of lateral appointments are, then they would miss that particular conclusion. It is not clear to me what is to be gained by that. The majority of our tenure cases are internal, so it doesn't reduce the work of the committee by a substantial amount."

Dean Walcott: "It's about one quarter, three quarters, just for your information."

Professor Stein: "OK. Well, then it reduces it by 25%, but why one would think that for this particular group . . . I don't quite understand the rationale for it, except to reduce people's workload by 25%."

Dean Walcott: "May I respond?"

Speaker Norton: "Sure, go right ahead."

Dean Walcott: "I think the real reason is that if you look at the results of these reviews, you see that essentially they have been 100% positive. So FACTA has not, in my opinion, contributed anything but an approval to the process. There has been I believe only one case that was in fact problematic."

Professor Stein: "It has been near 100% for the internal cases or certainly higher than 90%."

Speaker Norton: "Perhaps the provost would like to comment."

Provost Martin: "I think FACTA members have their own reasons for thinking this is a good idea, and I respect those reasons. It does have to do with simplifying the process and reducing the amount of labor. It is also true, however, that the faculty in departments and deans have sometimes felt seriously disadvantaged in their efforts to recruit senior faculty by the time it takes to get these cases through to tenure. I am sympathetic to the views of department chairs and deans who really do feel, especially in the professional schools for whatever reasons but also in some of the others, that the time period is simply too long. It is a disadvantage when we are competing for the top senior people in specific fields whose processes are much more efficient.

"So there are many reasons to think this is a good idea. I happen to think that one of those reasons is the recruiting advantage that other schools have over us when we are competing for top people, and I think that any provost can be trusted to see a case that seems divided or problematic and seek FACTA's advice. I think it's not a good use of the committee's time to look at every single senior hire, since in most cases departments and schools are sharply critical when

it comes to hiring someone from the outside onto their senior faculty in a way that doesn't, in my opinion, warrant quite the same process. I don't have a high stake in it, because I have to do the same amount of work regardless. I think that the respect that faculty and deans have for FACTA will only increase if we make this decision, because there is a way in which FACTA feels to some parts of the campus as though it stands in the way of their being able to do serious recruiting. I think it would be very helpful to have FACTA viewed by the faculty, the department heads and the deans as a positive rather than a potentially negative part of the process."

Professor Francis Kallfelz, Clinical Sciences: "I would just like to know if you have a sense of how much time or how long the process is extended by having FACTA review these cases, since my understanding is that FACTA reviews these sorts of things just before the meeting of the Board of Trustees, and it can't be formalized until the Board of Trustees votes on it anyway."

Provost Martin: "They don't meet right before the Board of Trustees. They meet in time to advise me, and help me and whatever members of the provost's staff."

Professor Kallfelz: "Yes, but it is in sync with the Board of Trustees."

Provost Martin: "It's several weeks."

Professor Kallfelz: "You think that having to go through FACTA increases the process by several weeks?"

Provost Martin: "Yes, because FACTA, as it should, has a regular process with specific deadlines and times by which members of the committee can be expected to read files. That inflexibility, which makes sense for the committee, doesn't make sense when people are trying to make senior hires in any part of an academic year. That sort of timing just does not mesh well with the time frames within which different schools try to recruit senior people."

Professor Kallfelz: "My understanding is, having been on FACTA, that the rules that we set up for ourselves in terms of the process and of this being done are self-imposed rules, and it would seem to me that, all things being equal, it would be possible for FACTA to decide that if there was such a case where a timely decision was crucial, because the individual was being recruited by other institutions or whatever, that a quicker review would be possible. They could assign the dossier to four people and say we need this back within 24 or 48 hours, and if everything goes well, there would be no problem. If things didn't go well, then there would be a special meeting of FACTA to deal with that."

Provost Martin: "I think that is underestimating, and I imagine you all probably know this from your own experience, what it takes to get a group of people that large together at a special time outside of the regularly scheduled meetings for a given year. I think it's asking too much of FACTA to be perfectly honest, even though as I have said publicly and will say again, I find FACTA's work, my attendance at the meetings and participation in the discussion and the feedback I

get to be entirely useful—very positive. I think the relations between FACTA and the provost's office have been completely positive, and it is very helpful to me. But I think it is asking too much of people to say that whenever we need to expedite, FACTA can be counted on to have four people read the file; depending on the outcome of those four readers' evaluations, the entire group will have a special meeting; everyone will be able to gather. It just seems unrealistic to me."

Professor Kallfelz: "Just one last question—is it certain that this will only refer to lateral moves from other academic institutions?"

Provost Martin: "Yes."

Professor Kallfelz: "So if we are bringing in someone from NIH or from some high level scientific institution that wasn't academic, those would go through the FACTA process."

Provost Martin: "That would be an interesting amendment. My understanding was that it pertained to someone from another academic institution."

Speaker Norton: "The language says 'achieved tenure at another institution.'"

Provost Martin: "Yes, so we are talking about people who are already tenured at another institution."

Professor Kallfelz: "So a high ranking person from a non-academic atmosphere but with excellent credentials would have to go through the process."

Provost Martin: "The other thing is, even though I am happy to answer these questions, I want to remind you that this was FACTA's request not mine."

Professor Steven Shiffrin, Law School: "I'll just make a comment that maybe they will want to respond to. It turns out to be the case in the Law School that recommendations for lateral appointments at the earliest would be in February and probably in March, because one will be evaluating their teaching and we wait to get the evaluations in December. The school is not running in January, so then people get to it in February. Letters come in late, so that the faculty will vote in March. Then one has to appoint an *ad hoc* committee. If one then has to go through FACTA, there is a problem. The American Association of Law Schools says that if you are going to offer someone a job, you have to offer it by March 15. So even if we do it in March, we're in trouble with the *ad hoc* committees, as we were with a candidate this time who had an offer from a European university and another American university that were competing to get him. There are real time constraints because of the FACTA process, which the deans have long been concerned about."

Speaker Norton: "Professor Stein, we do have an amendment coming, so I'm just going to let you make one last comment."

Professor Stein: "I just want to follow up on the colloquy between the provost and Fran Kallfelz. Biddy, I served on FACTA for one term. When I served, there was no general meeting of FACTA required. If the four people who read the files independently all thought that there was no problem, no meeting was required. And the vast majority of cases do not require such a meeting. So I think it's unfair to say that you have to call together the whole committee; you don't have to call the whole committee together, particularly when it is a slam-dunk appointment. It's not clear to me why I'm sympathetic to the problems. God knows, you don't want a procedure to stand in the way of hiring a good faculty member. Yet someone has to look at the file, and I would think that FACTA could be responsive to finding four people. They don't have to meet; they could drop by the Dean of the Faculty's office and read the file and respond within a matter of several days, if it was a case where there was some academic emergency. I just think that the procedures that FACTA uses makes it quite easy for it to adapt to the condition of necessity when it arises."

Speaker Norton: "Professor Shiffrin will offer an amendment."

Professor Shiffrin: "The amendment that I am offering was distributed to you."

Dean Walcott: "This is the original text. I'll put up the amendment."

Amendment to Resolution to Amend FACTA Legislation

(Addition = CAPITALS, BOLDED)

(Deletion = strikethrough, bolded)

If, in the course of reviewing an individual case, the committee becomes concerned that the **TENURE REQUIREMENTS AND CRITERIA standards** of a department, or a school or college, are inconsistent with Cornell's high standards or otherwise not in the best interests of the university, it shall report this separately to the Provost. FACTA will not use these concerns in reaching a tenure recommendation for the individual involved.

Professor Shiffrin: "The amendment is a friendly amendment. It's a clarifying amendment. My understanding is that the people who have proposed this report are prepared to accept this. It's simply designed to make clear that certainly FACTA can say that when a department is applying bad standards in terms of whether or not something is good scholarship or good teaching, it is FACTA's role to advise the provost that he/she ought not to promote this person. When the Philosophy Department in tandem with every other major philosophy department in the country doesn't require that somebody publish a book in order to get tenure, and the History Department does require that somebody have a book in order to get tenure and the Business School has different criteria than the Hotel School, it is not the province of FACTA to say

that the Philosophy Department is not requiring a book and they ought to require a book. They can write the provost and say that should be the case, but they don't apply it in the individual circumstance. This, I believe, has long been the practice of FACTA. It is clearer than the original language, and it puts the language there. My experience, when I was on FACTA, was that Bob Cooke kept reminding us, 'Now, you know that you have to apply the criteria of the department.'"

Speaker Norton: "Is there a second to this amendment?"

SECOND.

Speaker Norton: "Is there any further discussion of the amendment? Seeing none, I will call for a vote on the amendment. All those in favor, please say aye."

AYE.

Speaker Norton: "Opposed? The amendment is adopted. We now return to the main motion. Are there further comments on the main motion? Seeing none, the chair would call for a vote. I assume you are ready for a vote if there is no further comment on the main motion. All those in favor of the main motion, that is the resolution to amend the FACTA legislation, please say aye."

AYE.

Speaker Norton: "All opposed."

NO.

Speaker Norton: "The ayes have it and the motion passes (Appendix 2 – FACTA legislation as passed). The chair now calls on Associate Dean Cynthia Farina, Chair of the Ad hoc Committee on Strategic Corporate Alliances for a report."

6. REPORT FROM THE AD HOC COMMITTEE ON STRATEGIC CORPORATE ALLIANCES

Professor Cynthia Farina, Associate Dean and Chair of the Ad hoc Committee on Strategic Corporate Alliances: "You have seen me a couple of times now this year on the subject of Strategic Corporate Alliances. I will just remind you briefly of the history of this and put this long draft that you have received in a little bit of context but leave most of the time that we have for your questions and comments.

"In November we had a forum on the subject that was well attended. Shortly after that the decision was made to form an *ad hoc* committee to try to come up with a statement of principles and practices. This draft (Appendix 3) is the result of that committee's work over several months. It is lengthier than any of us expected when we started, partly because after we worked through it, we

decided that it was important to try to give a fair amount of specific guidance, probably primarily to the Local Advisory Committee, if that proves to be the faculty committee most involved here. But, also we tried to set that within a framework of principles that we hoped were familiar to us, but to try to give some larger intellectual content to this.

“We were also aware, and I hope in our discussion here we keep this in mind, that this document in its final form will become part of an existing landscape. There are documents specifically on Strategic Corporate Alliances that it must be a complement to. Those are listed in the document. There is a document from the Trustees, *Considerations and Principles Regarding Strategic Corporate Alliances*, and there are at least two Cornell documents that do not originate from the Trustees, *Cornell Principles* and *The Strategic Corporate Alliance Plan*. And there are documents that more generally govern sponsored and even non-sponsored academic work on campus, *Policies and Procedures from the Office of Sponsored Programs*, *Conflict of Interest Policies and Procedures* and a lot of important stuff in our own *Faculty Handbook* on academic freedom, responsibility and things like that. Part of the challenge for our committee and I think for the faculty as a whole is trying to predict and ultimately to observe and determine whether and how this particular form of research support is going to implicate a lot of these familiar but important principles.

“As the cover memo explained to you, this draft is a consensus document of the *ad hoc* committee with one exception and that is the section on licensing, section A4, page 8 and 9. The committee has not yet completed its discussion on licensing. What we did agree was that this language should be put before you for discussion. I will say further that I asked Bob Richardson, who has been very generous of his time on an informal basis, (nothing that he says has of course committed the Office of Sponsored Programs, the administration or anything else on this, but he has been so helpful to us) whether this language was in general in line with Cornell’s current policy with respect to exclusive licensing. And it is, for whatever help that is to you. But we would very much welcome your thoughts on this, because the committee itself is still struggling with the issue of licensing.

“Additionally, I want to flag for you an issue that arose late in the committee’s discussion and is only touched on briefly in the current draft. That is the issue of the probability and likely impact of the sponsor’s employees being in residence in the department or program for significant periods of time during the alliance. Charlie Walcott, Elizabeth Earle and I were fortunate enough to have some time with Bob to talk about an earlier version of this draft. When we raised that question with him, he said he thought it would be unlikely, because in many departments space is at such a premium that we aren’t going to be able to offer it to corporate employees. We barely have enough for ourselves. Some faculty have since mentioned to me examples, such as Xerox, where corporate employees have been in residence. So it occurs to us that there may indeed be space. In units where space is not an issue, we may see programs and departments where these alliances might be possible. Again, we could use your guidance on the likelihood as a factual matter. Is this something that we should

worry about? Is there space out there? More importantly, as a matter of principle, what ought we be thinking about if we are going to have employees of a sponsor around on a regular basis? One can imagine the kinds of implications that might have. For example, pressure not to publish unpleasant results or to reveal sponsorship is likely to be greater if there are employees of the corporate sponsor working here on a daily basis. That's not to suggest anything underhanded or immoral or anything like that, it's just to understand that close working relationships will develop. What ought to be the kinds of ways we should be thinking about that?

"As I said, Bob was extremely generous of his time in reviewing an earlier draft, and in general he had very supportive things to say about the committee's work, but I do want to flag for you a very significant area of disagreement. The final topic I wanted to touch on before opening to your observations and questions, was the subject of direct involvement by the corporate sponsor in selecting specific faculty whose research would receive support. If you had a chance to look fairly carefully at the draft, you will see that the draft contemplates that the corporate sponsor will be involved in setting the terms of the request for proposals and of course in setting up the initial goals and objectives of the alliance, but the decisions about which specific research to fund would be done through conventional academic protocols for proposal evaluation. This was something that the committee probably spent more time on than anything else, worked harder on than anything else, really trying to separate the corporate sponsor from evaluation of proposals and grant awarding. Bob told us quite frankly that that was likely to be a deal killer. For the committee this is a real problem, so I think we need to engage that issue. What are the lines that we think we can accept on that? Is there an area of compromise that we can reach on that? How do we think we can preserve our integrity in this area and still make this workable from the perspective of the donor, assuming that we can? I think I will leave it at that. I should say that I think we have everybody from the committee here, and I'm very much hoping that they will respond to your questions and comments, because they are the knowledgeable ones. I am mostly the person who put this together in writing."

Professor Sheila Hemami, Electrical and Computer Engineering: "In looking at some of the questions that were brought up here, I have a question. Does the committee have any particular examples in mind or is this just being put together thinking about these things in the abstract? My reason for asking that is a lot of the questions that you brought up and some of the issues that I have with what is in here, I would consider them differently if we are talking about relatively small sums of money that are going out. I have reviewed for PCCW (President's Council of Cornell Women) those very, very small grants. I think those are very different from, for example, if Microsoft comes in and wants to fund an entire department, and they are giving out parcels of money on the order of \$200,000 a piece to fund four graduate students. So are there models in place that various schools or departments are thinking about? What is the thinking on that?"

Professor Farina: "That's an excellent question. I think where we started from was the definition of strategic corporate alliance that is in the Cornell Strategic

Corporate Alliance Plan, which is at page three, footnote two. 'A comprehensive formally managed company-university agreement centered around a major, multi-year, financial commitment involving research, programmatic interactions, intellectual property licensing and other services.' Clearly, this level of both concern and monitoring makes sense only if indeed we are talking about a major, multi-year financial commitment. Part of the scope provision does try to take account of the possibility, which Bob did raise with us, that things might come to be called strategic corporate alliances that in fact were not so major, comprehensive or multi-year, and if that were to be the case, would this make sense? Probably not. So I think there is a real significant trigger question."

Professor Hemami: "Then let me just make a follow-up comment. Having said that, I'll assume that these are major, major grants that we can use to give to junior faculty members for three years of summer salary and students and huge amounts of money. I think that a lot of the stuff here is not strong enough. 'Interference with publications should be minimized?' No. It should not be there at all. 'Interference with academic freedom should be reported to the dean who will counsel remedies and track it?' No. I'm in engineering; I work with a lot of companies, and, man, they want to screw you for everything they can get. I don't think this offers enough protection."

Professor Richardson and several others: "I agree."

Professor Farina: "I'm happy to have people from the committee speak up here. One of things that we understand about this is that it is not focused on particular individuals; the notion is supporting a large amount of research that will cover multiple individuals."

Professor Hemami: "If you are talking about huge amounts of money, for example, to fund a new initiative in some type of bizarre type of physics that they just invented. The Physics Department could say, 'Oh, we are going to hire five young people and give each a substantial amount of money.' So now we are talking about lots of money for which presumably the company is going to want their name on everybody's business card, let alone the papers. The students will have to name all their children 'Corning.'"

LAUGHTER.

Professor Risa Lieberwitz, Industrial and Labor Relations: "I'm on the committee, and I really welcome these kinds of comments, because it seems to me that if there are things in this document that people think should be strengthened in order to protect academic freedom and to protect our independence, that it is very important for us to hear that from the Senate, because this way the committee can really go through the process that we anticipate, which is to put this out in front of the Senate to have it fully discussed. If there is a feeling that it should be strengthened, whether based on people's experiences or their anticipating problems that could come up, I think it is going to be really important to go back to the committee, talk about the various issues, and then if we have some questions to coordinate the committee work in

that area, that that really is very helpful for us as a whole body. At some point we will bring it back for a vote. If there are ways to strengthen it, we vote on it and we then go to the administration, it makes our position much more strong and united if we have the full senate. So I think these kinds of comments are very, very helpful, and I hope other people will bring them up.”

Professor Farina: “It would be really helpful if you could flag for me—maybe you could e-mail me—the particular things. Because we were actually working to try to make this pretty bullet proof, so if there are specific places that you think we haven’t done it, let us know. CRF7.”

Professor Bob Richardson, Vice Provost for Research: “I want to say that I absolutely agree with your comment. In *The Faculty Handbook* the discussion of sponsored programs is significantly stronger, particularly in this protection of publication. One of the more time consuming jobs I have is being the absolute ‘no’ for the university. There are corporations and government agencies increasingly that come through and want to have higher approval. No, absolutely, no we won’t, no matter how much money the individual loses. We have a very strict rule in our *Faculty Handbook*, ninety day maximum for review by the corporation. I am in total sympathy with your point of view on that.”

Professor Ted Clark, Microbiology and Immunology: “In looking through this, the one section that really did catch my eye was the one that you alluded to earlier about corporate representatives should not participate in the actual selection of faculty in the process of funding. That does seem like a deal breaker to me at least. I’m wondering what the logic was among the people that blocked that?”

Professor Farnia: “I am definitely going to defer to the committee on this, because this was, as I say, the thing that we probably had the most discussion about, and the committee feels very strongly. Do you want to start us off, Peter? And then John.”

Professor Stein: “It’s hard to answer that question in just a few words, but when you read in the literature, there are people who write that these strategic corporate alliances do essentially threaten the traditional role of universities as a source of basic science which is publicly available to all. This isn’t just a little thing; this is a big thing. The danger that many of us saw that we are trying to protect ourselves against is the notion that the university, in this case Cornell University, becomes essentially a low cost research laboratory for the corporation. That does seem like a very serious danger.

“It of course is a reasonable thing for a corporation to fund research in a particular area that they are interested in, and you could make reasonable arguments for the delay in publication and so forth. But it seemed, at least to me, that one crosses the line of who decides exactly what research is funded, one crosses that line of the university being an independent research organization whose funding decisions are driven by the science that is involved and how important it is versus decisions that are driven by how much it will aid a

particular commercial product, which is about to be introduced. In fact, it should be reasonable for the sponsor to identify the science that they will fund rather specifically as long as it's made publicly and the basis for deciding on what proposals to fund are namely what science they are looking for. But they should not be deciding to fund particular grants or not fund particular grants. Some of the dangers are that people are put under pressure to a) do the research that is necessary to market the particular drug or b) to report that that drug is efficacious when in fact it is not, because that becomes a condition of their being funded. I mean that is obviously a hypothetical string that gets strung out, but one way of protecting against that it seemed was to simply take the commercial interest of the corporation out of the individual decision to fund a particular piece of research."

Professor Clark: "I guess the question then becomes who would decide? If a corporation wouldn't decide whom to fund, then who would decide?"

Professor Farina: "The structure that the plan sets up here, which is actually part of the Corporate Strategic Alliance Plan that the university has, is a joint steering committee that would have Cornell and corporate representatives. What the plan contemplates is a joint steering committee that would put out requests for proposals, would get proposals and then would decide. There are no details in the Cornell plan about how that would all happen. What the committee did was then basically flesh that out with one vision of how that would happen, and the vision in this draft is a vision that says there are company and Cornell representatives, but where the company participates as an equal player is only in the request for proposals, in putting out the kind of thing that it wants and then what happens after that is peer review basically takes over. It's the academics who decide what proposals get funded under that RFP. It's up to the company to specify what kinds of projects it wants. It is up to the academics to decide what are good projects. That is the way it would work under this proposal."

Professor John Guckenheimer, Mathematics: "Speaking for myself but as a member of this committee engaged in these discussions, I think the dividing line on this particular issue for me is very much the nature of what is a strategic corporate alliance. Suppose corporation X wants to come to Cornell and spend \$5 million a year supporting research of the faculty here. If they pick out a dozen individuals that they are going to give money to, the Office of Sponsored Programs would then review each of the particular agreements. And I'm very thankful to have Bob Richardson sitting there to say no if the corporation is asking for terms that the university finds really objectionable.

"On the other hand, if there is a single strategic corporate alliance that is approved in advance and then money is to be distributed to Cornell faculty members without each of those individual agreements then going through this kind of review process, then at that point, I want the fiduciary responsibility in the decisions to be in the hands of Cornell faculty rather than in the hands of the corporate representatives who are part of the steering committee in this sort of process. That is, I don't want one overall agreement that allows an individual from corporation X to be here inside Cornell, and there is some sort of overall

agreement allowing their corporation to be able to give money to faculty members effectively whom they choose within general terms. If it's really the corporation making the money, I want to see each of the individual agreements be subject to much more stringent review than is likely to be the case under the umbrella of the strategic corporate alliance."

Professor Farina: "I asked Bob to give you the explanation that he gave to Charlie and I about what he anticipates to be the practicalities of this."

Professor Richardson: "I would like to respond to John first. My model is from things that we know work very, very well, that is federally sponsored job centers. The successful ones I see are CCMR and CNF; we have half a dozen major ones on the campus, and how do those work? A group of faculty who are interested in a particular subject will get together, and they will have a mixture of senior people, who are well known and stars in the field, and junior people who they want to bring along and train. They will put into it a request for equipment and so forth. They will make a proposal and say in the ideal case where the least strings are attached. With NSF there are more strings than you might think. Then there is a review that starts, that's a scientific peer review. That's the part that you might say is different, but then there are terms and conditions for how those funds get turned over to the university. The management is done by people within the university, but it's certain death (and you have almost annual reviews) if you don't more or less do what you said you were going to do and have the people who showed up at the first site visit and gave the flashy show participate in it.

"Let's talk about trying to have a strategic corporate alliance agreement. There is a salesmanship there. We are not going to have, at least we haven't yet, all kinds of corporations coming to Cornell and banging on our door saying, 'Hey Cornell, we want to throw money on a subject because it is important to develop.' No, what we have to do is persuade somebody that we offer some skills and research capabilities, and we have a compatible overlap in Cornell research interests and the things that corporation wants to do. I can imagine starting two ways. I think the ones that are going to be effective are going to start off at the ground level, where there will be Cornell faculty in a couple different departments that will know a bunch of different people in a corporation and will develop it. There is also the vision that Inge and the Development Office will start it out. In any case, there will be a salesmanship part where we would have a group of people that come from the corporation to visit Cornell, and we'll have some of our superstars and say, 'We have all this gee whiz, wow stuff that we want to do, and it has a certain amount of overlap with the interest of your corporation.' So they say, 'Hey, that would be good. We would like to have a working relationship with you all because there is a compatibility of interest.' Now, in the language of this [draft], if you say ok we are going to have this agreement and then say, 'But you guys can't pick which research is going to get done. You just send us the \$10 million, and we'll just do it,' there's no company on earth is going to agree to that."

Professor Alan McAdams, Johnson Graduate School of Management: "But that's not what they are saying."

Professor Richardson: "It sure was."

Professor McAdams: "May I comment? What I heard my colleague saying is that it is not that the company providing the funds can't identify the kinds of research that will be done, but that we don't want the company telling Cornell which people will do the research."

Professor Richardson: "We had our superstars up there, and there is a world expert in the linear dynamics of unusual widgets, and he is the leader in selling this thing. If he isn't going to get supported, the corporation is going to say, 'Go to hell.' Sorry for the technical term."

LAUGHTER.

Professor McAdams: "It seems to me that is done informally, and that can be achieved. I agree with my colleagues that the academic people should be selecting which of the actual projects will be done within the overview and which"

Professor Richardson: "OK, Alan. Let's go back to the NSF. When the funding comes in, the people that wrote the proposal have their own internal committee, and they decide on how the center will best survive and how to allocate resources. This describes having a group of faculty in no way connected to it reviewing the scientific merit of the proposals and selecting on that basis, not the people that were involved in developing the proposal."

Professor McAdams: "If the faculty people who are part of the alliance are the ones who are selecting. . . ."

Professor Richardson: "That's not what it says in this draft."

Professor William Arms, Computer Science: "I have actually got a lot of experience in leading these sorts of projects. I think the most important comment was the one John Guckenheimer made. He said that there are several very different models. I think the model that seems to be envisioned by this paper is a very unusual one, which I have never seen—the idea of a corporation giving money for essentially a grants program. I could list the models that I have seen that work, and I could list the models that I have seen fail, but I think that is inappropriate.

"I think the key thing is that there are some principles that apply all the time. They are principles of publication, how one deals with trade secret information of the corporations, and there is the fact that the faculty should never be under pressure to do research that they don't want to do. That may be the most important. An understanding of the publication rules that may be different for faculty and Ph.D. students who have got to get their work published very

quickly. I actually think that the model here, this discussion about who should review internal proposals, is very unlikely actually to be a real example. The successful examples I have seen have been cases where there has been genuinely joint research. In one state I was in charge of a group that had ten IBM employees as part of the group. It was like doing joint research with Columbia University only one did it with IBM. There are many models and there are some principles that apply to them all, and I think we should focus on those principles."

Professor Brian Chabot, Ecology and Evolutionary Biology: "I agree with Bob's assessment. I think this is going to be a deal breaker, because right now we are literally getting hundreds of grants sponsored by outside corporations and other groups. It is not just corporations that are giving us money with the intent of benefiting from the outcome of that research. They already do this, and they are the only ones choosing."

Provost Martin: "What about the farmers of New York? Are we going to apply this to them? Seriously."

Professor Chabot: "Or small communities or whatever. They have specific vested interests in wanting us to do this research because it is of practical importance to them. It's just continuity from the corporate model. But they can already do this, so why would they give up this privilege to create this kind of alliance?"

Professor Lieberwitz: "In response to some of the comments, the way that the university first proposed these strategic corporate alliances was that in fact there was something different about them. Yes, there were some similarities, speaking now in terms of faculty that already had funds coming in anyways, but that the scale of these and that is where we look at the definition, is contemplated as being much bigger and broader in terms of the scope, perhaps supporting entire research programs in some ways and involving lots of faculty.

"We were approaching this realizing that many of the principles that we are addressing have a resonance in other areas, but also recognizing that if the strategic corporate alliance is in fact something that is different in terms of its scale that it should also be addressed differently to protect certain principles. In contrast to the Berkeley/Novartis deal, which of course was very notorious, we wanted to avoid some of those problems that created that notoriety. For example, one of the things Berkeley/Novartis had were corporate representatives on the committee that made the decision on who got the grant. This really violated the notion of university independence, and that principle is what gives legitimacy to the university, and we wanted to maintain that legitimacy. Academic freedom and university independence requires a wall between funders and the university. This is a wall of separation for the university and industry that we felt was essential to protect in order to protect the work that we do and the public trust in it.

"I would like to respond very briefly in terms of Bob's statement about comparing this to public funding. The public funding is in fact a different issue. We could address the question of public funding, but it is not public funding given to us to make profits for the government. What we are talking about here is a corporation that wishes to make profits and its interest is private; it is not public interest."

"I would like to respond very briefly in terms of Bob's statement about comparing this to public funding. The public funding is in fact a different issue. We could address the question of public funding, but it is not public funding given to us to make profits for the government. What we are talking about here is a corporation that wishes to make profits and its interest is private; it is not public interest."

Professor Farina: "I bet you can see why we have been working so long on this."

Speaker Norton: "The provost wants to make a comment on this, and then we have reached the end of the time for this agenda item."

Provost Martin: "I just want to say that I hope the committee will take into account all of the different practices that will be affected by the principles that you inscribe for this. If the boundary is whether you are a corporation or profit making organization of any kind or not, then that's one thing. But I'm glad Brian raised a question, because I've been sitting here after reading through this for the past few days thinking that much of what goes on in the College of Agriculture and Life Sciences is disqualified by this principle. Much of what is done in the Vet School is disqualified by this principle. Any money that comes from labor unions for specific kinds of work that is done in ILR is disqualified by this principle."

Professor Lieberwitz: "But those aren't strategic corporate alliances by definition."

Provost Martin: "As Bob said, you can call all kinds of things a strategic corporate alliance. You give the Novartis example always, Risa, and I understand why. It is a great example of how to do things badly, but there are also the examples of money that we get from labor unions, the money we get directly from the Legislature for education to go to specific faculty and where there is no peer review whatsoever. I don't want to just argue with you about it. I want to say that you could come up with and pass principles that will affect all kinds of programs on campus that I don't think you intend to affect."

Speaker Norton: "We have reached the end of the time on this. Anyone with further comments should e-mail Professor Farina at CRF7. Send your comments to CRF7, and we will see this again. The chair now wishes to call on Professor Jenny Gerner to present a motion."

7. RESOLUTION ESTABLISHING A GRADUATE FIELD AND PH.D. PROGRAM IN COMPUTATIONAL BIOLOGY

Professor Jennifer Gerner, Policy Analysis and Management and Chair, Committee on Academic Programs and Policies: "I am the chair of the Committee on Academic Programs and Policies. This is a motion that we are presenting to the Faculty Senate. You can see and read it. The graduate field of computational biology has been proposed; the general committee in the Graduate School has approved it. It now needs to go to the Department of Education for approval, and before it can, you have to say yes. So we have brought you this motion, and I think David Shalloway is here in the event that you have questions about it."

Speaker Norton: "Are there questions about the proposal to establish a graduate field and Ph.D. program in computational biology? I assume you have all read the information that we got. Yes, sir."

Professor Mike Lynn, Hotel School: "I'm sorry. I don't like to parade my ignorance, but what is computational biology?"

Unknown: "Biology and computers."

Professor David Shalloway, Molecular Biology and Genetics: "It is at the interface of the two. It encompasses things that you've heard about like genomics. When you start getting these large data bases, whether it is satellite imaging of the earth's biosphere, whether it's how the heart moves when you get an image from an MRI, it requires a very different academic program. Almost all of our biology programs are heavily experimental and don't have the flexibility to provide the type of theoretical training that is needed."

Speaker Norton: "Are there other further of comments? Seeing none, the chair assumes that you are ready for a vote. All those in favor, please say aye."

AYE.

Speaker Norton: "Opposed? It passes."

Resolution to Establish a Graduate Field and Ph.D. Program In Computational Biology

WHEREAS, the Committee on Academic Programs and Policies has reviewed a proposal for the establishment of a Graduate Field and Ph.D. Program in, and

WHEREAS, the Committee recommends creation of this new graduate field and Ph.D. program,

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the establishment of a Graduate Field and Ph.D. Program in Computational Biology and urges the administration to place this on the agenda of the Board of Trustees for approval.

Since there are no Good and Welfare..."

Professor Lieberwitz: "Since we have a little bit more time, I think it would be worth going back, because the provost has made a statement that I think should be responded to by members of the committee. I do think that because we ended on such a rushed note that it would be helpful to actually talk a little bit more about that issue."

Speaker Norton: "Well, it is true that we have seven more minutes before we must adjourn."

Unknown: "Do we have unanimous consent to do that?"

Speaker Norton: "To what? To adjourn or say yes to her request."

Unknown: "To say yes."

Professor Arms: "I would just point out that the chair of the working group has left, and it seems inappropriate to carry on this conversation in her absence."

Professor Lieberwitz: "We'll tell her what we said."

Professor Stein: "Probably Professor Arms would not give unanimous consent."

Professor Arms: "That is correct, sir."

Speaker Norton: "Are you moving to adjourn, Professor Stein?"

Unknown: "I move the meeting be adjourned."

Speaker Norton: "There is a motion to adjourn. All in favor say aye."

AYE.

Speaker Norton: "Opposed?"

NO.

Speaker Norton: "The ayes have it. We are adjourned."

Respectfully Submitted,

Cynthia Farina, Associate Dean and Secretary

Appendix 1**Resolution to Amend FACTA Legislation
April 1, 2004**

WHEREAS, the Faculty Advisory Committee on Tenure Appointments (FACTA) was created by the Faculty Senate on November 12, 1997 and its charge was revised October 11, 2000, and

WHEREAS, the current members of FACTA in consultation with Provost Carolyn Martin have unanimously recommended that the legislation be amended in order allow for more expeditious handling of external lateral appointments, and

WHEREAS, the current members of FACTA in consultation with Provost Carolyn Martin have unanimously recommended that the legislation be amended : (a) to clarify the relevance of department/college standards by referencing the Faculty Handbook; (b) to make explicit FACTA's ability to comment on problematic unit standards; and (c) to clarify FACTA's role in determining sufficiency of the file,

THEREFORE, BE IT RESOLVED, that the following amendments be made: (additions are underlined, deletions appear with strikethroughs in brackets)

Opening Paragraph

The Faculty Advisory Committee on Tenure Appointments (FACTA) is 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. Review of tenure recommendations for those who have achieved tenure at another institution will be at the discretion of the Provost.

Procedures (1st paragraph)

The committee will determine whether the documentation and the evidence in the tenure file is sufficient to show[s] that the candidate has demonstrated excellence in ~~[scholarship, teaching and public service at a level warranting appointment to tenure at Cornell]~~ in carrying out the responsibilities of the position, and unusual promise for continued achievement. More detailed information on tenure criteria can be found in Section 2.3 of the Faculty Handbook.

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.

If, in the course of reviewing an individual case, the committee becomes concerned that the standards of a department, or a school or college, are inconsistent with Cornell's high standards or otherwise not in the best interests of the university, it shall report this separately to the Provost. FACTA will not use these concerns in reaching a tenure recommendation for the individual involved.

Appendix 2

FACULTY ADVISORY COMMITTEE ON TENURE APPOINTMENTS

The Faculty Advisory Committee on Tenure Appointments (FACTA) is established to advise the Provost on proposed promotions to tenure, as well as proposed denials of tenure by a dean after a positive recommendation from the department. Review of tenure recommendations for those who have achieved tenure at another institution will be at the discretion of the Provost.

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. In addition, the appointments within a given year shall also be staggered among the review cycles to minimize the transitional impact upon the committee¹. 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 documentation and the evidence in the tenure file are sufficient to show that the candidate has demonstrated excellence in carrying out the responsibilities of the position, and unusual promise for continued achievement. More detailed information on tenure criteria can be found in Section 2.3 of the Faculty Handbook.

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

¹ The Nominations and Elections Committee will provide a procedure to accomplish this additional staggering within the year.

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.

If, in the course of reviewing an individual case, the committee becomes concerned that the tenure requirements and criteria of a department, or a school or college, are inconsistent with Cornell's high standards or otherwise not in the best interests of the university, it shall report this separately to the Provost. FACTA will not use these concerns in reaching a tenure recommendation for the individual involved.

A. Positive Recommendations by the Dean

Four members of the committee chosen at random will read each file. Each member will independently prepare a 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.

If any one of the four has reservations, each member of the full committee will then 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. Each committee member will vote yes or no on the issue of whether the tenure file presents convincing evidence (based on an assessment of the strength of the candidate as summarized by prior substantive reviews) that the candidate has satisfied the requirements for tenure contained in the legislation or by-laws of the candidate's school or college.² The committee's decision, including the individual evaluations, revised on the basis of the discussion as each committee member sees fit, will be sent to the Provost. Committee members must be present in order to cast a vote on a candidate. The committee will make its recommendations within four to six weeks of receiving a file.

All members of the full committee shall have access to all recommendations sent to the Provost.

² For various reasons, the file of a candidate deserving of tenure may not demonstrate that fact. Thus a vote of No on the issue as stated may not mean that the candidate does not deserve tenure.

If the Provost rejects the Committee's recommendation, the faculty requests the Provost meet with FACTA to discuss the disposition of the case. This meeting should occur, if possible, prior to Trustee action.

B. Negative Recommendations by the Dean

If a dean reaches a preliminary decision to deny tenure to a non-tenured faculty member whose promotion to tenure has been recommended by his or her department, the dean will forward the file, together with an explanation for the preliminary decision to the Provost. If the Provost does not have any concern or reservation about the dean's proposed action, she or he will so inform the college dean. If the Provost does have any concern or reservation, she or he will forward the file to the committee, who will consider it at a meeting of the full committee, following the procedures used by the committee in cases following positive recommendations by the dean. After receiving the committee's recommendation, the Provost will consult with the dean. Until the dean has received a response from the Provost, the dean's decision will be considered provisional. The University Level Appeal Procedure shall not commence until the dean's decision is final, and is not supplanted in any way by FACTA consideration.

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 he/she will recuse him or herself from the case. If any member of the committee 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. This report shall not divulge case-specific information.

The original was adopted by the Faculty Senate, November 12, 1997; amended May 12, 1999; amended October 11, 2000; amended April 14, 2004.

Appendix 3

To: Members of the Faculty Senate

From: Ad hoc Committee on Strategic Corporate Alliances

The attached statement of proposed principles and best practices regarding strategic corporate alliances represents several months of information gathering and thoughtful discussion by our committee. We have had the benefit of informal consultation with knowledgeable people in the administration, which has revealed much common ground and some areas in which we may ultimately have to agree to disagree.

This draft -- with the exception of one section, A.4. Licensing -- represents the consensus of all the members who have taken active part the committee's discussions (listed below). (The committee has not completed its discussions on Licensing, but is generally agreed that something on the topic should be included for your discussion.) We believe the appropriate next step is broader vetting of the draft through discussion by the Senate, to be followed by more formal consultation with appropriate administration officials.

So far as we can determine, no other university faculty has attempted to examine so comprehensively the implications of these arrangements, and to specify in advance a set of guiding principles and best practices. It is to Cornell's credit that both the administration and the Board of Trustees have already issued statements addressing some of the questions raised by strategic corporate alliances. This Statement continues, and extends, the process of institutional engagement with these important questions.

Elizabeth Earle, Plant Breeding, Faculty Trustee
John Guckenheimer, Mathematics
Risa Lieberwitz . Industrial Labor Relations
David Levitsky, Nutritional Science
David Pelletier, Nutritional Science
Peter Stein, Physics, Faculty Trustee
Elaine Wethington, Human Development
Steven Wolf, Natural Resources

Charles Walcott , Neurobiology & Behavior, Dean of the Faculty
Cynthia Farina, Law, Associate Dean of the Faculty, Chair of the Ad Hoc Committee

D*R*A*F*T* 4-1-04**FACULTY STATEMENT OF PRINCIPLES & BEST PRACTICES
CONCERNING STRATEGIC CORPORATE ALLIANCES**INTRODUCTION

Historically, research universities and for-profit corporations have had very different goals, and very different ways of organizing to achieve those goals. The goals of the research university have characteristically included the creation of new knowledge and its broad dissemination. The university typically pursues these goals by affording faculty the freedom to define their own research agendas, and by protecting unrestricted access to the results of scholarship and research. The primary goal of the for-profit corporation has characteristically been to generate a return on investment for its shareholders. The corporation typically pursues this goal by channeling the efforts of its employees towards the objectives defined by corporate leadership, and by utilizing the intellectual property its employees produce for commercial purposes.

While acknowledging these distinctive characteristics, we also acknowledge that harnessing the methods of universities and corporations to work in tandem towards a single purpose could yield great social benefit. Indeed, Cornell is well-attuned to the possibilities of such collaboration. Whether expressed in Andrew Dixon White's revolutionary commitment to pairing technological with classical education, or in the land grant mission to couple research with the practical education of society, Cornell has a rich history of working with both public and private research sponsors. But it is equally part of Cornell's history to guard academic values jealously. For example, it has refused to sacrifice public access to new knowledge by permitting classified research on campus³. It has been a strong proponent of peer review in allocation of research funds, declining offers of earmarked funding from Congress that lacked this hallmark of academic integrity. In each instance, Cornell has refused to compromise the values of open access and research autonomy in exchange for financial support.

Against this background, the faculty has considered the Strategic Corporate Alliance Plan. As modes of funding for scientific research change, the faculty both appreciates the need to find new sources of support for the research mission of Cornell and applauds the creativity and initiative the administration has shown in pursuing this idea. Faculty opinion is divided as to whether, in the end, Strategic Corporate Alliances

³ See Cornell University Guidelines on Sensitive and Proprietary Research, adopted by the Cornell Research Council on May 20, 1985, reproduced in Faculty Handbook at 91 ("Given the open nature of Cornell University, research projects which do not permit the free and open publication, presentation, or discussion of results are not acceptable. ... In particular, research which is confidential to the sponsor or which is classified for security purposes is not permitted at Cornell University.")

(SCAs) will benefit the university.⁴ Some fear that the corporate and university cultures are too incommensurate for true partnership. Others are more optimistic and believe that mutually beneficial collaborations are possible without compromising Cornell's academic values and mission. In any event, there is broad agreement that Alliances must be carefully managed at all stages: negotiation, initial implementation, ongoing oversight, post-hoc assessment and, if warranted, policy and practice modification. Attention to the following principles and practices will help ensure that Cornell retains its academic integrity as it enters into these new collaborations.

It will be noted that many of these principles and practices are germane to sponsored research other than SCAs – and, in some instances, to all research. Indeed, study of this topic has suggested areas in which the faculty might be well advised to examine the adequacy of existing university policies and/or to formulate new ones.⁵ Nevertheless, the fact that the administration is actively pursuing SCAs makes it imperative that faculty guidance on corporate alliances not be delayed pending possible broader policy review.

Perhaps more important, good reasons exist for concluding that concerns about academic freedom and responsibility, conflicts of interest, etc. – although present in many research settings – are heightened in the context of SCAs. These reasons include: the potential scale and comprehensiveness of SCAs; the role of the corporate partner in management of the alliance and allocation of research funding through it; and the contemplated presence of the corporate partner's employees in the participating department/program on a day-to-day basis. Thus it is important that those responsible for negotiating, approving, and monitoring SCAs focus specifically on such values as academic freedom and avoiding conflicts of interest, and be more than usually sensitive to protecting them within the context of each alliance.

Several of the principles and practices called for here are also endorsed in the following documents:

- Trustee Document: Considerations & Principles Regarding Strategic Corporate Alliances (May 22, 2003), issued by the Research Subcommittee of the Board of Trustees
- Cornell Document: Current Cornell Principles to Guide Development of Strategic Corporate Alliances (undated)
- Cornell University Strategic Corporate Alliance Plan (7/30/03)

⁴ “A strategic [corporate] alliance is a comprehensive, formally managed company-university agreement centered around a major, multi-year, financial commitment involving research, programmatic interactions, intellectual property licensing, and other services.” Cornell University Strategic Corporate Alliance Plan (7/30/03 version) at 1.

⁵ Compare Trustee Document: Considerations & Principles Regarding Strategic Corporate Alliances ¶ IIa (“A review of the University's intellectual property right policies ... should be undertaken, optimally before any major strategic alliances are concluded”).

To the extent that the trustees, the faculty, and the administration have arrived at similar understandings of the important considerations in assessing any potential SCA, the faculty is encouraged by this degree of consensus. This Statement, however, addresses several issues that are not addressed in any of the above documents. Moreover, in a small but significant number of instances, this Statement takes a position that is, or may be, at variance with the position taken in the Cornell University Strategic Corporate Alliance Plan (7/30/03).⁶

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

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

SCOPE OF THE STATEMENT

Because the Cornell Strategic Alliance Plan (7/30/03 version) defines SCAs as “*comprehensive*” agreements centered around “*major*, multi-year financial commitment[s],” it is the intent of this Statement that its Principles and Practices apply to all SCAs.

If, however, experience reveals that some alliances are in fact less comprehensive in their scope and/or sweeping in their impact, it may be appropriate for LAC to suggest a threshold for triggering the full procedural review required here. In that event, careful review of this Statement will be necessary to identify provisions that apply irrespective of size of the alliance.

By the same token, the Principles and Practices called for by this Statement should not be avoided merely because a private research support arrangement is not formally labeled a corporate strategic alliance.

⁶ Those instances are flagged in the text below. Sometimes, the text of the SCA Plan is *capable* of being interpreted in a way consistent with this Statement, but inconsistent interpretations are also possible.

**PRINCIPLES & BEST PRACTICES
TO BE CONSIDERED DURING THE
TARGETING, NEGOTIATION, APPROVAL, IMPLEMENTATION, AND OVERSIGHT
OF STRATEGIC CORPORATE ALLIANCES**

A. THE POWER TO CHOOSE RESEARCH TOPICS FREELY AND THE ABILITY TO PUBLISH RESULTS PROMPTLY AT THE TIME OF ONE'S CHOOSING, WITHOUT REGARD TO OUTCOME, ARE BASIC ELEMENTS OF ACADEMIC FREEDOM.

1. Research Autonomy Should Be Safeguarded.⁷

Autonomy in selecting the topics and direction of research is a defining distinction between holding a faculty appointment, and working as a non-academic employee or as a consultant for hire. Obviously, no faculty member or graduate student should be coerced into participating in any project funded by an SCA.⁸ But research autonomy will not be preserved merely by prohibiting direct coercion. Rather, the entire circumstances of the department/program must be evaluated to ensure that there remain sufficient institutional resources and support to allow the flourishing of research not allied with the SCA.

To be sure, constriction of research freedom by the pressure of donor preferences is not unique to SCAs. Unless a gift is unrestricted, sponsored research (public and private) always forces the researcher to choose a project of interest to the sponsor. However, the potential magnitude and comprehensiveness of SCAs substantially enhances the threat. Therefore, the key question is whether the SCA occupies so much of the department's/program's potential research capacity that it crowds out non-conforming research agendas.

An SCA should be approved only if faculty within the department/program will, as a practical as well as theoretical matter, retain a sphere of freedom to pursue research topics of their own choosing – either within the SCA or by seeking alternative support for such projects. Factors relevant to this assessment include:

- (a) the proportion of department/program faculty expected to receive all or most of their funding through the SCA;
- (b) the magnitude of any unrestricted funds available within and outside the SCA;
- (c) the proportion of department/program physical, administrative, support, and other resources devoted to SCA projects;

⁷ Compare Trustee Doc: Considerations & Principles ¶ II.1 (“The academic independence of the University and the integrity of the Cornell name will be paramount.”)

⁸ Compare Trustee Doc: Considerations & Principles ¶ II.4 (“Faculty participation in any alliance, as outlined, will be voluntary.”). See also id. ¶ VIII.1.

- (d) the narrowness or breadth of the type of projects fundable through the SCA;
- (e) departmental/ program commitments to funding diversity of research beyond the SCA;
- (f) whether the success of the SCA has been identified as one of the strategic goals of the department, thereby putting undue pressure on faculty to take part in it;
- (g) likely effect of the SCA on projects/programs traditionally conducted in the public interest.

Particularly in light of these concerns, the faculty commends the administration's commitment to obtaining, in the SCA agreement, both full recovery of overhead costs and a philanthropic portion of funding.⁹ The former is essential to ensure that other Cornell resources are not covertly underwriting the SCA and so exacerbating the problem of crowding out. The latter can affirmatively expand the sphere of research freedom if it is channeled to support meritorious projects that do not readily attract sponsors..

2. RESTRICTIONS ON RELATIONSHIPS BETWEEN FACULTY OR STUDENTS AND "COMPETITORS" OF THE CORPORATE PARTNER SHOULD BE MINIMIZED.

Agreeing to restrict faculty or student relationships with "competitors" of the corporate partner both shrinks the sphere of potential alternative research support and inhibits the public dissemination of knowledge that is a central part of the university's traditional mission. Therefore, such promises should be made only sparingly, and should be very narrowly drawn.¹⁰ In particular:

- (a) The group of "competitors" should be *defined in advance* at the time of entering into the SCA, should be *as limited as possible*, and should in any event include *only for-profit* entities.
- (b) The "when" should be very clear, covering only work done *simultaneously* for the corporate partner and the competitor.
- (c) The "who" should be very clear, covering only the *same* faculty member or graduate student.
- (d) The "what" should be very clear, covering only *similar* work as defined in

⁹ See Cornell SCA Plan at 6, 8.

¹⁰ Compare Cornell SCA Plan at 6-7: "Among the benefits Cornell may offer companies are: ... Agreement that Cornell will not enter into research sponsored by competitors that involves the same investigator and similar work."

advance at the time the faculty member's project is funded through the SCA.

Legally justified claims to protect trade secrets or similar proprietary data from competitors can be more broadly recognized, but the scope of claimed protected material should be clearly identified in advance whenever possible.

In a related but more subtle area, it is important that commitments in an SCA to "facilitate" access by the corporate partner to Cornell faculty and students¹¹ not become the effective equivalent of discouraging such access to the partner's competitors. A properly conceptualized SCA is a collaboration supporting academic research of interest to the corporate sponsor – it is not a joint venture in which a Cornell department/program becomes a remote research facility "belonging" to the sponsor.

3. INTERFERENCE WITH PUBLICATION SHOULD BE MINIMIZED.

Any censorship of the content of publication by the corporate partner (beyond legally justified claims to protect trade secrets or similar proprietary data) is obviously unacceptable. However, even "first look" rights can threaten academic freedom and inhibit public dissemination of knowledge. In some fields or sub-fields, timing is so critical that an enforced delay of even 30 days can be significant, and 90 days can be disastrous. Moreover, the right of delay is susceptible of being misused to waylay undesirable results.

Therefore, granting "first look" rights should be understood as undesirable from the University's perspective.¹² Rather than being routinely offered as part of an SCA,¹³ they should be regarded by University negotiators as a *significant* concession that will be made only for good and sufficient reason. Moreover,

- (a) To minimize disputes over publishability and to protect graduate students, the scope of claimed proprietary or other protected material should be clearly identified in advance whenever possible.¹⁴

¹¹ See Cornell SCA Plan at 7: "Among the benefits Cornell may offer companies are: ... Facilitated access to facilities, faculty and students."

¹² Compare Cornell University Copyright Policy (adopted by Board of Trustees Executive Comm., 6/28/90) ("As a matter of principle and practice, the University encourages all members of the Cornell community to publish without restriction their papers, books, and other forms of communication in order to share openly and fully their findings and knowledge with colleagues and the public.")

¹³ See Cornell SCA Plan at 6-7: "Among the benefits Cornell may offer companies are: ... First look at discoveries."

¹⁴ Compare Cornell Guidelines on Sensitive and Proprietary Research, Fac. Hand. at 91 ("Such information [i.e., proprietary] must be identified as such in writing when transmitted and the condition of its acceptance specified.")

(b) If first look rights are given, they must be accompanied by conditions and safeguards that should, at a minimum,¹⁵ include:

- (i) separately identifying each medium (journal publications, external presentations, dissertations, etc.) included in first-look review;
- (ii) such rights should never extend to work beyond that funded directly through the SCA;
- (iii) the corporate partner should to be urged to develop a rapid clearance procedure (i.e., considerably shorter than 30 days) for time-sensitive material and circumstances such as external presentations;
- (iv) the right to delay beyond 30 days should in no event extend beyond 90 days;¹⁶
- (v) the corporate partner should give explicit written assurances in the SCA agreement that the right to delay will not be invoked for the purpose of temporarily suppressing undesirable results;
- (vi) exercise of the right to delay beyond 30 days should be justified in writing by the corporate partner¹⁷ and monitored by the Joint Steering Committee (see Section C) to ensure that it is not being used as a means of censoring results.

4. LICENSING OF INVENTIONS DERIVED FROM SCA-FUNDED WORK [N.B. THIS SECTION IS STILL UNDER DISCUSSION BY THE AD HOC COMMITTEE ON SCAS AND DOES NOT REPRESENT A CONSENSUS VIEW OF THAT COMMITTEE]

Cornell has repeatedly reaffirmed its fundamental commitment to faculty “shar[ing] openly and fully their findings and knowledge with colleagues and the public,”¹⁸ and has recognized that “the University’s primary obligation in conducting

¹⁵ Regulations from the Office of Sponsored Programs may impose additional limitations on first look rights.

¹⁶ Compare Current Cornell Principles (undated) No. 3 (“Reasonable delays would be permitted for review for confidential company information, patentable subject matters and, if appropriate, preparation of patent applications. In no case will the total delay exceed 90 days.”)

¹⁷ Compare Cornell Guidelines on Sensitive and Proprietary Research , Fac. Hand. at 91 (“Beyond the thirty days, delays of up to three months are acceptable on the basis of a *formal request* from the sponsor.”) (emphasis added)

¹⁸ Cornell University Copyright Policy, General Statement.

research is the pursuit of knowledge for the benefit and use of society.”¹⁹ Moreover, it has acknowledged its obligation “to seek assurance that any patent right be administered consistent with the public interest.”²⁰

In light of these commitments and obligations, licensing of inventions derived from SCA-funded work should, whenever possible, take the form of non-exclusive licenses to the corporate partner to use university-owned patents. By giving the licensor a monopoly over use of the patented invention, exclusive licensing inevitably interferes with full and open sharing of the results of academic research. Moreover, it may, unless circumstances are very carefully assessed, allow the principal beneficiary of the patent right to become the private, rather than the public, interest.²¹

In the event that exclusive licensing rights are given to the corporate partner, such rights should be as narrowly drawn as possible. For example, they should cover the fewest number of patents, for the shortest period of time that can be negotiated.

Most important, all SCA agreements should include a provision protecting Cornell's right freely to use and distribute research methods and results to academic researchers at Cornell and other academic settings. Even if an exclusive license is granted, these rights to use and distribute methods and results for academic research must be retained.²²

5. ANY INTERFERENCE WITH ACADEMIC FREEDOM SHOULD BE REPORTED TO THE DEAN OF FACULTY, WHO IN ADDITION TO COUNSELING ORDINARY REMEDIES WILL ENSURE THAT SUCH REPORTS ARE TRACKED.

Any faculty member who experiences interference with academic freedom in connection with an SCA should seek the assistance of the Dean of the Faculty.²³

¹⁹ Cornell University Patent Policy, ¶ A.1.

²⁰ Id. ¶ A.2.

²¹ The Patent Policy recognizes that “the development and marketing of inventions resulting from University research so as to reach a public usefulness and benefit ... may require various forms of agreements including the granting of exclusive licenses.” Id. ¶ F. The challenge, of course, is accurately predicting the circumstances in which exclusive licensing will indeed be the optimal strategy for developing the invention in the public interest.

²² Compare Cornell Principles (undated) No. 5 (“Cornell will retain the right to practice any inventions for its own research and education purposes, and will retain the ability to distribute any biological materials created under a corporate research sponsorship to other academic researchers.”)

²³ See Faculty Handbook at 89 (statement on research freedom of faculty, indicating that those who are threatened or harassed in the exercise of this freedom “should seek assistance through the Dean of Faculty.”)

Moreover, “[i]ndividual faculty members are encouraged to speak out on behalf of a fellow faculty member's academic freedom, either individually or through the Faculty Senate and its committees”²⁴ or by seeking the assistance of the Dean of the Faculty.

In such circumstances, the Dean of the Faculty should counsel the faculty member as to the range of remedies ordinarily available for such interference. In addition, he/she should (1) report the complaint to the Local Advisory Council (LAC), who should take such complaints into consideration as part of its periodic review of the operation of the alliance (see Section E.2); and (2) ensure that a database is being maintained of such complaints, in order that they may be appropriately considered in assessing the experience under particular alliances and SCAs in general.

B. ACADEMIC FREEDOM ENTAILS THE RESPONSIBILITY TO UNDERTAKE AND PRESENT RESEARCH WITH OPENNESS AND INTEGRITY, AND CONDITIONS MUST BE MAINTAINED IN WHICH FACULTY CAN FULFILL THIS RESPONSIBILITY.

Academic freedom brings with it the responsibility of disinterested integrity in the conduct of research and the publication of results. While this responsibility attends all research, sponsored or not, the comprehensiveness and scale of an SCA and the pervasive influence of the corporate partner may make it particularly difficult to maintain the conditions in which faculty are able, and motivated, to fulfill their responsibility.

1. NO RESTRICTIONS ON REVEALING THE SPONSORSHIP RELATIONSHIP ARE PERMISSIBLE.

No SCA should contain any provision that permits, or even implies, that the corporate partner has the right to forbid faculty or graduate students from disclosing SCA sponsorship of research. Oversight of SCA implementation should be sensitive to any evidence that the corporate partner (or its on-site employees) is exerting pressure on faculty or graduate students not to disclose sponsorship.

Forthright disclosure of the sponsorship of particular research is one of the simplest, and best, antidotes for the suspicion that the quality of work has been compromised by the interests of its sponsor. Increasingly, external review organizations, top journals, and even entire disciplines are adopting norms that require disclosure of sponsorship relationships as a matter of course. It may be that Cornell ought consider adopting a university-wide rule in this area, as a way to safeguard the integrity of research that is so essential to the academic mission. Such a norm would protect faculty from pressure not to reveal sponsorship affiliation when publishing results that are counterproductive, embarrassing, or otherwise undesirable from the sponsor's perspective.

²⁴ Id.

2. MULTIPLE SIMULTANEOUS RELATIONSHIPS WITH THE CORPORATE PARTNER SHOULD BE CAREFULLY MANAGED.

SCAs pose significant challenges for departments/programs and for individual faculty in maintaining the line between academic independence and corporate employment. These challenges become even greater if the corporate partner seeks to employ faculty as consultants or independent contractors while faculty are also receiving funds through an SCA.

Such simultaneous arrangements must be very carefully managed, and must be avoided unless a clear separation can be maintained between work done as a faculty member of the university (though made possible through SCA sponsorship) and work for hire done for the corporate sponsor. See generally “Cornell University Conflicts Policy, Academic Policies/Responsibilities: Consulting”; Office of Sponsored Programs, “Guidelines for Consulting Agreements.” The circumstances of a particular SCA may make it prudent to require the corporate partner to forego entirely such simultaneous, potentially confusing side relationships with faculty receiving support through an SCA. Indeed, experience with SCAs over time may reveal that general guidelines in this area are possible and appropriate.

3. ANY INTERFERENCE WITH A FACULTY MEMBER’S RESPONSIBILITY TO PUBLISH RESULTS, REGARDLESS OF EFFECT ON THE SPONSOR, IS UNACCEPTABLE.

To be consistent with academic integrity and responsibility, a faculty member’s decisions about whether and when to publish results must be based on objective assessment of the value of the work, using the standards and norms of the discipline – not on perceptions about the likely reaction of the sponsor to publication. Unfortunately, effectively insulating faculty from pressure to behave in ways that will please their sponsor is difficult – especially when the sponsor has committed large amounts of funding to the department/program over multiple years. The difficulties are multiplied when the faculty member has been working side by side with employees of the corporate partner, who understandably share their employer’s interests.²⁵

At a minimum, the SCA agreement should contain an explicit written commitment that neither the corporate partner nor its employees will attempt to dissuade faculty from publishing results obtained from sponsored research.²⁶ Such a provision at least puts the partner on notice that publication decisions lie solely in the realm of

²⁵ Among the duties of the new Director of Corporate Strategic Alliances is “keeping companies fully engaged” by “e.g., facilitating symposia, arranging visits, and placing company researchers in residence at Cornell. [The Director] ... will maintain close communication and coordination with Cornell faculty, and will help bridge any culture gap by exhibiting and encouraging mutual trust and synergy among scientists.” Cornell SCA Plan at 8.

²⁶ Compare Cornell Guidelines on Sensitive and Proprietary Research, Fac. Hand. at 91 (“Nor will the university enter into any agreements unless the principal and co-principal investigators have the final authority on what is to be published or presented.”)

academic judgment, and are an area in which the partner has no legitimate role. Beyond this, oversight of the SCA in progress must be alert to any indications that faculty are being induced to engage in self-censorship based on sponsor interests rather than appropriate scholarly norms.

C. PRIMARY DECISIONMAKING AUTHORITY OVER CORNELL RESEARCH MUST REMAIN WITH CORNELL DECISIONMAKERS.

The Corporate Strategic Alliance Plan calls for creation of a Joint Steering Committee to manage the SCA.²⁷ Beyond providing that the JSC will be “led by a Cornell and company representative,”²⁸ the Plan does not specify organizational or operative details of the JSC. Under the Plan, the JSC “will review and select faculty proposals for funding,” through a process involving “internal faculty Requests-for-Proposals.”²⁹

1. THE MANAGEMENT GROUP SHOULD CONTAIN NON-PARTICIPATING, AS WELL AS PARTICIPATING, FACULTY.

The JSC should contain some faculty members who are not direct stakeholders in the SCA. Being themselves outside the funding opportunities of the alliance, their perspective can help provide balance and objectivity, flag potential conflicts and other incipient problems, and prevent the fact or appearance that the enterprise is becoming inbred. Moreover, participation of disinterested faculty gives additional reassurance – both within and outside the department/program involved – that funding decisions will be evenhanded, and that the SCA is being managed with due regard for the values and mission of the university as a whole.

2. DAY-TO-DAY MANAGEMENT OF THE SCA SHOULD BE BY CORNELL FACULTY, NOT CORPORATE REPRESENTATIVES.

One fundamental touchstone must never be lost: This is academic research, not corporate research.³⁰ If there is a Director of the alliance (see Section D.3), that Director

²⁷ Cornell SCA Plan at 6, 7, 8.

²⁸ Id. at 8.

²⁹ Id. at 8, 7.

³⁰ See Cornell Guidelines on Sensitive and Proprietary Research, Fac. Hand. at 91:

The university will accept only sponsored research projects which are expected to further the research and educational mission of the institution. While a sponsor may delineate the areas of research to be supported, the principal and co-principal investigators must have final authority for decisions on the course of the research program within these limits. The principal and co-principal investigators must also have final authority regarding employment of personnel for the project. In particular, research that is subject to a sponsor's approval of personnel is not permitted at the university.

must be a Cornell faculty member. If all management is to be done by the JSC as a committee of the whole, then Cornell representation must predominate. The corporate sponsor appropriately has a voice in management decisions, subject to the exception for actual funding awards discussed next. However, the sponsor should not be in the position of either having a representative as Co-Director or having equal representation on the JSC.³¹

3. CORPORATE REPRESENTATIVES SHOULD NOT PARTICIPATE IN THE ACTUAL SELECTION OF FACULTY PROPOSALS FOR FUNDING.

In keeping with the purposes of the alliance, representatives of the corporate sponsor can appropriately play a collaborative role in shaping the Request for Proposals from faculty desiring funding through the SCA. Once the relevant criteria have been settled and announced, however, the sponsor's role ends – or at least substantially diminishes.

We are a research university, not a vendor supplying a corporate customer's requirements. Therefore, the distribution of alliance funds to Cornell faculty, staff and students should be in the hands of Cornell, not the sponsor. The sponsor's interests and priorities can be expressed through the RFP; beyond that, decisions about which research receives support should be based on scientific merit assessed through conventional scholarly methods. (See Section D.) Corporate representatives on the JSC may appropriately participate in discussion of proposals, but these members should not have any role in the actual award decision.

D. OBJECTIVE STANDARDS, PEER REVIEW, AND SOME FORM OF EXTERNAL ACCOUNTABILITY PROTECT ACADEMIC INTEGRITY IN THE FUNDING PROCESS AND ENHANCE FAIRNESS.

Although the subject-matter interests and commercial priorities of the corporate sponsor may appropriately inform the general objectives of the alliance, the process for funding research through the SCA should follow traditionally respected academic protocols for proposal evaluation and grant awards.

1. THE JOINT STEERING COMMITTEE SHOULD PREPARE REQUESTS FOR PROPOSALS THAT SPECIFY AS CLEARLY AS POSSIBLE THE CRITERIA THAT WILL GOVERN GRANT AWARDS AND THE PROCESS FOR APPLICATION.

Clear and detailed notice of the criteria and the process for obtaining funds through the SCA serves several purposes. Most obviously, it enables participating faculty to design their proposals as effectively as possible. In addition, it facilitates the job of those who will be reviewing the proposals (see Section D.2). Finally, from an institutional perspective, it is a small but important piece of the transparency that allows external monitoring to confirm that research funding through the alliance has been

³¹ Compare Cornell SCA Plan at 6-7: "Among the benefits Cornell may offer companies are: ... Shared management of the Alliance via Joint Steering Committee."

evenhanded and based on scientific merit. (See Section E.2).

2. PROPOSALS SHOULD BE EVALUATED BY NON-PARTICIPATING CORNELL FACULTY COMPETENT TO ASSESS THEIR MERIT.

Peer review by disinterested scholars remains the premier method of assessing the merit of academic work. Cornell recognizes this in a number of relevant settings; for example, it constitutes internal peer review panels to evaluate proposals for the Affinito-Stewart Grant Program of the President's Council of Cornell Women.

After proposals are submitted in response to the RFP, internal peer review panels of non-participating faculty should be constituted to evaluate their merit. Factors to be considered may include the mission statement of the alliance. These evaluations need not be lengthy; examples of modest-length evaluation instruments exist from other programs. The important point – vital to honoring the principle that we are engaged in academic, not corporate, research – is that genuine, disinterested peer review occur.

3. FUNDING DECISIONS SHOULD BE MADE IN A WAY THAT ENHANCES ACCOUNTABILITY, AND SHOULD BE THE SUBJECT OF PERIODIC EXTERNAL REPORTING.

The final step in the grant process – deciding which proposals to fund – should be structured to maximize accountability. This goal can be accomplished by placing ultimate responsibility in the hands of an alliance Director who will make grant award decisions (after receiving the peer review assessments) with the advice and consent of the JSC.

Note the important constraints that Section C.3 imposes on this: The Director must be a Cornell faculty member, and the corporate JSC representatives may not participate in actually voting on the list of grant nominees.

The Director should prepare a report of funding decisions from each grant cycle and submit this report, along with the relevant RFP, no less frequently than annually to the Local Advisory Council (LAC). (See Section E.2). This report should be sufficiently detailed in describing projects both funded and not funded that LAC can satisfy itself that research support through the alliance has been evenhanded and based on scientific merit.

E. BECAUSE SCAS REPRESENT AN IMPORTANT BUT POTENTIALLY HAZARDOUS EXPERIMENT IN SUPPORTING THE CENTRAL RESEARCH MISSION OF THE UNIVERSITY, THE FACULTY, THROUGH ITS REPRESENTATIVES, SHOULD HAVE A CENTRAL ROLE IN THEIR APPROVAL AND OVERSIGHT.

Both the Trustee Document: Considerations & Principles and the Cornell University Strategic Corporate Alliance Plan (7/30/03 version) commendably contemplate that LAC will play a key role in review, approval and oversight of SCAs.³² LAC's substantive expertise, its tradition of providing rigorously independent faculty

³² See Trustee Doc: Considerations & Principles ¶ VII; Cornell SCA Plan at 5.

judgment within a constructive working relationship with the administration, and its demonstrated ability to handle sensitive information appropriately, all make it the logical first choice for this role.

Nonetheless, some caution in calling upon LAC is appropriate. This committee already performs a vital service that places heavy demands on the time of its member faculty.³³ If a complex SCA were to be proposed and/or if multiple SCAs were simultaneously to be undertaken, the burden could quickly become overwhelming. The faculty role in approval and oversight contemplated by this Statement is significant, and should not be undermined by entrusting it to a committee which, no matter how well-qualified and well-intentioned, is simply too busy with other important matters to carry it out. Therefore, although this Statement refers to LAC as the faculty committee with responsibilities in this area, entrusting the responsibilities to some other faculty committee might prove necessary.

1. NO SCA SHOULD BE ENTERED INTO WITHOUT THE APPROVAL OF LAC, WHO SHOULD BE INVOLVED EARLY ENOUGH IN THE PROCESS THAT THE AGREEMENT IS NOT A FAIT ACCOMPLI. AMENDMENTS TO AN SCA SHOULD ALSO RECEIVE LAC APPROVAL. LAC SHOULD REPORT ITS CONCLUSIONS TO THE DEAN OF THE FACULTY, AS WELL AS TO THE APPROPRIATE ADMINISTRATION OFFICIALS.

Finalization of an SCA should not occur unless and until LAC has reviewed its terms and determined that the SCA – both in concept and, so far as can reasonably be predicted, in likely implementation – is consistent with this Statement and any refinements suggested by practice and experience under it. Moreover, LAC should be involved early enough in the process of attempting to form an SCA that it can have meaningful input in changing problematic elements. This timing issue is a point of considerable sensitivity for several reasons.

Involving LAC early in the process will raise concerns. From the perspective of the negotiators, the period before key terms of the deal are finalized is understandably viewed as highly confidential, volatile, and vulnerable to private leaks or unguarded public statements. Multiplying participants multiplies risks. From the perspective of the faculty, involving LAC while bargaining is active poses the danger that LAC will become invested in achieving an SCA. LAC's role as independent reviewer is compromised if it becomes a stakeholder in getting to an agreement.

On the other hand, too-late involvement also carries serious risks. If LAC does not review the proposal until the deal has been effectively struck between the

³³ Currently, LAC performs two principal functions. It advises the administration, through the Vice Provost for Research, on key issues pertaining to the research enterprise at Cornell. Recent examples include review of the Center for the Environment and the Ward Center for Nuclear Sciences. In addition, it reviews proposals and nominations and makes recommendations regarding the relative ranking of Cornell candidates for external grants and awards in cases where the competition is limited to a fixed number of applications or nominations.

administration and the corporate sponsor, the costs of disapproval become enormous. Considerable time and effort will have been expended by administration and corporate officials (often at the highest levels of both organizations), faculty in the involved department/program will have become invested in going forward, and a great deal of money and other research support is likely sitting on the table. LAC objections at that stage may divide the faculty against itself, and will surely put the faculty and the administration on a high-stakes collision course from which no one benefits.

In arriving at the form and timing of LAC involvement that best balances these various risks, the faculty must largely rely on the administration. The Cornell SCA Plan (7/30/03 version) contemplates LAC involvement at the point at which the negotiations team has reached a Memorandum of Understanding (MOU).³⁴ An alternative model, that we encourage in the spirit of open and thoughtful faculty consultation, would be a carefully selected subcommittee of LAC who is initially briefed on the target project, who is kept informed by the negotiating team of any significant policy issues as they emerge, and who then can take an informed lead in full committee discussion of the MOU. In any event, subsequent to the MOU, LAC must *also* review and approve the final version of the SCA.

Recognizing that experience and/or external events might prompt changes during the term of an alliance, the Cornell SCA Plan provides for the possibility of amendment.³⁵ The advice and consent of LAC should be sought before any not insignificant amendment is made to an SCA.

After it has made its assessment of the MOU, the final version of the SCA, or any amendments, LAC should communicate its conclusions to the Dean of the Faculty, as well as to the appropriate members of the administration.

2. LAC SHOULD REVIEW THE PERFORMANCE OF EVERY ONGOING SCA ANNUALLY, RECEIVING FROM THE JSC AND/OR THE ALLIANCE DIRECTOR PERIODIC REPORTS AND OTHER INFO AS NEEDED TO PERFORM THIS REVIEW. LAC SHOULD REPORT ITS CONCLUSIONS TO THE DEAN OF THE FACULTY, AS WELL AS TO THE APPROPRIATE ADMINISTRATION OFFICIALS.

No matter how carefully the faculty, the administration, and the trustees attempt to think through the issues SCAs will pose, we can be confident that alliance implementation will be a work in progress that needs refinement. The planned scale and comprehensiveness of SCAs may produce a variety of unanticipated consequences in practice – consequences, for individual faculty and for departments/programs, that differ not only from those produced by other forms of sponsored research, but also from one

³⁴ Cornell SCA Plan at 5. The MOU sets out the “key elements” of a proposed SCA (“the expectations of the parties and the source(s) of alliance funding”), but has not yet been approved by either legal counsel or senior management. *Id.*

³⁵ *Id.* at 6-7.

alliance to another.³⁶

Therefore, in addition to approving the initial agreement, LAC must review the actual implementation of SCAs. Annual review appears the appropriate starting point, although actual experience might reveal that the period between reviews can be lengthened without undue concern. (E.g., annual review in initial years of an SCA, then less frequent review as program administration becomes well settled). To conduct its review, LAC should receive from the JSC and/or alliance Director the reports of funding decisions (see D.3), and any other material LAC needs to determine that the SCA is being implemented consistent with this Statement and any subsequent refinements suggested by practice and experience under it. It should also consider any complaints forwarded from the Dean of the Faculty under Section A.5, along with the results of any university processes that have been invoked to resolve those complaints.

The LAC's annual review of SCA implementation should be communicated to the Dean of the Faculty, as well as to the appropriate members of the administration.

3. TO PERFORM ADEQUATELY THE FUNCTIONS OF APPROVING SCA AGREEMENTS AND REVIEWING THEIR IMPLEMENTATION, THE COMPOSITION OF LAC SHOULD BE BROADENED.

To the extent that it is engaged in review of SCA-related matters, LAC should be expanded to include significant representation from some or all of the following groups of faculty: (1) natural scientists with no personal stake in the alliance funding opportunities; (2) social scientists; (3) ethicists; and (4) researchers with experience in human and animal subjects research protocols.

Just as participation of disinterested faculty on the JSC helps expand the viewpoint of day-to-day alliance management (see Section C.1), so broadening the composition of LAC will enhance the range of perspectives that are examining SCA proposals and reviewing implementation. Broadening the expertise base of LAC review in this way could have very specific benefits. For example, private research is not covered by current federal law on human subjects research; therefore, the ramifications of the complex, and sometimes time-consuming, compliance procedures in this area may be outside the contemplation of the corporate partner. Ensuring that someone on LAC has this expertise could help bridge a potentially significant cultural gap.³⁷

³⁶ The Cornell SCA Plan acknowledges this by contemplating the creation of a new administrative position, the Director of Corporate Strategic Alliances, although the focus of this position may be more on facilitation of alliance activities than oversight of them. See p. 8.

See also Trustee Doc: Considerations & Principles ¶ IX ("The plan, and any alliances, will include provisions that will require periodic review and will allow the University to implement modifications or terminate alliances that were not judged to be successfully furthering Cornell's research or educational missions.")

³⁷ We assume that every SCA agreement will contain an explicit statement that research conducted under the alliance will comply with all rules, policies, and protocols applicable to other Cornell

More important, however, is the general benefit of bringing representatives of the larger university community into the process of SCA review, approval, and oversight. The addition of social scientists and ethicists, for example, will better position LAC to assess the alliance's ongoing impact on the department/program and on participating (and nonparticipating) faculty and graduate students.

F. ONCE AN SCA HAS BEEN FINALLY APPROVED BY CORNELL AND THE CORPORATE PARTNER, THE TERMS OF THE SCA SHOULD BE MADE AVAILABLE TO THE CORNELL COMMUNITY.

Transparency and openness are significant steps towards reassuring those who fear the effect of SCAs on Cornell's tradition of research autonomy and integrity. As the chair of LAC said in discussing his committee's report with the Faculty Senate, "We think the way to deal with these potential fears, from our committee's point of view is..., 'Let there be light'." Many of the practices set forth in this Statement implement this general principle.

Allowing the community to see for itself what is permitted – and forbidden – under the terms of an alliance is essential. Otherwise, an undertaking that will inevitably be the subject of considerable interest and debate may become the object of uninformed speculation and wild rumor. Obviously, confidentiality is essential while negotiations are pending. Once the agreement is final, however, the administration should work hard to overcome any reluctance, on the part of the corporate partner, to make the terms of the agreement public to the university community. Openness about such matters may be a cultural difference about which the corporate partner will require education; nonetheless, it has such a high value in this environment that the administration should be insistent.

research. Of course, it is a wholly separate matter whether the corporate sponsor *knows* the full extent of these rules, policies and protocols – and appreciates the practical implications they may have for how research is done and published in academia.

MINUTES OF A MEETING OF THE FACULY SENATE
Wednesday, May 12, 2004

Professor Mary Beth Norton, History and Speaker: “The chair declares that a quorum is present as it walks in the door. I would remind everyone here that no photos or tape recorders are allowed during the meeting, except for the official tape recording of the minutes. I ask you all to turn off your cell phones, which I just did. I will ask those of you who wish to talk to identify yourselves and your department affiliation when you speak. There are no Good and Welfare speakers at this time, so unless some emerge in the course of the meeting, we might actually get out early from the last meeting of the year. I will now call on the Provost for remarks and to answer questions.”

1. REMARKS BY AND QUESTIONS FOR PROVOST BIDDY MARTIN.

Provost Biddy Martin: “Good afternoon. My remarks have first to deal with the salary update. I will have a couple of other things to say at the end of this presentation, but I want to give you a faculty salary update. Why? Because, the news is good. If it were bad, I would still give you one, but I wouldn't be as happy about it.

“Please remember our goal. This was an initiative that Hunter Rawlings and I undertook three years ago. The Financial Policies Committee worked with us to define our goal, and faculty in a number of colleges encouraged us to set the goals and we did. The goal was to reach the average of the peer groups for endowed and contract colleges—on the endowed side by the end of a five-year period and on the contract side at the end of six years. The first year of the new salary program was 2001-02. The 2003-04 faculty salary increases are shown here (Appendix 1). On the endowed side there is a 5.4% increase and on the contract college side, 4.8%. You are then given the five-year average. If you have questions as I go along, you should feel free to interrupt. This graph (Appendix 2) shows the growth in the average salaries at Cornell within the contract and endowed. The trend is very, very positive.

“Here (Appendix 3) is a comparison of endowed and contract averages at this point—\$107,794 is the average of all endowed faculty on tenure track who are eligible according to this survey, which means actually not everyone, but let's not go into that, and \$89,519 on the contract side. In order to understand better whether there was really such a gap between the actual pay of faculty on the endowed side and faculty on the contract side, Carolyn Ainslie and her group decided to look at the payroll data. There is a very specific set of constraints on what we submit for this faculty survey. If you look at the calendar year gross pay as opposed to the average nine-month salary according to the rules set for the survey, you see that there is a different set of numbers for the endowed and contract side. You also see that as a percent of total pay, on the endowed side the nine-month salary is much higher than it is on the contract side. Why is that? Because 70% of contract college faculty actually have 11 month appointments. So what you see up here, the \$105,000 is actually the calendar year, actual pay, but the nine-month average is \$89,519. What else could be said to account for the difference between the endowed faculty average and the contract college faculty salary averages? You probably know yourselves. There is a different mix of faculty. Bear in mind that

on the endowed side, we include the professional schools. Salaries in the professional schools are significantly higher than they are in the other endowed colleges as well as in the contract colleges. If you take out the professional schools, the endowed faculty average is \$101,000, not the \$107,000 you see here. So there is a different mix of disciplines. We have the professional schools on the endowed side. There are other minor bits of noise that account for the difference. Right now, our office and Carolyn Ainslie's office, Budget and Planning, are working with the Financial Policies Committee of the Senate to do studies discipline by discipline to see whether there is this kind of distinction between endowed and contract college faculty pay, if we look at it across disciplines as opposed to these large averages. Are there any questions on that information?"

Professor Subrata Mukherjee, Theoretical & Applied Mechanics: "Is this for Ithaca?"

Provost Martin: "Ithaca only."

Professor Francis Kallfelz, Clinical Sciences: "Is there a difference on the contract side in the salaries between the professional college and the other schools?"

Provost Martin: "Yes, but what that difference is I couldn't tell you. We made an agreement not to do this college by college."

Professor Kallfelz: "Yes, I understand that. You made the point about professional schools on the endowed side."

Provost Martin: "As they say in the courtroom, I opened myself up. You are right, but if you will permit me to simply say yes without further information, I would appreciate it."

"So the endowed faculty salaries—you remember it was the Senate, the Financial Policies Committee in particular, that defined this group of peers on the endowed side. The point I want to make here actually is that when we started in 2000 - 2001, the gap between the peer average and our average for full professors was Hold it; that was a terrible transition to my major point. We are doing very well on our average as you can see (Appendix 4, Appendix 5). We imagined taking five years on the endowed side and six years on the contract side to get to the peer average. We are already at 99% on both sides, but we are doing less well on full professors than on the other two ranks. That's what I wanted to emphasize, but I got there too quickly. Now, be there with me."

"In 2000 - 2001 the difference between our full professor average and the average of the peers was 13.2%, last year it was 7.4%, and this year it is 4.7% *below* the peer average for full professors. So we are making progress there, too, but we are not doing quite as well (and I think that is predictable) as we are on beginning faculty salaries or at the associate level, where we are actually *above* the peer average already. Any questions about that?"

"On the contract side, it is also the case that we are not doing quite as well at the full professor level. There we lag the peers by 3.4% now. In 2001 on the contract side full

professor salaries lagged the peers by 11.9%, so again we are making progress. However, on the full professor end we are still not quite at the peer average."

UNKNOWN: "Is that based on nine months for the contract schools?"

Provost Martin: "Yes, that has been adjusted for the nine month period. Are there any other questions on that? This graph (Appendix 6) shows the wonderful progress we have made over the past three years. It is adjusted for inflation. Is it not, Carolyn? It wouldn't matter on this one but would on the next one. You have gotten the major points. I'll simply end by saying that we have now agreed for this next year on a range of increases in the various colleges between 3% and 6%. I have met with all the deans and have agreed with them based on the information they have given me about market in your particular disciplines in specific colleges, whether they should be on the lower or the higher end of the 3% to 6% (Appendix 7). So some colleges will be at the low end - that is, will see overall a pool of about 3% - and there is one college that will be as high as 6%."

Professor Richard Durst, Food Science and Technology, Geneva: "These numbers could be quite significantly biased by the numbers of junior faculty in the colleges. I was wondering if there is any way of normalizing these and also for comparing to peer universities in terms of the ratio of junior to full professors, for example."

Provost Martin: "The rank distribution is adjusted when we look at the peers. It is adjusted to match ours. We take our rank distribution and then we adjust the averages of our peers based on our rank distribution. Isn't that right, Carolyn? They are all adjusted to our rank distribution? So there is no gap there."

Carolyn Ainslie, Vice President, Planning and Budget: [Nodding yes.] "The endowed college peer salaries are adjusted by the endowed rank distribution. The contract college peer salaries are adjusted by contract rank distribution. That's the dilemma of having two separate peer groups there. Ron actually does the survey work for AAU on this, so he could probably tell you in a lot more detail."

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics: "All of the comparisons that you see use the Cornell rank distributions to compute the average salary at the other institutions. So the average salary for the other institutions will not be what you see published. We asked the question— if their rank distribution was the same as ours, what would the average salary look like?"

Professor Douglas Fitchen, Physics: "First, I commend you on the progress made so far, but note that there is still a way to go. I wondered if copies of these tables are available?"

Provost Martin: "They are available to the Financial Policies Committee of your group, the Senate. We haven't put them on the web, and we haven't made copies for all the senators, but there is no reason that we couldn't. I've just shown them to you, so if you wanted copies, you could have them."

Carolyn Ainslie: "The survey results are on the Institutional Research Fact Book pages already. We also put them in this format, which shows it relative to these particular peer groups. Last year, I think we sent it to the Dean and he posted it on the Faculty Senate web site."

Provost Martin: "If any individual wanted a hard copy for some reason immediately, you could ask me and I would give you my copy. Thank you for the commendation. You should be thankful to Hunter as well for having agreed to set this goal and having worked with us, with my office and Carolyn, to do what it would take to make the money available to do this, which has been considerable and which has also meant not being able to do other things."

Professor Brad Anton, Chemical and Biomolecular Engineering: "I'm sure this is an unpopular question to ask, but these numbers can be corrected for some sensible measure of the local cost of living, right? What is that index called? Runzheimer Cost of Living Index? If we were to do that, what happens?"

Provost Martin: "Cornell looks a lot better than many of these peers, but we made an agreement with the Senate, which I supported, not to do that."

Professor Anton: "I understand."

Provost Martin: "There were many reasons why people didn't want to have us use Runzheimer's Cost of Living Index and adjust the salaries on that basis. Again, at the time, I happened to feel strongly that it was right not to use the cost of living index. Now, I feel totally differently."

LAUGHTER.

Provost Martin: "No, I still feel the same way. Are there any other questions? We will still work on the full professor salaries, and we will work to get beyond 99% to 100% and over. We won't see the kinds of pools for the next several years that we have seen. Let me remind you, we always intended to front load the initiative, meaning that we had the biggest pools in the first two years. That was always the plan, so you would see a reduction in the total pools in any case, but perhaps a slightly larger reduction in the amount of pools over the next couple of years. Based on what we have seen the peers doing and anticipating what they will do over the next few years, we are still going to try and make more progress, especially on the full professor level. So that's the news."

"I think I still have about two more minutes? I just didn't want to talk only about salaries. Since it is the end of the year, I thought it would be important to announce a few things. I will rattle through them quickly. We are making enormous progress on the new Institute for the Social Sciences. It will be located in Noyes Lodge on Beebe Lake within the next two years. The language lab that is currently there will be moved and will make room for the Institute, which will operate to some extent on the model of the Society for the Humanities, which has brought such prestige and intellectual vitality to the humanities here. I think we should all feel extremely good and hopeful about the kind of intellectual environment in the social sciences that will be promoted as a result of that."

“We also have a lot of momentum still in the Life Sciences Initiative—a number of extremely good hires at the senior level but more of them at the junior level. The fund raising for the Institute for Cellular and Molecular Biology, which will be a cornerstone of that initiative when the new Life Sciences Building is up, is going well. The faculty are working hard to recruit senior scientists to lead some of the work in that institute in an area where traditionally we have not been strong enough in cell biology. Those efforts are also going well.

“As you know we have four new deans hired this year—Peter Lepage in Arts and Sciences, Mohsen Mostafavi in Architecture, Art and Planning, Stewart Schwab in the Law School, and now Lisa Staiano-Coico in Human Ecology, who just accepted the offer of the deanship in Human Ecology. She is currently Vice Provost for Medical Affairs linking Weill Cornell in New York with Cornell Ithaca, and I think she will do a stupendous job. Mohsen Mostafavi comes to us from the Architecture Association in London. You may have read about him in *The Cornell Daily Sun*; the story was completely wrong. It really was. It was completely offensive in the way they did the reporting, actually to my surprise, because the *Sun* has been doing such a great job, but this one was really off in the way that they went about getting their information. They basically copied an incorrect story in a newsletter. Anyway, he is coming despite all of the misleading and offensive press in this country about his departure from the AA, and he is an extraordinary intellectual and human being—one of the kindest people I have ever met. He was here for three days and very, very positively affected by the intellectual life of the campus. He is very hopeful about taking the College of Architecture, Art and Planning in a new direction.

“The book project, as you know, is Kafka’s *The Trial*, and it wasn’t chosen just because I’m in German Studies. In fact that had nothing to do with it, I promise you. We didn’t have as many faculty sign up for this as usual, at least on the first couple of tries, and I’m told that I should now send you a letter under my own signature. I could do that, but what I want to say is we have fewer scientists and engineers than usual, and I fear that you think you shouldn’t lead a discussion on the trial unless you know something about Kafka or early 20th century Prague or the Austro-Hungarian Empire, but I promise you that this book has so much relevance—do I need to spell it out?—in today’s political climate that you don’t need to be studied in German or European literature at all to use Kafka’s *The Trial* in a way that I think will be extremely interesting. So I hope that more of you who haven’t signed up will do so. I suppose I’ll end with that, although there is other good news. Intellectually I think we are thriving all over the place, and I would rather talk about that than just salaries.”

Speaker Norton: “Thank you. I will now call on Dean Charles Walcott for brief remarks.”

2. REMARKS BY DEAN CHARLES WALCOTT

Charles Walcott, Dean of the Faculty: “And I will be brief. We discussed suspension last time, as you may remember. This I have now presented to the deans who had various suggestions and possible amendments and modifications that they wanted to undertake, so discussions are ongoing, and it will be back to you in the fall for further

consideration. The Corporate Strategic Alliance is underway in terms of a document. It is under its final revisions, and we plan to send it to all the members of the Senate and to department chairs to be talked about a bit in the departments, and that will go out sometime during the summer for discussion in the early fall. Finally, I can report that there is going to be an outside committee coming in to review the possibility of a university club (Peter Stein's initiative with some of his colleagues). They are coming in August and are going to examine the situation here and will make a report as to its feasibility and offer suggestions. Finally, I have the sad duty to announce Bob Lucey's death. Bob was Associate Dean and Secretary of the Faculty for six years, and I would like if I might to have a moment of silence in his honor. Thank you."

3. APPROVAL OF MINUTES OF THE APRIL 14, 2004 SENATE MEETING

Speaker Norton: "The chair now asks the body for unanimous consent for approval of the minutes of April 14, which you have seen on the web site. Are there any objections? Seeing none, the minutes are declared approved. I now call on Cynthia Farina, Associate Dean and Secretary of the Faculty and chair of the Nominations and Elections Committee, for a report."

4. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Cynthia Farina, Associate Dean and Secretary of the Faculty and chair of the Nominations and Elections Committee: "Good afternoon. First, I am pleased to report the results of the election. These are our new trustee, senators-at-large, tenured and non-tenured, members of the Nominations and Elections Committee and University Faculty Committee. So I know you will join me in welcoming all of those.

Report of University Faculty Election

Faculty Trustee

Kathleen Rasmussen, CHE

Faculty Senate-at-Large, Tenured

Rosemary Avery, CHE

Peter Davies, CALS

Faculty Senate-at-Large, Non-Tenured

Susan Piliero, CALS

Nominations & Elections Committee

Cornelia Farnum, Vet.

Christine Olson, CHE

David Shalloway, CALS

University Faculty Committee

Elizabeth Earle, CALS

Ronald Ehrenberg, ILR

Alice Pell, CALS

This is the next batch of committee members for next year's committees for which the Nominations and Elections Committee seeks your approval."

Report from Nominations & Elections Committee
May 12, 2004

Academic Programs and Policies Committee

Peter Davies, CALS
 Shefford Baker, Engr.

University Benefits Committee

Sharon Tennyson, CHE

Faculty Advisory Committee on Athletics & Physical Education

Beth Ahner, CALS
 Jeffrey Haugaard, CHE
 Francis Kallfelz, Vet.
 James Maas, A&S

Local Advisory Council

Joel Brock, Engr.
 Thomas Gilovich, A&S
 Terry Herter, A&S
 Michael Kotlikoff, Vet.
 Jeevak Parpia, A&S

University Committee on Human Subjects

Parfait Eloundou-Enyegue, CALS
 Joseph Walther, CALS

University Conflicts Committee

Fred Gouldin, Engr.
 James Houck, A&S
 Kay Obendorf, CHE
 Fred Schneider, CS

University-ROTC Relationships Committee

Duane Chapman, CALS
 John Weiss, A&S

UNIVERSITY ASSEMBLY COMMITTEES

University Hearing Board:

Clare Fewtrell, Vet.
 George Hay, Law
 Anthony Ingraffea, Engr.

University Review Board:

Mandayam Parthasarathy, Alt., CALS

Speaker Norton: "Are there any objections to the list, which was sent to all of you in the committee report? I assume then unanimous consent to accept the report. I now call on Professor Ron Ehrenberg, chair of the Financial Policies Committee for a report regarding admissions and financial aid, and you did get a document about this."

5. REPORT FROM THE FINANCIAL POLICIES COMMITTEE REGARDING ADMISSIONS AND FINANCIAL AID

Professor Ronald Ehrenberg, Industrial and Labor Relations and Economics, chair of the Financial Policies Committee: "I would like to start off by thanking Vice President Ainslie and Provost Martin for their interactions with us over the past year. Carolyn has told me that she enjoys coming to our meetings, and committee members have told me that they really enjoyed interacting with her, so I think that they are doing something right. (FPC Report - Appendix 8)

"This semester, among other things, we have looked at financial issues relating to admissions and financial aid. This was motivated by a set of events. The first was a study by some researchers using data from the Consortium on Finance in Higher Education, which basically is a set of about thirty-five selected private colleges and universities, including the Ivy League institutions. The study discovered that on average only about 10% of the students at these institutions were coming from the bottom two-fifths of the family distribution of income. The vast majority of students were coming from the upper fifth of the income distribution and over half of the students were coming from the upper 5% of the family income distribution. Possibly because of this study, this motivated an announcement by Larry Summers, President of Harvard University, stating that no longer would Harvard expect any financial contribution from families with incomes less than \$40,000 towards their children's education. Following the decision by Princeton a few years ago to eliminate all loans from financial aid policies, we began to worry about the question of where is Cornell going to stand in the future in terms of our ability to attract students from all over the family income distribution.

"It turns out that Cornell, perhaps because of our founder, has always sought to attract any student; we have not focused our recruiting on students from particular social-economic backgrounds. For a long period of time we also have had policies in place (before the Princeton and Harvard announcements), which basically said that families with incomes of less than \$35,000 would not have any loans in their financial aid packages. We thought that we were probably doing OK, and it turns out that there is data on the distribution of family incomes that is public in terms of what fraction of undergraduate students at an institution receive Pell Grants. Pell Grants are the basic need-based financial aid program from the federal government, and you can sort of think roughly of the fact that virtually all students who receive Pell Grants come from families whose incomes are less than \$40,000-\$45,000 a year, which coincidentally is the cut-off point for the end of the second quintile in the family income distribution.

"So here is the data that we have for the last year that is available, 2001-2002, and we are happy to report to you that among all of the selected private universities and all of the Ivy League schools, Cornell currently does the best in terms of recruiting students from the lower two-fifths of the family income distribution. Now some members of our

committee said, 'Well, clearly, this is because of the contract colleges and how about if you look at the private part of the university?' So we sent Vice President Ainslie scurrying back to look at data for the private part of the university. It turns out that the percentage is roughly the same in the two parts of the university. On balance about 16% of the students in each part of the university receive Pell Grants. Across colleges there is some variation, but the variation is primarily in the endowed colleges where we range from a high of about 20% to 21% in Architecture, Art and Planning and a low of about 10.5% in Hotel. So this is the data.

"It is not up to our committee to say what the appropriate policy should be in terms of recruiting students from different points in the family income distribution. This is something that the admission and financial aid committee could look at. However, we did want to report this data to you, and our recommendation is that the university keep track of this type of information and report back to the Faculty Senate and also to the trustees on how they are doing. We know from our discussions with Vice President Ainslie that a lot of the trustees were very concerned when Harvard announced its new policy, and we think that information such as this should leave them feeling a little bit better."

Speaker Norton: "Any questions?"

Professor Lynne Abel, Classics: "In a previous life I had something to do with admissions in the College of Arts and Sciences. I am heartened by what you found out, but I am not at all surprised, because Cornell has consistently made it a high priority to try to recruit from various socio-economic classes. What Cornell has not had as a high priority, and what disturbs me very much that it is not even mentioned, is recruiting the smartest students we can. Our goal I think as a university is to have as high-powered as well as a socio-economically well-distributed class. Our financial aid policies, and the way we differentiate among candidates for the best packages (we are still all need-based and no one gets more than they need), but given the fact that we cannot compete with Harvard and Princeton in terms of how much self-help is required The average really good student pays something like, at least last year, \$9,600 in self-help, and the average at Princeton was I think something like \$4,000 or \$5,000. I'm not sure about that, but it's way, way lower than ours. We have by far the highest self-help expectations in the Ivy League. I think that at some point either your committee or the Committee on Admissions and Financial Aid, if that committee is active, needs to look at bringing our financial aid policies in how we award packages into alignment with our academic goals, which is to recruit as high-powered students as we can."

Professor Ehrenberg: "The committee has already discussed with Vice President Ainslie the desirability of collecting the academic indicators about our students as well as—we're not concerned just about family income distribution—and that way we would be able to track if our financial aid packages are allowing us to attract the students that we would like to attract. It is, unfortunately, not the purview of the Financial Policies Committee to say what financial aid and admissions policy should be. We look at the budgetary implications of that."

Speaker Norton: "One more question."

Professor Richard Burkhauser, Policy Analysis and Management and FPC member: "Could you put that last slide up again? Let me just respond to that, because although the members of the committee agreed it wasn't our purview, we nonetheless talked about it in our sessions. So let me mention what we were thinking about. One of the schools which has made tremendous strides in getting the best and brightest in their university over the last few years is Washington-St. Louis. I think it is useful to take a look at their Pell Grants there to recognize that there may be a trade-off between these two important goals. I think what we believe is that one can target monies for the best and brightest without getting down to the 8%, but what it takes is a sophistication on the part of the people who are making these decisions to try to do both. I think these are both important goals and that we should be worrying about both of them."

Provost Martin: "Well, the other thing is that they are not the only two. I mean our financial aid policy is very complicated, and we are actually looking at it in depth right now ourselves. Those aren't the only two variables, so it is infinitely more complicated than income distribution and however one assesses or believes one is assessing the best and the brightest, which itself could take the rest of this meeting for us to discuss."

Speaker Norton: "One more comment."

Professor Abel: "I think that Washington University, too, is not bound by the need-based policy. I think all of us would be absolutely committed to stay in the Ivy League where we give aid based only on need, but many of those who are now recently doing very well, NYU, Northwestern, Washington-St. Louis, will give merit scholarships. We lose a lot of students, and there is nothing we can do about that. That's the breaks. I think we need to stand by our principles on that regard, but how we package within our basic structure needs to reflect our actual intellectual and academic goals."

Speaker Norton: "Thank you very much. The chair calls on Professor Robert Bland for a report on the Task Force Examining Final Exam Scheduling, a matter of deep interest at the moment."

6. REPORT FROM TASK FORCE EXAMINING FINAL EXAM SCHEDULING

Professor Robert Bland, Operations Research & Industrial Engineering: "Four years ago the Student Assembly passed a resolution taking note of the extreme amount of stress the students experience during final exam week and asking the Educational Policy Committee of this body to attempt to address that. I spoke just for a few minutes in Good and Welfare at the first Senate meeting of the year, and made you aware that David Shmoys, who is a professor in Operations Research, and Dmitriy Levchenkov, who is a Ph.D. student in Operations Research, and I had begun a study of the scheduling of final examinations. This is the sub-effort of a larger task force that Bob Cooke established that is working more broadly on class scheduling, pre-lim scheduling and final exam scheduling. We are concerned, the three of us, only with final examination scheduling and only in-class final examinations, except for Dmitriy who today is concerned with take home final examinations, which is why he is not here. We have been working with Cindy Sedlacek in the Arts and Sciences Dean's office, who is one of the few maybe unique persons on campus who knows how to get her hands on

this data, which is not an easy thing to do. We have also been conversing with the Student Assembly and with the Educational Policy Committee on our work.

“To illustrate where stress gets exacerbated by the nature of the scheduling, in the spring of the last academic year there were more than 250 instances of students having three examinations scheduled in the same day. This is an eight and a half hour block of time with seven and a half hours worth of examinations. Those two thirty minute interruptions are basically sprints from one exam room to another. There are more than 3,000 students, in addition to the 250, who had not three exams on the same day but two exams one after the other on the same day with only a thirty-minute break. I can assure you that students feel that this increases stress enormously. When we spoke to the student assembly, one member of the student assembly said that even thinking about the possibility of having two exams one after the other was making her very unhappy.

“The overall scheme that is presently in place is one where there are twenty-one examination slots. There are seven days, not counting Saturday, the day on which language exams are given in common. There are seven days in which exams are given, and there are three time slots on each of those days for a total of twenty-one slots. The present scheme groups all of the courses giving final exams into twenty-one groups. Essentially, they are grouped so that courses that meet at the same time have their exams at the same time. Thereby, students who actually attend their classes are not likely to have two exams scheduled at the same moment. Some students do not attend their classes and do have two exams scheduled at the same time. We don’t intend, at least initially because we want to make things as simple as possible, to change the way that courses are grouped together. What we do intend to change, if everything works out as we think it will, is the way in which the twenty-one groups of courses are assigned to the twenty-one time slots. It appears that could be done in a way that will drastically reduce the pain for students, and I will give you a specific example in a moment.

“This table (Appendix 9) in the first column shows what actually happened. The entries on row A correspond to a single student having three examinations on the same day. Row B corresponds to exactly two exams on the same day, so these 4,598 occurrences are students who did not have all three exam periods on the same day but had two of them, maybe first and second, maybe first and third, maybe second and third. The third line shows how many of those 4,598 had either first and second or second and third—had exams back-to-back without any interruption other than the thirty-minute interval between successive exam slots. The two columns to the right do not necessarily represent solutions we would endorse but if we look back retrospectively, if we look at the data that tells us for each pair of courses how many students are in both of them, or for each triple of courses, how many students are in all three of them, then retrospectively one could have done these schedules in either of the ways that result in the numbers in the second column where you almost eliminate three in a day and you drastically reduce the number of two in a day, particularly the number of back-to-back exams.

“There are a number of alternatives that we can find that might be better choices than either of these two. I put these two together specifically because when we talked to the Student Assembly, I wanted to illustrate a trade-off. In trying to make one of these

numbers smaller, you may do it at the expense of making another number that represents a different bad event larger. The trade-off in these last two columns corresponds to the fact that the third row, back-to-back exams, these are students who are scheduled for two exams in a day consecutively, that for most students is much more painful than having one in the first period and one in the third period with a three hour break in between. So the trade-off here is if you are thinking in terms of choosing between these two alternatives, in order to decide which one you like better, you need to tell us what the relative importance is of these two bad events, back-to-back versus first and third period. You can reduce by about 500 occurrences the number of back-to-back exams at the expense of increasing by 1,000 the number of students who have exams in first period and third but not in the second period. We put that particular choice to the Student Assembly specifically to learn if they thought it was twice as bad to have exams back-to-back as it is to have exams in the first and third period with a three-hour break in between. About three quarters of the students said that yes, it is twice as bad or worse.

“We went to the Student Assembly with two particular issues that we wanted feedback on, and I have a different issue on which I would like to get feedback from the faculty, not necessarily from this group today but over time. We welcome feedback on any aspect of this that people would like to bring to our attention. The issue of how to weigh relatively bad events is one that I think impacts students much more than faculty. I think they are the appropriate group to give us direct feedback on that, but we welcome hearing from faculty as well. The other issue that came up of course is that in order to accomplish this, we need to have at the very least estimates, if not the actual data, at the times the exams will be taken at the end of the semester: how many students are there who will be taking both CS100 and English 211 at the same time, for example. At present the exam schedule is published - the exam for my course was set for a particular time next Thursday in October - before pre-enrollment even took place. The feedback I am getting from students, including the Student Assembly unanimously, was that the students would be very happy to wait at least until after pre-enrollment to find out exactly the specifics of when each course is scheduled during those twenty-one exam periods of exam week. What we would like to know from faculty is if you think it is reasonable to expect instructors or at least departments, it may not be an irrevocable commitment, to make essentially a commitment as to whether or not a given course is going to have an exam in class during exam week shortly after pre-enrollment ends, not at the beginning of the semester when it is normally announced on course web pages and in lectures.

“The Educational Policies Committee thought that faculty who teach very large courses would be concerned about making sure that their courses have a reasonable chance of having the exam scheduled early in order to have more opportunity for make-ups. If people have feelings about that, we would like to know that. We would be very happy to receive other concerns of any sort regarding these issues. I have set up an e-mail address specifically for this issue (exam_scheduling@orie.cornell.edu). So I would be grateful if you sent e-mail to that address if you would like to give us feedback on these particular issues or any issues related to the exam schedule. Thank you.”

Speaker Norton: “Thank you very much. We probably have time for one or two comments only, but we are falling a little bit behind and I don’t want to go on too long.”

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "I seem to recall when we set up the schedule, particularly announcing it at the beginning of the semester, one of the incentives for doing it was the thought that were the students to have the discretion, they would select courses where they didn't have back-to-back exams, and so I don't know to what extent that is operative, but if it is, it could increase the burden on your problem subsequently. Of course, the second reason cited was so students could book low cost plane fares out of Ithaca well in advance. Of course, we know that has evaporated."

LAUGHTER.

Professor Bland: "If we wait until a few weeks after pre-enrollment, they still have plenty of time, many months, to book the plane tickets. The Student Assembly members told us that not one of them had ever looked at the final exam schedule before the beginning of the semester. They were very, very comfortable with the idea of waiting and some of them suggested we wait until the term actually begins so we would have even better data. Next week, Cindy is going to get us historical data on pre-enrollment that will enable us to ascertain how well pre-enrollment estimates do against what the final enrollments look like at the time of exams. If those match up well, I think we would be happy to fix the schedule a few weeks after pre-enrollment, giving students plenty of time to book their airfares and if they want to prearrange their schedule because of the examination times, they will be able to. The Student Assembly people tell us that that is not going to happen."

Professor Dennis Miller, Food Science: "I teach a large non-majors course, and the exam is always toward the very end of the exam period. I always have students who come to me with the excuse that they have to leave early. So we schedule a make-up exam. The problem is that the make-up exam times are all toward the end of the exam period. If we could move at least one of those make-up exam times earlier, then it would make it easier for us to have an exam that would be acceptable to students who have to leave early."

Professor Bland: "There are presently three make-up exam times, and I think they are Tuesday, Thursday, and Friday."

Professor Miller: "They are scheduled May 18th, 20th and 21st, and exams start on the 13th. So if we had one, say, on the 13th, that would be very helpful."

Professor Bland: "Of the three make-up exam times, the first two are scheduled in the evenings when are no regularly scheduled finals. So making a slot early would have no impact at all on what we are trying to do. It should be very easy to do."

Professor Peter Stein, Physics: "I just wondered whether you tried to look and see if the conflict situation or the problem you are trying to solve is very sensitive to whether you use the actual enrollment or the enrollment from a previous year. Patterns are so similar that it may well be that you don't really need accurate data to get essentially the same result."

Professor Bland: "You need it to get essentially the same results. How much you give up—we don't have a determination on that. Cindy has already got pre-enrollment data for three semesters and by the beginning of next week, she should probably be able get that to us. Once we get the pre-enrollment data, I think we will be able to make a good judgment on whether the pre-enrollment data is accurate enough to give us good results. I think to start without pre-enrollment is kind of tough, because you have a lot of classes that may change meeting times. You have classes that are only offered, if they are elective classes, every second or third year, and that confounds things quite a bit." Professor Stein: "Yes, but big classes go on the same from year to year, and that's where most of the problems are."

Speaker Norton: "We have to move on. Thank you very much. We really do have to move on; we are already ten minutes behind schedule. The chair calls on Professor Donald Holcomb who is the co-chair of the Task Force on Non-Tenure Track Faculty, to present a recommendation and resolution for the establishment of new research titles. You should all have this."

7. RECOMMENDATION AND RESOLUTION FOR ESTABLISHMENT OF NEW RESEARCH TITLES FROM TASK FORCE ON NON-TENURE TRACK FACULTY

Professor Donald Holcomb, Physics and co-chair of the Task Force on Non-Tenure Track Faculty: "I'm obviously not Norm Scott. Norm was to present this report today. He and I have been the co-chairs of this task force. He was called out of town due to a death in the family, so he could not be here. We have tended to arrange the chairing in the following way. The point is that Norm has been the active chair for the later part of it; we had the feeling that it was quite appropriate that as we moved toward the recommendation phase that the chair be an active member of the faculty, rather than somebody like me.

"Let me make a brief introduction. The motion is in your hands, along with fairly detailed background for the motion (Appendix 10). Let me go back even further a bit and tell you why this committee was set up, its charge, and what we are doing here today. The committee was established in 2002 by this body to investigate the status of non-tenure track faculty. For those of you who are close enough to read it, at letter A it says, 'to investigate the status and conditions of employment for non-tenure track faculty, including the terms of employment, particularly job security, rights to academic freedom, access to appropriate grievance procedures, eligibility for emeritus status and voting rights.' And then there was another section, which instructed us to report no later than the spring of 2003. There is actually a logic break between Part A and Part C in the sense that the instructions in Part A were fundamentally impossible to accomplish in the period of time set forth in C. So, anyway, here we are.

"This action before you today, as I said, is the first installment of reports from this committee which indeed has covered most of those topics, and its final report will appear very shortly. There are two or three people in this room who have been working on that, and we will have that very soon. Let me just remind you of the membership of the committee, which is quite broad, a mix of non-tenure track faculty, Senior Lecturers, Senior Research Associates, a variety of faculty people, and a couple of very valuable staff people, in particular Mary Opperman, Vice President, Office of

Human Resources, as we looked at this difficult question of who are the non-tenure track faculty.

“That is a rather ill defined term actually, and basically what we did was look at all of the academic appointments, which if you go to the *Faculty Handbook*, you will find it includes all these people, such folks as Teaching Associates. So here they are (Appendix 11). We came to the conclusion that the thing to do was to focus on those categories which are really very large numbers of people teaching and doing research and public service at this university, namely the Lecturers, the Research Associates and Extension Associates. If you add up those numbers, you will see that we are talking about approximately 800 to 900 people. So we chose to focus on those groups, and what we believe is that the report, which is about to appear, while it focuses on those three large categories, nevertheless much of what we will have to say is really applicable to some of the other groups. The issues in the various groups are somewhat different, and we thought we could make more progress and be of more use by focusing on these larger groups.

“The motion before you today represents the first fruits of the activities of this group, and it really focuses pretty obviously on the central category, namely the Research Associate pool. At the time we got this data, which was a year or two old, there were about 160 Senior Research Associates at Cornell. Even within that group with a particular title, there is actually quite a range of kinds of responsibilities and job descriptions. While the natural population of this new category that we are proposing, this new position category of ‘Research Scientist’ and ‘Principal Research Scientist,’ from within the university would probably come primarily from the present Senior Research Associates, it is certainly true that by no means would all Senior Research Associates be natural candidates to move into these positions. Some of them are actively leading undergraduates in research; some of them have responsibilities that are much more focused on technical support of large research programs. I think the only other thing that I need to say in preparation is that the committee, in particular Nancy Wurster, a member of our committee, did a rather wide survey of where other comparable institutions are with respect to this issue of titles in the research area. By mining the World Wide Web and a few other places, she accumulated a fair amount of data. Again, as you can see, there was a rather thorough sampling of the mid-western universities, primarily a study done at the University of Wisconsin and it also included MIT, NYU, and some information from Columbia, so it is a rather wide assemblage. What we found from that is that there are actually only two institutions in that group that appear to continue the title of Senior Research Associate. It is not used very much. MIT is one of them; the other I think is Penn State. The question was did they have some titles like Research Scientist? Often Senior Research Scientist has been used. The present proposal has the terminology ‘Principal Research Scientist.’ Many of them have some level of Research Professor. The issue of examining the Research Professor category at Cornell was actually discussed in the joint meeting between our committee and the Committee on Academic Policies and Procedures. There was a preliminary discussion; the issues are quite different there, and it seems that it is a separate issue from this particular one. You have before you the rationale of the motion, and I think I will just stop there. I would be happy to answer questions prior to the discussion if there are any about the activities of the committee.”

Speaker Norton: "Are there questions for Professor Holcomb?"

Professor Kathleen Rasmussen, Nutritional Science: "I couldn't tell from the resolution what the difference was between a Senior Research Associate and a Principal Scientist."

Professor Holcomb: "Maybe by example. As I said, there are many different kinds of caps under the umbrella of Senior Research Associate. There are people who are in fundamentally highly technical and nevertheless support functions. With the Research Scientist and Principal Research Scientist there is more of an implication of initiative or judgment call—within the Senior Research Associate category there are rather different kinds of tasks. We assume that many Senior Research Associates, if these positions were established and seemed to be more attractive, would make an application to move into them but by no means all. They are really non-overlapping."

Professor Muawia Barazangi, Earth and Atmospheric Sciences: "I just want to clarify whether the new titles of Research Scientist would be allowed to be the PI on the proposal without special petition to OSP and also whether Research Scientists would have the same mechanism to be allowed to be a member of a graduate committee, to be on the special committee?"

Professor Holcomb: "Well, I think that is a little down the road, that last question. This is going to be off the top of my head, but I think that given the rationale and expectations for these positions, I would guess that a larger fraction would end up being members of graduate special committees. On average, this group is oriented more towards people operating; they may have grants for which they are the principal investigator, and that is much less the case with Senior Research Associates. I think the answer is clear that it is very likely to be true that a higher fraction would become members of special committees."

Professor Barazangi: "This is really a critical issue to really give some more meat to these titles. I have raised this issue repeatedly. Until you give these titles some special privileges, specialists ought to be PI on proposals. Under the current system, many of our peer institutions allow Research Associates to become PI; we do not. This issue has been discussed for many, many years though the Vice President for Research before Norm Scott allowed many associates to become so by special petitioning of the OSP. As to graduate committees, that's a more tricky and a more elaborate procedure, because there is a graduate committee that takes care of this issue. I hope you will allow that for Research Scientist. Otherwise you are just giving a title without any meat."

Professor Holcomb: "Perhaps in response here, let me make one comment. I think it might make the discussion move forward more effectively. Most of you will be aware that in fact the College of Engineering has actually quite independently proposed this move to these new titles. In fact, we are not completely independent in the sense that we adopted their terminology of Principal Research Scientist. It is really a confluence of their interests and the interests of many of the non-tenured faculty, and it just seemed to be, particularly after we had done this survey, that it was the right direction. Other members of the committee, Professor Shiffrin, might also want to respond to that."

Professor Steven Shiffrin, Law School: "I just wanted to make the point that the premise of this resolution is that one size does not fit all. Different colleges might have different expectations as to what particular functions people would be performing. The colleges make proposals to the committee and the academic senate that then comes to the Senate for approval, so that a proposal in Arts and Sciences might be different from a proposal in Engineering. So what is before us is whether those titles should be available to colleges, not the specifics as to what would happen with respect to those titles. That would be up to the colleges as approved by or not approved by the Faculty Senate."

Professor Joyce Morgenroth, Theatre, Film and Dance: "You have been talking essentially about the sciences, and I'm wondering if you considered some of the other areas that have quite different needs and different situations but that have strong representations of Lecturers and Senior Lecturers in their departments, such as my department and language teaching. How much did you discuss the specific needs of those areas?"

Professor Holcomb: "There was a little background discussion of connections among these three very large groups, but the committee really had no specific proposal on the floor and the report will not address this question. It is for the future. We talked a little bit about this, and we guess that the issue you allude to will come up. We did not spend much time looking at it."

Professor William Trochim, Policy Analysis and Management: "Can you talk a little bit about why you chose the title 'Principal Research Scientist' as opposed to 'Senior Research Scientist,' and was there any other institution you found that has used the term 'Principal Research Scientist'?"

Professor Holcomb: "I think I would like to punt at this point to the Engineering end of things, because they introduced that term; it seemed to us to make sense, and I think it's better to ask someone from the Engineering College to comment on that."

Professor Kenneth Birman, Computer Science: "I was on the Engineering Policy Committee and was involved in that discussion among others. The brief answer is that because the Senior Research Associate position will continue to be used for some time there was a concern about confusion, and actually the committee on titles, which also discussed the title, felt that the 'Principal' title would be more appropriate. It was originated by them out of a concern that there not be confusion.

"Let me say that there is very strong support for creating these titles and using them in Engineering, so the proposal has been under discussion for more than a year now. The hope in Engineering is that these titles, particularly the more senior title of Principal Research Scientist, would be used for a person who might be the equivalent of a professor elsewhere. I have a colleague in Computer Science, for example, who gets tenured full-professor offers on a regular basis from peer institutions. He prefers to be here as a researcher, but we need to offer these people a prestigious career path, and these titles allow us to do it. That individual is a member of the Computer Science Graduate Field but is not allowed to be the principal investigator on proposals now. We would like to see this move forward and would like these people to be treated very

much as research faculty, not necessarily with professorial titles but with membership in the field and with the ability to submit proposals independently and conduct a reasonably independent research grant. The Dean of Engineering is here too and could answer questions."

Professor Trochim: "Do we know of any other institutions that have used that title?"

Professor Birman: "I don't know of any."

Speaker Norton: "Other comments? I think we can open the floor for discussion on the motion."

Professor Elizabeth Earle, Plant Breeding: "At present are the requirements and the opportunities for Research Associates and Senior Research Associates uniform at the university level? Will it be a change to have the specific requirements for these titles be determined by the colleges?"

Professor Holcomb: "I think the answer to the first question is easy. You can essentially guarantee that there is non-uniformity across the university."

Professor Earle: "I mean according to the *Faculty Handbook*."

Provost Martin: "Well, there is not uniformity in the way that they are used across the colleges. There is uniformity in certain constraints that govern what you can and can't do at the university level, such as sign through OSP as principal investigator. But that I don't think the Faculty Senate could decide anyway going forward."

Professor Holcomb: "I am presuming that if these positions are established, that then there will be a much more refined description of obligations, methods of appointment, qualifications and so forth."

Professor Rebecca Schneider, Natural Resources: "You mentioned that a report is about to come out. I would expect that some of the information that we are asking questions about that relates to actually resolving the issues about these titles would be in that report. Could you elaborate a little bit more on what the content of the report is and how this discussion relates to that? How soon is the report expected to come out? Are there recommendations at the end that led you to put the title issue up first?"

Professor Holcomb: "It will come out soon—within weeks. We are absolutely honing in on it. It will be out quite soon. The rationale I would say is interwoven in many aspects of the report having to do with the fact that titles and their relative qualifications and so forth need to be consistent and well expressed. I'm not sure how much detail there is in this part of the report."

Professor Shiffrin: "I don't think there is much in the report that is specifically relevant to this recommendation. The report deals with things like academic freedom, leave policy, what should happen to people in terms of retirement, job security—so that there are a range of issues that are discussed, but this is all that is discussed with respect to titles."

Professor Holcomb: "I should say that the committee felt that this recommendation is quite consistent with many of the general background themes and concerns which spread through the report."

Professor Howard Howland, Neurobiology and Behavior and Senator-at-Large: "I have two comments. The first one is with regards to what was said by my colleague in Engineering. Namely, he described a Principal Research Scientist in a way that sounded like it was just going to be like a Research Professor. That seems to be a very big step if we are going to create a Research Professor. I don't think we should call it something else and sneak it in. I think we should debate that. If we want to have Research Professors in this university, we should address the issue straightforward."

"Secondly, there was another point raised. Since it has to come from the colleges, then go up to another Senate committee for negotiations there with the colleges as to what happens, it seems to me we do have the possibility of using the same title with people who have different privileges in different colleges, and even though I realize that Cornell has a lot of non-uniformity, nonetheless I think that the *Faculty Handbook* outlines clear delineations of the Senior Research Associate and Research Associate. I would not like to see us get into an even greater non-uniformity in using titles."

Professor Holcomb: "Speaking personally, I would certainly very much hope that if these positions are established, that the issue of trying to describe in as accurate and informative way as possible what the qualifications are would be an essential step."

Speaker Norton: "The chair will point out that we are beginning to approach our time of adjournment. We have one more item on the agenda following this one. We do have no Good and Welfare speakers. I had no amendments proposed in advance, so basically the Senate will be asked to vote up or down on this resolution, and the chair would like senators to address their comments as to whether they are in favor or opposed to this resolution as we have it before us."

Professor Stein: "I would like to make just a couple of comments. One is that I am surprised at the use of the words 'Principal Scientist' because if I remember right, much of the argument for it was that we ought to have a title like other places have, that have the same set of responsibilities, because the problem with Senior Research Associate was that all the granting agencies did not give that same respect to title that other places use. So it just seems a little odd to me that we are not using the recognized title that is used for the same position elsewhere."

"A second observation is that I think it is true that a field can invite anyone to join the field. The question as to whether you could be on a graduate committee is field dependent. There is not a university policy on that. And third, you haven't answered the question as to whether a person with this title would be able to apply for a grant automatically. I thought that was one of the strong arguments for making this title. Has that not been worked out yet?"

Professor Birman: "If I could speak to several points about that. Today the Senate is only being asked to create the titles, to reiterate a point that was made earlier. There is a

very detailed proposal for a policy that would govern the use of the title in Engineering that would have to be approved by the Senate. I hope it will set a high threshold for future such proposals. It governs every aspect of the questions that have been raised, and the Senate would have an opportunity to debate those questions and perhaps to reject the proposal or ask for improvements in it before it would ever be approved. Today it is not necessary to speculate on, for example, criteria for appointment to this prestigious rank. You will have that in front of you. It is a detailed review of a sort of tenure like nature, and the Senate will have an opportunity to look closely at it.

“With respect to the use of the word ‘professor,’ that is a tremendously sensitive topic. I think that is obvious, and we hope the Senate won’t go there. In other respects, I’m afraid Professor Stein is just incorrect. The Graduate School determines membership to the fields. Graduate fields can only propose people. I’m not sure what the policy is for the special OSP exemptions. Although the Engineering proposal will ask that people in Engineering with the title will always have that.”

Professor Howland: “Point of information. Could someone tell me if it is true that a proposal has to come before the whole Senate or is this not just decided by CAPP or a committee?”

Speaker Norton: “No, that is part of this resolution that we have in front of us. It goes to CAPP, and then it comes to the full Senate—any proposal from a college for implementing the use of these titles. So the details would come back to us. Are there further comments?”

Professor Vicki Meyers-Wallen, Veterinary Medicine and Biomedical Sciences: “I don’t have any trouble with the Research Professor or whatever you want to call it. I just have real trouble voting for a title without having guidelines on how that is going to be used and how it is going to be defined and how it is different from what we already have. What rights do these people have? What are the guidelines? What is their security within these guidelines? Even though it will come back from CAPP, I have trouble also with the concept that each college will be coming up with different guidelines. I know Cornell has non-uniformity, but I think that’s a problem. I think we need something uniform for these people, with some clear rights and privileges, so I have a hard time voting just for a title.”

Provost Martin: “I just want to consult with my consultant, Susan Steward. The new titles would have to be approved by the Board of Trustees?”

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

Provost Martin: “I cannot imagine that the Board of Trustees would cede to any committee all rights to decide whether the use of a title should be uniform or non-uniform. In other words, the trustees are not going to approve this I feel certain, unless there is some dedication to uniformity at least about certain rules and regulations governing the title. I am just assuming that that is going to come. I am a little confused about what the committee has set up, too, I must say.

"I favor the creation of the titles. Susan and I are working all the time on the difficulties that are created by the limitations we have on titles. It is not just this one we need. But I am a little confused about this discussion of uniformity or non-uniformity. We are not going to get any titles through the trustees, nor should we be able to, unless there are certain rules and regulations governing the use of the title. We have that for all other titles. It won't be different with this, and neither a Senate committee nor the provost can simply decide that each college can have its own rules and regulations governing the title. Would you agree, Susan?"

Susan Steward: "I would agree, and I would add that the tradition has been that the broad strokes with intention for the title are voiced by the Senate. However, the title description is actually written and approved by the provost but certainly in a consultative fashion. Then it is forwarded to the Board of Trustees for review."

Provost Martin: "So I'm just not sure if I understand the intent of the resolution. But if the idea is that a Senate committee will approve college-by-college ways of dealing with this title, we just can't do that. I mean the trustees won't let us. Maybe we can amend this slightly? I don't know, but do you see the problem I'm having? We already have rules and regulations governing how you get titles approved and instituted at the university, which this proposal seems to somehow contradict."

Professor Shiffrin: "I can see how one might think that it contradicts them, but if I heard Susan correctly, what can happen is that the recommendation goes to you. It is never going to get approved. It has to go through the trustees, and so it will go in some form to the trustees with some limits placed on the title. This, I assume, is what has happened with Clinical Professors, and so, yes, it will go to the trustees and then colleges will be giving proposals just as they do with respect to Clinical Professors, or don't do with respect to Clinical Professors, as to the specifics of how their review procedures would be and so forth within the college to the extent that they are permitted discretion."

Provost Martin: "Well, I mean that's the issue. I'm not sure the colleges can be said to have complete discretion about the way we use titles."

Professor Shiffrin: "With respect to Clinical Professors, colleges can present to a committee which then sends to the Senate a proposal to establish Clinical Professors as approved by the trustees, and there are certain criteria that have to be followed in order to do it. Ultimately, I think the thought of the committee is that this is what will happen here."

Provost Martin: "Whatever. I mean the Clinical Professor example doesn't seem like a great one to me, because it is not working, and it seems like in its current form it never will. So I'm not sure I'm happy with the idea that this will work just like that, if you see what I mean."

Professor Shiffrin: "Well, the reason it is 'not working' is not because of the lack of uniformity. It is because of the high requirements in order to get it through a committee. If it got through a committee, and you have one in the Vet School and one

in the Law School, there would be some distinctions between what those people do, but the trustees would have set the standards as to what the limitations are.”

Provost Martin: “I think we are confused, and we should go back to the Clinical Professor legislation and see if we have a problem, but all I want to say is this. For any title at the university that is approved by the trustees, there has got to be a certain amount of uniformity. There will be rules and regulations governing what can and cannot be done with it. That different colleges and, even within colleges, different departments tend to use the title somewhat differently within limits is true. However, the title still has to have a definition in the by-laws approved by the trustees that will rule some things in and some things out. So the idea that different colleges can define the rules and regulations governing a title differently is simply wrong. And if we did that with the Clinical Professor title, we did something problematic, and we should look at it.”

Speaker Norton: “The speaker will render a judgment from the chair which is that there is no disagreement here between the Provost and Professor Shiffrin. As he just said, I get a sense that there is nothing in this resolution that precludes having the Board of Trustees define what the titles mean. This is just a procedure that is outlined here for using the titles or applying them. The chair already called on Professor Farnum.”

Professor Cornelia (Nelly) Farnum, Biomedical Sciences and Senator-at-Large: “However, when this body passed the legislation enabling the Clinical Professor title that did deal with such things as what kinds of searches would be involved. How would those individuals be promoted? Would they be eligible for sabbatical leave? Would they have independent access to space? What level of voting rights would go automatically no matter what college they might be in? I think that is what is missing here. There are no broad strokes or definitions. You could even put in a little paragraph that would say what the boundaries are that we are talking about for the use of this position.”

Speaker Norton: “That is certainly a position that a person could take. It is entirely possible to argue that this resolution is in some sense premature.”

Professor Nicholas Calderone, Entomology: “I guess I see it as form without substance at this point or maybe putting the cart before the horse.”

Speaker Norton: “The speaker would comment that if senators do not feel that this proposal is ready to be passed, they should vote against it. That is always a possibility, and we have six minutes left before our time to adjourn. So unless someone wishes to move to extend time, the chair would point out that since we do have one more item on the agenda, I would like to finish up this discussion.”

Professor Kent Fuchs, Dean of Engineering: “I think the College of Engineering feels like we are in a ‘catch 22.’ We had a faculty meeting. After extensive discussion on this proposal from our Engineering Policy Committee about these titles and the rights and privileges of them, the faculty met. We had over 100 out of 200 of our faculty there. If I remember correctly, the vote was virtually unanimous amongst those faculty. So we have no controversy in our college, and our proposal is very specific. We would like

the opportunity to move forward with a very specific proposal about what these titles grant in terms of privileges and the authorization to have them.'

Professor Birman: "I would like to make an offer, which is that since we have to come back to you any how, we would be happy to see this enabling legislation and our proposal to you considered as a single event. We would like to move forward. This will not be rejected by the college after the Senate approves this. So the Clinical Professor situation is different."

Provost Martin: "This is just a thought, and maybe I'm just tired, and that's certainly true. It is not to contradict what Kent just said or Ken. Here is what I'm a little concerned about now that we are discussing this in more depth and thinking back to the Clinical Professor legislation. In general in every other case, we have titles at the university with a set of rules and guidelines pertaining to them. And when colleges have questions about whether and how to use them, they call if they find the *Handbook* and the by-laws confusing, and they ensure in consultation with us that they can use the title in that circumstance.

"With these two titles, for some reason, I sort of understand politically the reason, but I think it might be bad university policy to establish titles like Clinical Professor and Research Scientist and say those titles, unlike all other titles at the university, not only have to be approved by the trustees and have certain rules and regulations pertaining to them, they also have to go through two other steps: to a Faculty Senate committee and then to the full Faculty Senate. Maybe that's a good idea, but I don't feel, although I think I have attended every Faculty Senate meeting on these titles, I don't feel like I have heard a great rationale for establishing, and I'm thinking of the long-term interests of the university, such a convoluted and highly specific way of using new titles that is contravened by the way we have used titles at this university and other universities use titles in every other case. Talk about only pseudo addressing a problem. It sounds like there is a kind of grudging sense that we want new titles, but we want them to be heavily governed by a Faculty Senate that can say that a college might not be using them well when we don't do that with any other title. Is that a good idea? I don't know, but I wonder. I think we need a fuller discussion about it. It's a very bizarre thing."

Speaker Norton: "The chair will recognize Professor Stein."

Professor Stein: "I would like to move for postponement until the fall, because I find myself rather confused. I don't really understand . . ."

Speaker Norton: "Professor Stein, do you want to make that motion more precise as to the first meeting in the fall or the second meeting in the fall?"

Professor Stein: "Yes, I would like to refer it back to the committee and ask them to bring it to the Senate again the first meeting in the fall."

Speaker Norton: "Is there a second to Professor Stein's motion?"

UNKNOWN: "Second."

Speaker Norton: "All those in favor, please say aye."

AYE.

Speaker Norton: "Opposed? The motion carries. The resolution is recommitted to the committee with instructions to bring it back in the fall."

Professor Holcomb: "Madam Speaker, this task force may not exist in the fall."

Speaker Norton: "Well, it has to exist long enough to reconsider this motion."

Professor Holcomb: "The obvious thing is for the Engineering College and our committee"

Speaker Norton: "Wait! There is one more item. The chair does not want to lose a quorum. I'm sorry, Professor Holcomb."

8. RESOLUTION APPROVING ESTABLISHMENT OF A PH.D. PROGRAM IN APPAREL DESIGN IN THE GRADUATE FIELD OF TEXTILES

Speaker Norton: "We have one more item on the agenda, and I'm sure that the Committee on Academic Programs and Policies would like to have this considered. The chair does not see Professor Gerner here. She is the one listed on the agenda as presenting it. Is there someone else from CAPP here to present this motion? If not, since it is coming from a committee, unless there is an objection, the chair will call out this resolution, because I am sure that there is a desire to have this adopted at this point. It is a resolution to adopt a Ph.D. Program in Apparel Design in the Field of Textiles at Cornell. I'm sure everyone in the Senate has had a chance to read it, because it was distributed with the Call of the Meeting. Is there any discussion on this proposal?"

Professor Stein: "Move the question."

Speaker Norton: "Thank you. Seeing none, I assume you are ready to come to a vote. All those in favor, say aye."

AYE.

Speaker Norton: "Opposed? Thank you very much. The resolution passes."

***Resolution to Establish a
Ph.D. Degree Program in Apparel Design
In the Field of Textiles at Cornell University***

WHEREAS, the General Committee of the Graduate School has reviewed and approved the proposal to create a new Ph.D. degree program in Apparel Design in the Graduate Field of Textiles,

WHEREAS, Committee on Academic Programs and Policies has reviewed and recommends creation of the Ph.D. degree in Apparel Design in the Graduate Field of Textiles,

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the establishment of a new Ph.D. degree program in Apparel Design in the Graduate Field of Textiles.

We are adjourned.”

Respectfully submitted,

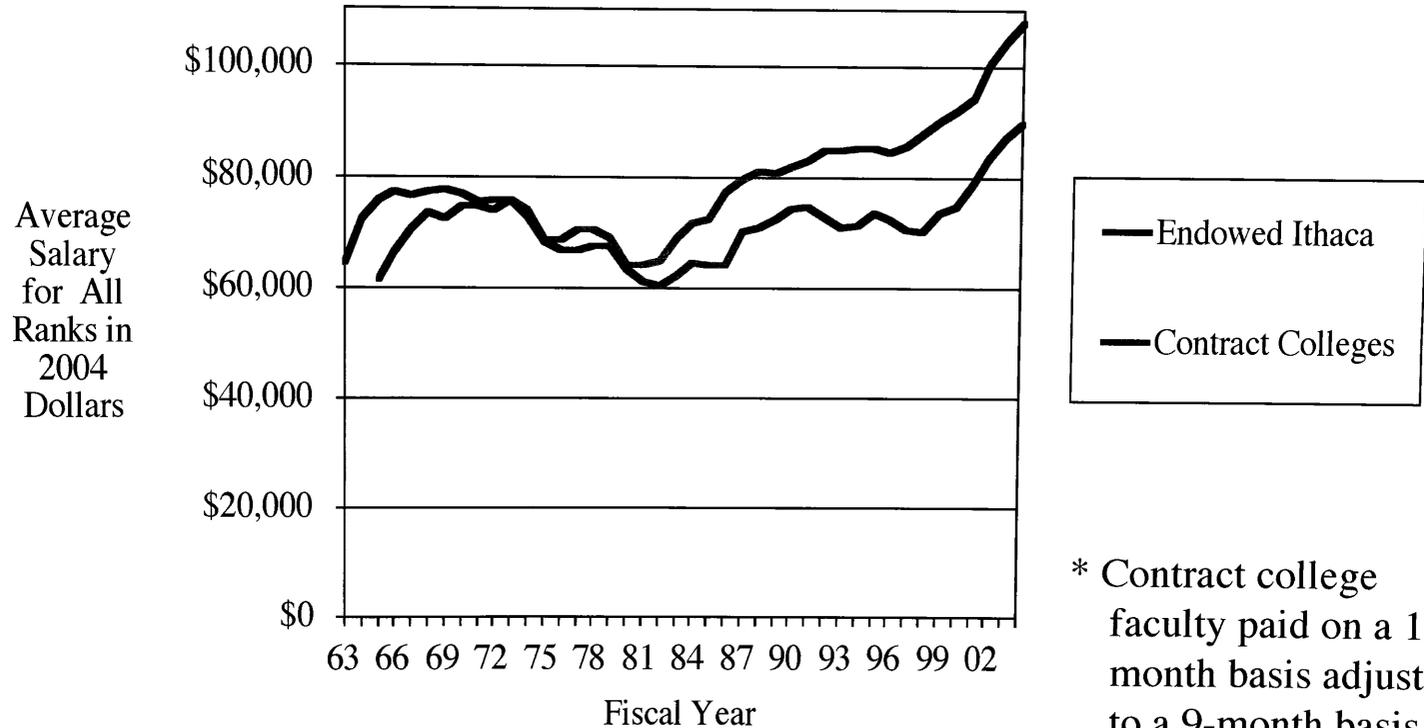
Cynthia R. Farina
Associate Dean and Secretary of the University Faculty

Cornell 2003-04 Faculty Salary Increases

- ◆ Average faculty salaries grew 5.4% in endowed and 4.8% in the contract colleges.
- ◆ The five year average for endowed was 6.0% and the five year average for the contract colleges was 6.4%.

(The survey excludes less than full time faculty, faculty on leave without pay, and faculty administrators at assistant dean level or above.)

Growth in Average Ithaca Campus Faculty Salaries *



* Contract college faculty paid on a 11-month basis adjusted to a 9-month basis.

Endowed and Contract Salary and Pay Comparison

	<u>Average 9 Month Salary as of 11/1/03</u>	<u>Average Calendar Year 2003 Gross Pay</u>	<u>9 month as % of Calendar</u>
Endowed	\$107,794	\$116,336	93%
Contract	\$89,519	\$105,221	85%

* Not adjusted for rank or discipline.

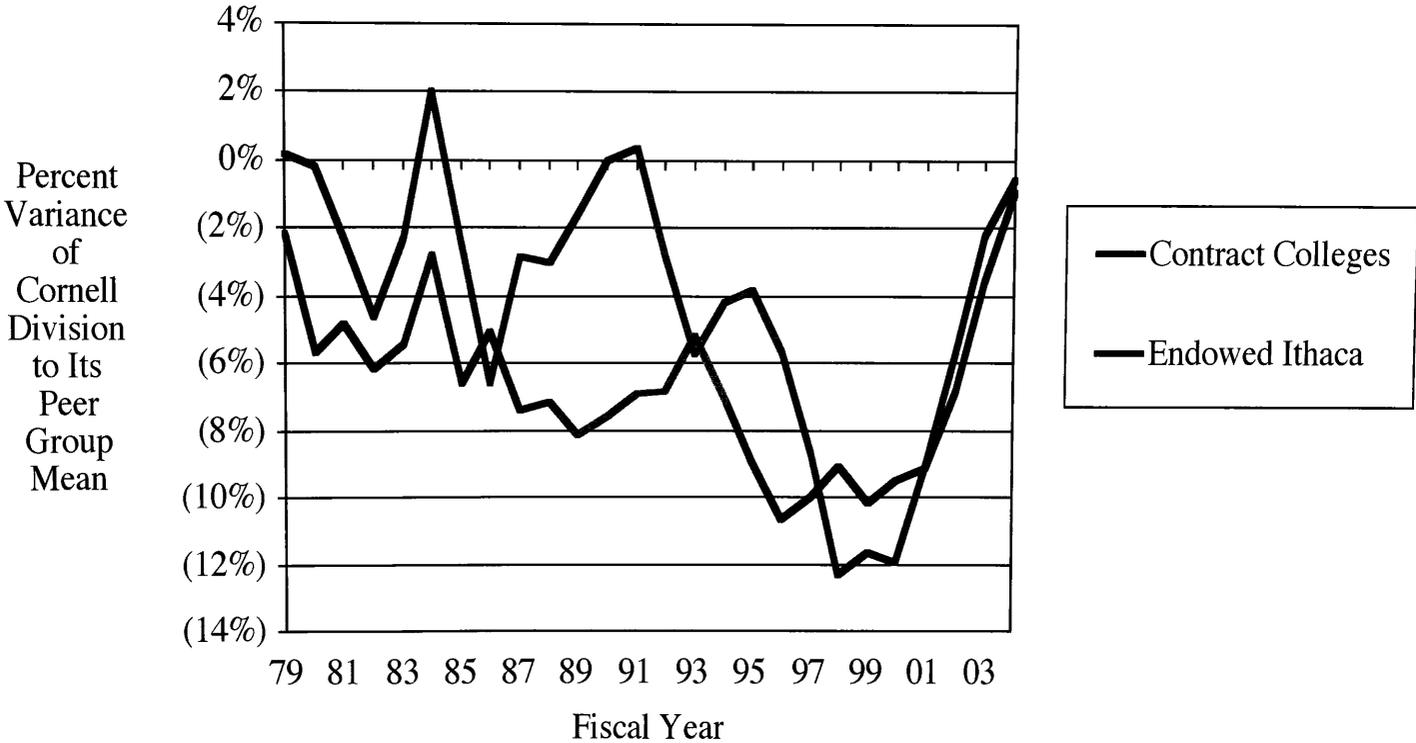
Endowed Ithaca Faculty Salaries

	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>	<u>2003-04</u>	One Year Change	Five Year Change
1. Stanford University	\$97,793	\$100,841	\$106,547	\$111,077	\$115,418	\$118,777	2.9%	4.0%
2. Princeton University	92,166	96,103	102,889	108,248	112,416	117,271	4.3%	4.3%
3. University of Pennsylvania	91,466	97,332	102,606	109,473	112,547	115,941	3.0%	3.0%
4. University of Chicago	93,512	98,607	103,098	106,711	110,517	114,481	3.6%	3.6%
5. Cal Tech	96,887	100,068	104,305	109,214	112,583	112,599	0.0%	3.1%
6. Columbia University	89,237	92,619	98,257	103,598	106,529	110,274	3.5%	4.3%
7. Yale University	89,682	94,201	98,598	104,058	108,624	109,373	0.7%	4.0%
8. Cornell (Endowed)	80,568	84,700	89,584	95,833	102,287	107,794	5.4%	6.0%
9. UCLA	83,766	87,602	93,714	95,801	96,668	99,319	2.7%	3.5%
10. University of Michigan	81,738	85,558	88,959	92,220	96,194	98,305	2.2%	3.8%
11. UC-San Diego	80,539	82,869	86,708	88,194	89,101	91,539	2.7%	2.6%
Average Excluding Cornell	89,679	93,580	98,568	102,859	106,060	108,788	2.6%	3.9%
<i>Cornell as a Percent of Average</i>	89.8%	90.5%	90.9%	93.2%	96.4%	99.1%		
<i>Cornell Endowed Relative Rank</i>	10th	10th	9th	8th	8th	8th		

Contract College Faculty Salaries

	<u>1998-99</u>	<u>1999-00</u>	<u>2000-01</u>	<u>2001-02</u>	<u>2002-03</u>	<u>2003-04</u>	One Year Change	Five Year Change
1. University of Pennsylvania	\$91,100	\$96,746	\$101,896	\$107,413	\$111,528	\$115,283	3.4%	4.8%
2. UC-Berkeley	85,969	89,013	93,509	94,157	96,022	100,242	4.4%	3.1%
3. Penn State University	71,830	74,586	78,264	80,892	85,588	89,536	4.6%	4.5%
4. Cornell (Statutory)	65,799	68,657	74,804	79,636	85,429	89,519	4.8%	6.4%
5. University of North Carolina	76,014	79,630	85,426	86,120	88,129	88,981	1.0%	3.2%
6. UC-Davis	74,608	77,091	80,612	81,424	82,894	86,742	4.6%	3.1%
7. Ohio State University	71,395	74,342	77,780	77,584	81,983	86,170	5.1%	3.8%
8. University of Minnesota	73,261	75,991	79,384	81,839	85,453	85,283	-0.2%	3.1%
9. University of Wisconsin	68,080	73,881	78,902	79,997	83,651	83,707	0.1%	4.2%
10. Michigan State University	67,137	69,940	73,492	76,460	80,910	83,703	3.5%	4.5%
11. Texas A&M University	65,464	68,755	73,419	78,568	77,621	80,781	4.1%	4.3%
Average Excluding Cornell	74,486	77,997	82,268	84,445	87,378	90,043	3.0%	3.9%
<i>Cornell as a Percent of Average</i>	88.3%	88.0%	90.9%	94.3%	97.8%	99.4%		
<i>Cornell Statutory Relative Rank</i>	10th	11th	9th	8th	6th	4th		

Ithaca Campus Faculty Salaries – Peer Group Means



Faculty Salary Planning 2004-05

- ◆ The Deans and the Provost have agreed on college specific goals for continuing faculty for 2004-05.
- ◆ College targets range from 3.0% to 6.0%.
- ◆ Targets are based on discipline market data of the selected peers and other relevant comparators.
- ◆ Individuals' increases are based on college /department defined measures of merit.

Faculty Salary Planning 2004-05

- ◆ The Deans and the Provost have agreed on college specific goals for continuing faculty for 2004-05.
- ◆ College targets range from 3.0% to 6.0%.
- ◆ Targets are based on discipline market data of the selected peers and other relevant comparators.
- ◆ Individuals' increases are based on college /department defined measures of merit.

April 20, 2004

Appendix 8**Report from the Faculty Financial Policies Committee**

The Faculty Financial Policies Committee (FPC) has spent much of the spring semester discussing issues relating to tuition and financial aid policies. Our discussions have been influenced by three external (to Cornell) events. First, a paper by researchers at Williams College that used data from institutions that belong to the Consortium on Financing Higher Education (COFHE) – the Ivy League institutions, other selective private research universities (including MIT, Chicago, Northwestern, Duke and Washington University of St. Louis) and a set of selective liberal arts colleges – found that on average only about 10% of the students at these institutions came from families whose family incomes were in the lowest two-fifths of the income distribution in the United States, with the vast majority of students coming from the upper tail of the family income distribution.¹

Second, perhaps partially in response to the Williams study, President Lawrence Summers of Harvard announced that Harvard would no longer require any family contributions towards their children's education from families whose family income was less than \$40,000 a year.² This announcement, coming after Princeton announced two years ago that it would eliminate all loans from its financial aid packages led to concerns that Cornell, with a much smaller endowment per student than either Harvard or Princeton, would increasingly find it difficult to recruit students from economically disadvantaged families.

Finally, in a major speech at the University of Virginia, William Bowen, President of the Andrew W. Mellon Foundation reported on research that he had conducted using data from a set of selective private and public colleges and universities (Cornell was not represented in the data base) on the admissions probabilities of students from lower-income families.³ He found that, holding constant standard measures of student quality (such as test scores and high school rank in class), applicants from lower-income families were just as likely to be admitted to these selective institutions as applicants from higher income families and their probabilities of enrolling, given that they were admitted was roughly the same. The relatively small numbers of students from low incomeer families enrolled at the selective institutions reflected the small number of these students with "high" measures of student quality - due to the well-known correlation between test scores and family incomes and differences in the quality of high school educations that students from different socioeconomic backgrounds receive in the United States. Bowen concluded that more generous financial aid programs for students from low-income families, such as those adopted by Harvard and Princeton are unlikely to have major impacts on the numbers of students from lower-income families attending selective institutions. As such, if the selective institutions are sincere about wanting to increase the representation of such students in their student bodies, he went on to say that they should be given preference in the admissions

¹ Catherine Hill, Gordon Winston and Stephanie Boyd, "Affordability, Family Incomes and Net Prices at Highly Selective Private Colleges and Universities", *Williams Project on the Economics of Higher Education Discussion Paper DP- 66* (Williams College, October 2003) (available electronically at www.williams.edu/wphe)

² Julianne Basinger and Scott Smallwood, "Harvard Gives a Break to Parents Who Earn Less than \$40,000 a Year", *Chronicle of Higher Education* 50 (March 12, 2004): A35

³ Peter Schmidt, "Noted Higher-Education Researcher Urges Admission Preferences for the Poor", *Chronicle of Higher Education* 50 (April 16, 2004): A26

process, akin to the preferences that they now provide to applicants who are legacies, under represented minorities or recruited athletes.

It is important to note that Cornell long has had policies that reduced the financial burden on students from low-income families that wish to attend Cornell. For example, we have for a large number of years omitted any loans in the financial aid packages offered to students from families whose family incomes fell below \$35,000 a year. Moreover, perhaps because of our founder's belief that any qualified student should be able to attend Cornell or because of the presence of our undergraduate contract colleges, we have long made efforts to recruit students from lower income families.

The main federal program that provides grant aid to students from lower income families is the Pell grant program. A study undertaken in 1999-2000 suggested that nationwide in that year 90% of all dependent Pell grant recipients enrolled in 4-year institutions came from families with family incomes below \$41,000. Hence, those institutions that have a larger fraction of their undergraduate student bodies receiving Pell grants are the ones that are doing the best job enrolling students from families with incomes below this level.

As the attached table indicates, in 2001-2002 (the last year for which comparative data for competitor institutions was available to us) the percentage of undergraduate students that received Pell grants was considerably higher at Cornell than it was at the vast majority of selective private higher education institutions and was highest among the Ivy institutions.⁴ In particular, note that Cornell's percentage of Pell grant recipients (16.3%) is more than double that of both Harvard (6.8%) and Princeton (7.4%).⁵ Data provided to the committee by Vice President Carolyn Ainslie indicates that in the current academic year the percentage of undergraduate students at Cornell receiving Pell grants is again 16.3% - varying from a low of 11.6% in Hotel to a high of 22.0% in Architecture, Art and Planning.

It is not the purview of the FPC to make recommendations to the Faculty Senate or the Administration as to the appropriate mix of undergraduate students across family income classes, although many of us as individuals are happy to see the numbers in the attached table. However, we believe that it is important that information on the income distributions of our entering freshman class and entire student body be disseminated to the FPC and the Admissions and Financial Aid Committee on an annual basis to help the faculty to understand how our competitors' and our admission and financial aid policies are affecting the income distribution of Cornell students.

⁴ Donald. E. Heller, "Pell Grant Recipients in Selective Colleges and Universities", *The Century Foundation Issue Brief Series* (New York, 2003)

⁵ Cornell had 2,253 Pell grant recipients among its 13,784 students, while Princeton and Harvard combined had 1,027 recipients among there combined 14,381 undergraduates. So although Cornell enrolled fewer students than Harvard and Princeton combined, we enrolled more than twice as many Pell grant recipients.

SPRING 2003

A: 3 exams in one day

B: Exactly 2 exams the same day

C: Exactly 2 exams on the same day, back-to-back

	S03	Alternative 1	Alternative 2
A	257	19	14
B	4598	2435	2926
C	3324	1050	515

Hope to implement new approach for Spring 2005.

**Recommendation and Resolution for Establishment of New
Research Titles by the ad hoc Committee of the Faculty Senate
established to study the status of Non-Tenure Track Faculty
(NTTF) at Cornell**

Submitted on behalf of the Committee

By

Donald F. Holcomb, Professor Emeritus, Physics (co-chair)
Norman R. Scott, Professor, BEE (co-chair)

Background on Titles

Our Committee's activities have focused on NTTF who occupy positions which carry the titles

Senior Lecturer, Lecturer
Senior Research Associate, Research Associate
Senior Extension Associate, Extension Associate
Librarians and Archivists (eleven sub classifications)

The Committee has considered whether this list of titles is adequate to represent the academic world of 2004 at Cornell. We believe the titles, "Research Associate" and "Senior Research Associate," are inadequate to meet the wide-ranging needs of the University's research community in the research world of 2004. A proposal to add two titles, "Research Scientist" and "Principal Research Scientist", was voted on favorably by the faculty of the College of Engineering (April 30, 2003). Recognizing the inadequacy of existing non-tenure track titles for researchers at Cornell, the Committee has considered creation of new and the redefinition of existing research titles in the titles matrix. We do this because

Senior Research Associates and some Research Associates are now often performing research that was traditionally a professorial responsibility. Their titles are no longer commensurate with their qualifications and responsibilities and are disadvantageous when applying for outside grants.

Restricting Cornell Senior Research Associates and Research Associates to these two titles may compromise their professional standing, compensation and productivity, as well as limiting recognition and access to a rewarding career path.

Of ten peer institutions, only two maintain the title Senior Research Associate and all have the titles Research Scientist, Research Professor, or both. Cornell may well be at a disadvantage in competing with these institutions for researchers and funding.

RECOMMENDATION on RESEARCH TITLES

Academic titles need to reflect the high level of independence, expertise, and achievement expected of non-tenure-track research faculty at Cornell. Consequently, the Committee recommends that

1. The Faculty Senate recommend to the Provost creation of the titles, “Research Scientist” and “Principal Research Scientist.” The net effect of creating these two new titles is increasing to four the number of titles available for researchers: research associates, senior research associates, research scientist, and principal research scientist
2. If the recommendation is approved, colleges may present to the Committee on Academic Policies and Procedures proposals for using the two new titles.

RESOLUTION:**NEW TITLES OF RESEARCH SCIENTIST AND PRINCIPAL RESEARCH SCIENTIST**

Whereas many Senior Research Associates and Research Associates are performing research that is on a level with that traditionally considered a professorial responsibility; and

Whereas the titles "Senior Research Associate" and "Research Associate," therefore, do not adequately reflect the qualifications and responsibilities of the holders of these titles; and

Whereas restricting Cornell Senior Research Associates and Research Associates to these two titles may compromise their professional standing and ability to acquire outside funding when competing with individuals from other institutions which have more appropriate titles; and

Whereas restricting Cornell Senior Research Associates and Research Associates to these two titles denies them appropriate recognition and access to a rewarding career path; and

Whereas restricting Cornell to these two titles may put the University at a disadvantage when competing with other institutions which have more appropriate titles for top-quality researchers.

Be it resolved that

1. The Faculty Senate recommend to the Provost creation of the titles, "Research Scientist" and "Principal Research Scientist." The net effect of creating these two new titles is increasing to four the number of titles available for researchers: research associates, senior research associates, research scientist, and principal research scientist
2. If the recommendation is approved, colleges may present to the Committee on Academic Policies and Procedures proposals for using the two new titles.

Appendix 11**Academic Titles
(2002 Faculty Handbook, page 27)**

professor
associate professor
assistant professor
university professor
professor *emeritus*
professor-at-large
senior scholar
senior scientist
instructor
senior lecturer
lecturer
senior research associate
research associate
senior extension associate
extension associate
postdoctoral associate/ fellow
teaching associate
visiting fellow
visiting critic
visiting scientist
visiting scholar
university librarian
associate university librarian
assistant university librarian
librarian
associate librarian
senior assistant librarian
assistant librarian
archivist
associate archivist
senior assistant archivist
assistant archivist

INDEX
FACULTY SENATE MINUTES
September 4, 2002 – May 12, 2004

- A**cademic Advising Best Practices, Survey Report, 9750-9753S
- A**cademic Bill of Rights, 9955-9956S
- A**ffirmative Action Committee Report, 9902-9905S,
Appendices 19-20
- A**pparel Design, Graduate Field of Textiles, 10023-10024S
- A**rchitecture, Art and Planning, College Realignment
Closure Report on, 9685-9686S
CAPP Progress Reports on, 9656-9658S; 9637-9645S, Appendix 3
Dean's Comments on, 9655S
President's Remarks on, 9576-9577S
Provost's Remarks on, 9620-9622S
- A**ssociate Dean and Secretary of the University Faculty,
Election of, 9742S; 9788S
- A**thletics vs. Academics, Survey on, 9757S, Appendix 21
- B**ias Response Protocol, 2001-02, Report on Campus Incidents,
9596-9598S
- B**iomedical Engineering, Master degree in, 9789S, Appendix 1
- B**udget Planning, Provost's Remarks on, 9884-9886S, Appendices 1-4

Class Schedule, Survey on, 9756S, Appendices 11-13; 9757S,
Appendices 17-18

Clinical Professor Title, 9583-9596S, Appendices 2-5
Resolution on 9596S, Appendix 5

Computational Biology, Graduate Field and Ph.D. Program in,
9975-9976S

Computer Science Department, Status of, 9631-9637S

Copyright Policy, 9704-9707S
Revision of, 9790-9793S, Appendices 3-6

Daily Patterns of Students, Survey on, 9757S, Appendix 20

Deans of Faculty
Election Results, 9727S
Slate, 9689S
Tribute to, 9811S

Degrees and Programs
Apparel Design, Ph.D. Program, Graduate Field of
Textiles, 10023-10024S
Biomedical Engineering, Master of Engineering in,
9789S, Appendix 1
Computational Biology, Graduate Field and Ph.D. Program in,
9975-9976S
Information Science, Graduate Field and Ph.D. Program in,
9789-9790S

Distributed Learning, Survey on, 9756S, Appendix 14;
9757S, Appendix 19

Educational Policy Committee, Survey of Undergraduates,
9753-9762S, Appendices 4-21

Examinations, Survey on
Final, 9755-9756S, Appendices 9-10; 9757S, Appendix 16
Preliminary, 9755S, Appendices 5-8; 9756S, Appendix 15

Faculty Advisory Committee on Tenure Appointments
Report of, 9580-9581S; 9845S; 9858S
Resolution Amending Legislation, 9959-9965S, Appendices 1-2

Faculty Salaries
Provost's Remarks on, 9893-9896S, Appendices 13-17;
10000-10004S, Appendices 1-7

Faculty Trustee, report by, 9670-9675S

Final Examinations
Survey on, 9755-9756S, Appendices 9-10; 9756S, Appendix 16
Task Force report, 10009-10013S, Appendix 9

Financial Policies Committee Report on Admissions and Financial
Aid, 10007-10009S, Appendix 8

Human Subjects, Committee on Research on, Report, 9861-9864S

Information Science, Graduate Field and Ph.D. Program in,
9789-9790S, Appendix 2

Institutional Biosafety Committee, Approval of, 9598-9599S,
Appendix 6

Intellectual Property Policy
Committee on, 9622S, Appendix 1
Revision of Copyright Policy, 9790-9793S, Appendices 3-6
Update from Committee, 9704-9707S

Johnson School/Queen's EMBA Program, 9689-9704S, Appendix 1
Resolution on, 9704S

Journal Subscriptions, Report on Crisis in, 9667-9670S, Appendix 2
See also "Serial Acquisitions, University Library's Policies on"

Life Sciences Strategic Corporate Alliances, See "Strategic Corporate Alliances"

Long-Term Pool Payout Policy, Provost's remarks on,
9893S, Appendices 11-12

Nominations and Elections Committee Reports, 9582-9583S,
Appendix 1; 9625S; 9655-9656S; 9688-9689S; 9726-9727S;
9743-9744S; 9787-9789S; 9811S; 9846-9848S; 9859-9861S;
9929-9930S, Appendix 1; 9958-9959S; 10005-10007S

Non-tenure Track Faculty, 9625-9631S
Committee on, 9630-9631S; 9686-9687S
Preliminary Report on, 9804-9805S, Appendix 8
Update by Committee, 9727-9734S, Appendix 1

Paper Usage, Resolution on, 9807-9809S

Preliminary Exams, Survey on, 9755S, Appendices 5-8;
9756S, Appendix 15

President's Remarks, 9575-9579S; 9834-9842S
on Call to Engagement, 9870-9874S, Appendix 2; 9876-9879S
on College of Architecture, Art and Planning, 9576-9577S
on Faculty Salaries, 9577-9578S
on Graduate Student Unionization, 9576S
on Student Recruiting, 9575-9576S

Programs, See "Degrees and Programs"

Provost's Remarks, 9579-9580S; 9619-9622S; 9652-9654S; 9723-9726S;
9737-9742S; 9786-9787S; 9842-9844S; 9883-9896S,
Appendices 1-17; 9954-9957S
on Academic Bill of Rights, 9955-9956S
on Budget Planning, 9884-9886S, Appendices 1-4
on College of Architecture, Art and Planning, 9620-9622S
on Faculty Salaries, 9893-9896S, Appendices 13-17;
10000-10045S, Appendices 1-7
on Life Sciences Strategic Corporate Alliances, 9737-9739S
on Long-Term Pool Payout Policy, 9893S, Appendices 11-12
on Tuition and Fees, 9886-9893S, Appendices 5-10

IDNA Committee, See "Institutional Biosafety Committee"

Renewable Energy Endowment, resolution on, 9809-9810S,
Appendix 9

Research Compliance Issues, 9802-9804S

Research Scientist and Principal Research Scientist Titles, 9805-9807S
Recommendation and resolution for establishment referred
back to Committee, 10013-10023S, Appendices 10-11

Scholarly Publishing, 9622-9624S, Appendix 2; 9722-9723S

Serial Acquisitions, University Library's Policies on, 9897-9902S,
Appendix 18. See also, "Journal Subscriptions, Report on"

Speaker

Election of, 9788-9789S; 9811S
Pro tem, 9848S; 9857S
Tribute to, 9811S

Strategic Corporate Alliances, 9722S; 9737-9739S; 9794-9800S; 9848-9855S

Ad hoc Committee Report on, 9965-9974S, Appendix 3
Dean's Remarks on, 10005S
Report and discussion of Faculty Forum on, 9864-9870S,
Appendix 1
Resolution on, 9800-9802S, Appendix 7

Suspension Policies and Procedures

Dean's Remarks on, 9957S; 10004S
Preliminary Report on, 9749-9750S, Appendix 3
Report on, 9930-9947S, Appendices 2-4
Task Force on, 9687S

Tuition and Fees

Provost's Remarks on, 9886-9893S, Appendices 5-10

University Club, 9744-9748S, Appendices 1-2

Dean's Remarks on, 10005S
Resolution Establishing, 9748S

Work Force Planning, 9658-9667S, Appendix 1

