

MINUTES OF A MEETING OF THE FACULTY SENATE

March 14, 2007

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

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

1. **Remarks by and Questions for Provost Bidy Martin**

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

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

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

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

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

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

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

Professor Stein: “Sign me up.”

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

“Any other questions?”

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

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

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

"In addition we are focusing on department chair training and working with the deans on questions about department culture. Because as many of you will remember one of the major findings of the Faculty Work Life Survey was that women tend to feel less satisfied than men, overall, and in large part, not for some of the reasons that other universities found to be a problem, such as salary and equities, for example, partly because we have been working on that for five or six years. But really more about issues of what people call integration or senses of being more or less well integrated, particularly into department culture. And so the whole question of how departments operate at what, we decided to call micro-inequities, enter into decision-making and just daily life in the context of department and program cultures. That's something that we are very heavily focused on now with the deans in our university-wide department chair training sessions. And those are two of our indices.

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

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

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

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

Provost Martin: "Well, for example, we had an entire session on tenure and promotion standards with the deans and the chairs, and not only the standards but the processes and some of problems that those of us who read tenure cases see. I'm thinking about members of FACTA who work extremely hard reading all those dossiers with me and some of the problems that we have detected over the years in the way the dossiers are actually put together. Some of the common things that arise and even inadvertent problems that cause inequities in the process. So we focused for two hours on the tenure process, and I focused on the importance of high tenure standards. After reading promotion dossiers for seven years, I tried to articulate some of my worries about upholding high enough standards. So, that's one. The Faculty Work Life study and the question of department culture is the focus for the spring department chairs' workshop. No, it's not HR issues, per se, always, sometimes it quite concrete operational issues. But in the spring it is going to be department cultures."

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

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

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

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

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

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

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

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

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

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

That's one thing; best practices in the building of teaching cultures and the support of teaching innovation, so pedagogy.

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

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

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

2. Remarks by the Dean of Faculty

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

major kinds of topics. Mostly it was a kind of general but very pleasant and very positive discussion.

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

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

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

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

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

Speaker Knuth: “Thank you very much.”

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

Dean Walcott: "Yes, please."

Provost Martin: "Well, just about this because I am unhappy about it, too. I think you all know that you passed it, and then I agreed to it. So I just want to go on record saying that I still agree to what you passed. There are a couple, of what I think relatively minor, problems with conflicts between existing policies and the policies that we, you passed, and I agreed to. And I think it won't be hard to iron it out but I think the policy group saw more problems than actually exist. And so I think we can get beyond this. I, myself, am not on the policy group so all I can say is I still agree with what we passed."

3. Approval of the Minutes of the December 13, 2006 Senate Meeting

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

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

4. Report from the Nominations and Elections Committee

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

Report from Nominations & Elections Committee
March 14, 2007

Financial Policies Committee
David Lewis, AAP

University Benefits Committee
Robert Connelly, A&S

Student Assembly Committee on Dining Services

David Levitsky, CHE

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

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

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

(All terms commence July 1, 2007)

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

Dorothy Ainsworth, Professor, Clinical Sciences
N'Dri Assie-Lumumba, Professor, Africana Studies & Research Center
Rosemary Avery, Professor, Policy Analysis & Management
Joseph Fetcho, Professor, Neurobiology & Behavior
Roger Loring, Professor, Chemistry & Chemical Biology

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

Tarleton Gillespie, Assistant Professor, Communication
Sharon Sassler, Associate Professor, Policy Analysis & Management

NOMINATIONS AND ELECTIONS COMMITTEE - 2 vacancies, 3-year term

William Fry, Professor, Plant Pathology
Jere Haas, Professor, Nutritional Sciences
Ronald Hoy, Professor, Neurobiology & Behavior

UNIVERSITY FACULTY COMMITTEE - 4 vacancies, 3-year terms

Rodney Dietert, Professor, Microbiology & Immunology
Howard Howland, Professor, Neurobiology & Behavior
Vicki Meyers-Wallen, Associate Professor, Biomedical Sciences
Dennis Miller, Professor, Food Science
John Sipple, Associate Professor, Education
Dotsevi Sogah, Professor, Chemistry & Chemical Biology

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

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

5. Resolution from the Committee on Academic Programs and Policies to Approve the Creation of a new Master of Science (Legal Studies) Degree Program in the Graduate Field of Law

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

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

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

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

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

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

The motion carried. The resolution is passed.

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

6. Resolution from the Educational Policy Committee to Amend "The Code of Academic Integrity"

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

"An instructor for a course, if he or she feels that a student has violated the Code of Academic Integrity, the first step that instructor takes is to hold what is called a "primary hearing" with the accused. At the primary hearing, which is held in the company of witnesses, the instructor informs the student of the charge, the allegation of academic integrity. The student either accepts guilt or denies guilt. If the faculty member decides the student is guilty, having heard the student's response, has the right to impose a grade penalty. That's the worst the instructor can do to a student is impose a grade penalty, up to and including failing the course. If the student is okay with what happens at that point, the process ends except for reporting. The faculty member has to report to the dean of the student's college, etc."

"If, however, the student wants to appeal either on the grounds that the student feels that they were wrongly accused, or the student feels that the grade penalty is too harsh, then the student may appeal the result of that primary hearing to the Academic

Integrity Hearing Board in the student's college, not the course's college, but the student's college.

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

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

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

"So, what we wanted to do is change the language in the Code, so that this court-process actually produced binding outcomes on the faculty member in terms of grade penalty. So that is the substance of the change (Appendix 4), and if you look at the text, either the text that you have in your meeting packet or up here, you will see this is what the Hearing Board can do. Remember, it goes to the Hearing Board, and if the faculty member wants to do something worse than a grade, or if the student wants to appeal the grade penalty, the Board can either find the student innocent of the charge, in which case everything ends, or find the student guilty of the charge and act in one or more of the following ways: affirm the faculty member's decision, then it ends subject to student appeal; or *direct* the faculty member to change the penalty given. Now it says *recommend* to the faculty member's decision. All the rest of this is just renumbering in Section 4. And then in the dean's section, the section where it refers to what the dean

can do when the case gets to the dean's level, that's at the bottom of this page, we have changed the wording here in Item 1: if a grade penalty has been exacted, the dean may direct, instead of recommend that, the faculty member to reduce the grade penalty. So those are the only substantive changes, everything else is renumbering and making everything constant with everything else. All the referrals point to the right places. We even found a few glitches in the Code as currently written with the way they were written, and we renumbered accordingly.

"Questions, comments?"

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

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

Professor Delchamps: "Yes, or cheating on homework or cheating on an exam, any kind of academic integrity violation. They are all detailed in the Code of Academic Integrity, which is available both online and on paper."

Professor Caron: "Do they really change the grade? Isn't plagiarism grounds for That even sounds too mild to me. Could they really order a professor to change the grade for a student found guilty?"

Professor Delchamps: "Yes, they could."

Professor Brad Anton: "I had some involvement with this subject before, and as I recall, the Hearing Board in the College of Engineering is half faculty and half students, right, three faculty and three students? I believe that's the make-up. Are they like that in every college? I have a real worry about this. In the end you have students carrying fifty percent of the weight on the decision that reduces a student's penalty. And the students who are making those decisions have a short-time interaction with this process. I think they are on these Hearing Boards only for a year. So I think that's very worrisome. I would much rather have something like a faculty appeals panel review these or someone else, so that only faculty are making these decisions, rather than having students doing part of it."

Professor Abby Cohn: "I actually have two small questions but if I could I might address Brad's question first. Having served for two years as the Chair of the Academic Integrity Hearing Board of Arts and Sciences I can tell you that almost categorically the problem is not the students wanting to reduce penalties. It's the faculty. I have much, much greater confidence in the students following the Code as it is written and the

intent in the code than the faculty. So while that could be an issue, I would say in practice it's not.

"I had two specific questions and sort of a broader suggestion that actually relates to the issue that was raised. I think one of the problems with the Code, as currently written, is that our faculty get very little guidance. And, it is in the purview of the faculty to make the decision how lenient they choose to be, but some sentencing guidelines would nevertheless, I think, be useful. Different departments have different cultures. Different colleges have different cultures, as it should be, but individual college boards, for example, might want to write some guidelines because oftentimes, when something goes as an appeal to the Hearing Board, it's precisely because it's really out of line with practice. If instructors knowingly choose to have it be out of line with practice, that is completely within their rights. But if they do it unknowingly, then it's unfortunate. So that is something we might want to take up.

"I just have two small clarification questions. When something goes to the dean, the dean can only direct a change when the student has approached them through the appeal process, right? The dean cannot recommend or direct a change of a faculty member unless the full process has been followed, right?"

Professor Delchamps: "In the Code as currently written, the only time the dean has a decisive role is if a student appeal what happens at the hearing board. In fact, there's no provision even for the faculty to appeal through the dean."

Professor Cohn: "And the second question that I'm not quite clear on in this language is it says here the student may appeal the findings of the Hearing Board regarding penalties. So is it the case that the student is only appealing the severity of the penalty, or can they actually appeal the finding?"

Professor Delchamps: "The guilt thing... I think not. I think the guilt thing is only appealable, let's see. I have the text here. No. "The student may appeal the finding of guilt.' It says here, this is the full text. 'A student who has received a finding of guilt from the Board, or whose finding of guilt in a Primary Hearing was upheld by the Board, may appeal on one or both of the following grounds: additional evidence,' you know the same kind of things that he or she can appeal to the Board about."

Professor Cohn: "Okay. So they can appeal the finding and also the penalty?"

Professor Delchamps: "Yes."

Professor Peter Stein: "I am not a member of this august body, but I have a long-standing interest in it. Well certainly there is no shortage of faculty organizations which only recommend. As a matter of fact, nearly all of our faculty committees and bodies

end up recommending. We recommend to the Provost. We recommend to the deans. We have a grievance procedure that we always use as a justification for due process, which in fact only recommends back to the person. And that's a common part of our practice. I've heard many rationales given, but there has to be someone at the top who makes the decision, and you can't give a decision to a quasi-judicial body.

"If you ask what power is given to the faculty member as an individual, as far as I know, there's only one power that's given to a faculty member in university legislation, and that is the power to give a student a grade. That's the one supreme power that we as faculty members have. The same way that an Englishman in his house is as secure from the king as a noble, so a faculty member in his room is as secure from the powers of the deans and the Provost to assign a grade to a student. And, I like that. I think that is an important part of the faculty member's obligation and duty. And, I believe that encroaching on that by this judicial body is not an appropriate thing. Different faculty members have different rules by which they enforce academic integrity. They have different values that they consider important. And I think that the Code ought to say that they should tell the class what they think is important and what they think is not, maybe as an important transgression against academic integrity. But I believe that they ought to be the final authority on the penalty given."

Professor Delchamps: "Before we move on to the next question, I just wanted to say that we did have quite an extensive discussion of this very issue among members of the EPC. There was difference of opinions, but we all coalesced around this after awhile often following these. We also feel, as you do, that the power of the grade rests ultimately on the faculty member. However, it seemed sort of strange to us to have a written code and a judicial process built into the code where there was something, essentially a sham process, that was unappealable. You know that if the faculty member held that power, then why bother going through this appeal process. It didn't seem right, and that was one of our members who I said is the associate dean who was the one who pressed this point. And I think we all came to agree with it."

Professor Rodney Dietert, Microbiology & Immunology: "Well, along this same line, I fully support the committee's hard work to find a solution to try and bring about the group decision through a peer-type process, but I think taking the step down the path of essentially saying that the dean will assign a grade to the faculty member's course is not necessarily a path that I would prefer to step or to take now. Some kind of peer review.... We have curriculum committees that also evaluate legitimacy and conduct in courses. I would think there must be some kind of peer process. It doesn't mean a faculty member couldn't still abuse, but that there would be some ramifications short of the plight of the dean to assign a grade."

Professor Delchamps: "Okay. I have two comments quickly in response to that. The dean may direct the faculty member to reduce the grade penalty, but I wasn't

envisioning this as the dean coming up with an actual letter grade. I was envisioning it as the dean saying that's too harsh, do something.

"The second thing is that there is language in the Code now that says only on very rare occasions do we anticipate that the dean will overturn the decision made at a lower level in this process. So the deans are explicitly referred to as people who probably won't be doing anything different from what was decided at that lower level process. But I know that's no guarantee."

Professor Terrence Fine: "I wish the lawyers hadn't left. I don't read that it says the dean has the right to change the grade. Or the Hearing Board has the right to change the grade. You are "directing" a faculty member to change the grade. So, if I don't wish to, and I am told to change the grade, and I don't wish to do it, the grade stands. What we then have is an argument between the dean and the faculty member. I don't know what you envision as the penalty for my not listening to the dean. And if I ignore the dean, then that's a separate issue."

Professor Delchamps: "No comment."

Professor Kathleen Rasmussen, Nutritional Sciences: "You have not presented me with compelling evidence that the process is broken. You presented me with evidence that the process is inconsistent. Can you speak to harm that is being done to anyone with the current process?"

Professor Delchamps: "I can't personally and the associate dean who brought this to our committee did not name names. He did however say, on at least one occasion and I believe he said on more than one occasion, there have been situations where a Hearing Board had recommended to a faculty member that the grade penalty be reduced and the faculty member had said, "Thank you" and not reduced the grade penalty. He thought that was unjust. I don't know what kind of harm arose or not in that kind of situation. I was hoping he would be at this meeting but he's not."

Professor Abby Cohn: "I would make two comments, one is purely semantic. The issue here is that some people have interpreted "recommend" to really be more binding, and some people have interpreted it to be less binding. And what I understand this to say is let's put in language that makes this more binding. That's how I read this. And if there's ambiguity there, then I'm all in favor of clarifying that.

"I think it's worth putting this in a broader context which is that the way the code is written, the faculty and the students of this University are bound by it. We enter into it. This is the document that we all agree to use, even though many people have not read it. So, if we don't like the process, we need to change this process rather than being wishy-washy about how we implement it. I think we are in a very luxurious context

relative to many, many peers where deans routinely come in and arbitrarily change grades. I've heard of many, many cases including at Ithaca College. And so this is not about deans changing grades, this is about us making a commitment to hold ourselves as the faculty bound by a document that we as a community have produced. And what we are doing is just changing the language in a way make our goals clearer. It could still be that a faculty member could refuse to do that. I don't know if it's in the Code or elsewhere, it's my understanding there is language somewhere that says a dean may change a grade at Cornell if they believe the faculty member has behaved in a capricious fashion."

Dean Walcott: "No, that is not true. That is a problem in the current Code."

Professor Cohn: "I thought that it was in the legislation somewhere."

Dean Walcott: "It's in the legislation, that says a faculty member may not assign grades capriciously but it fails to say what happens if anything."

Professor Cohn: "Okay, so I misremembered that, but the point is that if the faculty refuses, then it really is between the chair and the dean, but that's not the problem of the Code."

Professor Howard Howland: "I totally agree with my colleague Professor Stein. I think the person who is not only responsible, but also in an absolute best position to decide what the grade is, is a professor. I think any step down the slippery slope to change that is a very bad idea. I would appreciate a vote against this motion."

Speaker Knuth: "Thank you. We have exhausted the time on this particular item and to allow time for the other votes to take place, we are going to move on to the vote here. I will just remind you what you are voting on - the replacement of the current language with the language that you saw up here. It's been in your packets, so we are not going to reread that at this point. But what I would appreciate now is a vote, and we are going to try voice vote first. So those who are in favor of what's being proposed, please indicate by saying aye. All those opposed, please say nay. I believe that the nay carries but I think it would be wise to do a hand vote. Charlie, could you help me with this, and Brad? Again, all those who are in favor, please raise your hand. All those opposed, please raise your hand. Thank you.

The motion was defeated."

Speaker Knuth: "The next item on the agenda Professor Jenny Gerner who is Chair of the Committee on Research on Human Subjects for a resolution to change the charge and the name of the Committee on Research on Human Subjects."

7. Resolution to Change the Charge and Name of the University Committee on Human Subjects

Professor Jennifer Gerner, Policy Analysis and Management, Chair of the University Committee on Human Subjects: "You have the information in your packets, right? You have the charge. Actually, it's quite a long charge. This is the resolution (Appendix 5). We are doing two things here. One is changing the charge, and the other is changing the name. The name we want to change to is the "Institutional Review Board for Human Participants," which is the name that is conventionally used throughout the United States for this committee. Almost everybody here already calls it the IRB so we figured we might as well change the name to be the IRB. Human participants, rather than human subjects, turns out to be the sort of current set of words that NIH and others like to use because they also want to indicate that's it's not just humans who are participating in experiments but also humans who are participating in this research in any way. So that's the first thing.

"The second thing is the charge, which I'm not going to put up because it's actually quite major, it's really a complete rewriting of the charge from a fairly short charge to a much longer one, which takes into account the various pieces of legislation and rules and regulations that we in fact have to meet, and limits our charge to be doing those things and not in a well-specified way.

"The other thing that we are doing is changing the membership a little. Right now we specify a specific number of members, and we don't always have that many members because people go on leave, people disappear at various points in the semester for various reasons, and so what we would like to do is be a little more flexible in the number of members. Also in the current charge we have somebody specified from the Law School, for example, that's not a requirement under NIH. Although we love to have Law School members, we have had a hard time getting them. We have decided we would like not to have to be required to have a Law School member. We are asking for a little more flexibility in our membership. Here's what happens. If NIH or others come to audit the University and ask how we are doing our human subjects reviews, they will hold us to our charge. They don't care about most of the things we say in the charge, but they make us do it that way. So if we don't have enough members, we are in trouble. That's why we would have a little more flexibility so that we can always meet the charge.

"Elaine Wethington has been important to us as the former chair of the Research on Human Subjects Committee and really did a lot of work. We are now beginning to formalize some of these things in a way that will meet our requirements. Elaine, do you want to say anything further?"

Associate Professor Elaine Wethington, Human Development: "One reason why the charge as you read is substantially different from that which we previously had is that the old charge dated to approximately 1967. It predated Federal regulations. We were amending as we went along for the change in the name of the committee and the membership. But those amendments did not keep pace with Federal requirements. The great majority of this charge actually is taken verbatim from Federal Guidelines on how IRB should operate, as published by the Office of Human Research Protections. The charge as it is written is in fact how we were administering the University Committee on Human Subjects since approximately July 2000, when I took over as Chair of the Committee, stepping down in August of 2006. So in essence this is a document that catches us up to where we need to be and states the Federal regulations that already apply to us and have already been enforced."

Professor Gerner: "That's right. One other thing I should say is that the University has created an Office of Research Integrity and Assurance (ORIA), which now has put a substantial amount of resources into this. We are improving the website. We are also going to have a lot more sort of readable information about human subject activities and the kinds of standard operating procedures that we are going to follow. So don't think that everything that's in this charge is all you are going to see. There will be a lot more information, and I hope it will be much more accessible, and there will be a lot more resources to help you and your graduate students go through this process in the future. This is the beginning. Any questions?"

Speaker Knuth: "Yes. At this point, let's take discussion, and I'll just remind you that what we will be voting on is the actual resolution (Appendix 5), which is concluded by proposing that the title of the committee be changed to Institutional Review Board for Human Participants and that the charge for the committee be changed. And there were many pages of overheads that I'm not going to put up because you couldn't read through them. And they are in the packet. So, discussion or questions for Professor Gerner?"

Professor Dennis Miller, Food Science: "I have a couple of questions. One is in the definition of research, which is on page two. There's a footnote that says where you find the generalizable knowledge. And you are saying that's generally defined as publications, presentation, or requirement for a degree. I don't quite understand how a requirements for a degree is generalizable knowledge."

Professor Gerner: "It would be a piece of research that then would be publicly available as a degree requirement, as in a thesis, a dissertation, a masters thesis, honors thesis for an undergraduate. The issue is that it becomes a public document."

Professor Miller: "The other question - you mentioned that you are going to use "participants" rather than "subjects" because participants is sort of a broader term, which would include people other than subjects?"

Professor Gerner: "It would. Let me give you an example. If you are a psychologist and you are creating a tape using children as part of that tape, but they are not part of your experiment, those children are covered by this process."

Professor Miller: "But now in the footnote you say that participants is equivalent to subjects."

Professor Gerner: "It was always true that human subjects included those kinds of people, but participants is a word that seems to connote more. And, so it's more likely you will think of that as a result. So it is equivalent to the former use of subjects, but that's how it seems to be a little bit broader."

Professor Miller: "So it's not really equivalent?"

Professor Gerner: "If you came to it under our current title, which is the University Committee on Human Subjects, you would have to come to us for those children that are being taped. We wouldn't expect you to do that. But you might not know that as a researcher who is doing that. So it is equivalent but I think easier to understand. It's also the language that NIH is using now."

Professor Bruce Turnbull, Operations Research and Information Engineering: "Two questions. One was on the previous slide - the definition of research. So, a homework project in a sophomore statistics class involves questionnaires of humans. Is that human subjects?"

Professor Wethington: "As long as you are never going to use for anything, it's not human subjects. It's not research. But if you thought that you might ever want to use that as data, then we would need to see it."

Professor Turnbull: "Okay. My second question is, and you probably have a discussion of this somewhere else, do members of the IRB have a bulletproof identification? Because this has been an issue for the University of Colorado and the University of Pennsylvania."

Professor Wethington: "We are protected no more than any other faculty member, and I think that is an issue."

Professor Turnbull: "Yes. I don't see how you can get 12 to 18 members anywhere."

Professor Gerner: "We have gotten them, but I must admit that's not a conversation as we are inviting them to join us, we immediately have."

Professor Kathleen Rasmussen: "Very fast question, I always thought it was the University Committee on Human Subjects. Is the name wrong on the resolution?"

(Back and forth discussion.)

Speaker Knuth: "So what's being proposed is that University Committee on Human Subjects name be changed to the Institutional Review Board for Human Participants. Does that address your concerns?"

Professor Rasmussen: "Yes."

Professor Cohn: "I actually just had a question about membership and this may be something that's not changing at all. But in the document it states that the members are currently appointed by the President upon recommendation of the Dean of the Faculty in consultation with the Vice Provost for Research. Is that the current practice?"

Professor Gerner: "Yes."

Professor Cohn: "So this is rather different from how we typically appoint? It doesn't go through Nominations and Elections or anything like that. It already has a special hat?"

Dean Walcott: "That is correct. And the reason is the specificity of the people you need for this committee is so technical that Nominations and Elections looks at it and throws it hands up in horror."

Professor Cohn: "So we are voting just on the therefore or also on the whereases?"

Speaker Knuth: "We are voting on the whole resolution."

Professor Cohn: "On the document we received the very first whereas has something I would take to be an infelicity. It says that the Board is to include a larger number of community and provide considerable guidance. So it should say community members?"

Professor Gerner: "It should read community members."

Speaker Knuth: "As chair of this meeting I'll accept that as a non-substance substantive change. So accepted."

Professor Loren Tauer, Applied Economics and Management: "What criteria would you use to select the two outside members of this committee? I mean - what type of individuals?"

Professor Gerner: "A community member must not have affiliation of any sort with Cornell. So if someone who is a spouse of a Cornell person does not meet that criterion."

Professor Tauer: "What type of expertise would you be looking for?"

Professor Gerner: "Here's what we look for. One of our community members currently is the child advocate for the court downtown. That's one of the kinds of people we might like. Or, we might like a social worker who has a lot engagement with other protected classes like prisoners or handicapped, or something like that. Those are the sorts of people that we would like to find. We have also had members from BOCES or other places where they had a special kind of understanding of a particular population. And, that's their objective too is to be an advocate for the participants."

Speaker Knuth: "We have time to take just one more question."

Professor Michel Louge, Mechanical and Aerospace Engineering: "I presume to read that a human subject that this excludes cadavers, hands, and body parts. And on the flip side I would like clarification on what is meant by human subjects. I hate to bring this up because it's a very thorny issue. Does it involve as well stem cells and embryos?"

Professor Wethington: "Yes it does. A person who is really, really, really dead is defined out of coverage under Federal Human Subjects Laws. But human cell lines are not. And, I suppose analyzing the hand of someone who is still living, I suppose, would not be. The federal regulations do include living cell lines and cell lines which are being kept alive even though the donors are dead."

Professor Gerner: "It would be important if you are collecting certain kinds of tissue cultures for us to take a look at."

Speaker Knuth: "We need to bring this discussion to a close. I appreciate the questions. I am feeling a little bit like I am in the Wizard of Oz with that "really dead" reference. It is time to take vote on this. You have this in your packet. We are voting on the entire set of language that you have in your packet, with the changes. So now I would like to call for a vote. Those who are in favor of proceeding with this change, please indicate by saying aye. All those opposed, please say nay."

Motion carried.

Speaker Knuth: "I would now like to call on Professor Risa Lieberwitz who is the chair of the Committee to Review Faculty Governance for a resolution to receive their final report and recommendations.

"Let me just get some clarification. Vicki Meyers-Wallen, you have no need for Good and Welfare, right?"

8. Resolution to Receive Final Report and Recommendations from the Committee to Review Faculty Governance

Associate Professor Risa Lieberwitz, Industrial & Labor Relations, Faculty Governance Committee Chair: "Thank you very much. I am very glad to be back speaking on behalf of the Faculty Governance Committee to present our resolution (Appendix 6). We sent out notices in various ways of the final committee report and recommendations (Appendix 7). Before going to the resolution I just want to remind you of a couple of things. Hopefully it will be very briefly and then if there is discussion, questions, we have time for that.

"First an overview of the Faculty Governance Committee's work to remind you of the process that we went through. And since I have been before this body numerous times to talk to you about it, what I thought might actually be more useful than just showing you the very long list was to show you a more focused look at what we have done since the November draft report from the committee. Since we came before you at the November meeting of the Faculty Senate, we have had a faculty forum, we have had further meetings with the Trustees, the President, Provost and more Deans and the Associate Deans of Faculty, and further faculty feedback. Now we have our final report and recommendations.

"Before I go further, though, on the substance of what the committee did I wanted to put the resolution (Appendix 6) up so you could look at it in terms of what the resolution does do, as well as what the resolution does not try to do. That is, basically saying in terms of our first whereas that the Committee was created to study faculty governance and make recommendations to strengthen the faculty governance process, whereas we fulfilled our charge and we are now submitting our final report and recommendations to the Faculty Senate, which originally charged us, that our resolution is actually quite straightforward. We made it more straightforward and more brief based on feedback that we have received about it and perhaps some confusion about what our resolution was intended to do.

"And so the, 'be it resolved is that the Senate received the report and calls on the Dean of Faculty and the University Faculty Committee to initiate further considerations of the

recommendations.' So I just wanted to be clear from the get go here, that what we are going to ask you to vote on is to receive the report to then call on the Dean of Faculty and the UFC to take further steps to consider recommendations, which could lead to various outcomes. We are not asking you to vote on any particular recommendation - up or down. What we are hoping to do with this resolution is to actually have the report received by you and have it acknowledged in that way, and then instructing further consideration of the particular recommendations. That is then up to the Dean of Faculty and the UFC to do, for example, to distribute recommendations to various standing committees or to take other procedures that would then have the recommendations further considered with the potential for other resolutions to come before this body, where you actually vote on the substance of those. I did want to make clear to you what we are asking for and what we are not asking for.

"We are also hoping that in approving this resolution that it creates a momentum, so that the report does carry forward with people considering it further. All right, so what I would like to do, is assuming that you have all read the report, I'm just going to focus on some particular aspects of it, quite briefly.

"First, with regard to the overview of our recommendations, as I said, we met with various groups including the President and the Provost again, some of the members of the Board of Trustees, the Chair of the Board of Trustees, the outgoing and incoming chair of the executive committee. We have had lots of input from different people about different aspects including, of course, the faculty. We were very interested as a committee in taking all the feed back and really using it. I think that you can see when you have read the recommendations and the report that we really have taken seriously the feedback we received. We revised our recommendations substantively in some ways, and in other ways the revisions are really more of a consolidation to try to make the recommendations clearer and more straightforward for you to read. I want to just highlight some aspects.

"The first one has to do with general goals and these goals are in the discussion before the numbered recommendations in your report - to improve and strengthen faculty governance, to create a situation where we have more openness and meaningful consultation toward consensus, and then also to encourage and to recognize the importance of active faculty groups participation in University governance. I have created these transparencies to try to boil down the recommendations, and in the interest of having the type large enough to read easily, it means I have more transparencies. But, hopefully it will be clearer.

"The first one is to highlight to you that the recommendations are focused to a great extent in consolidating our recommendations that the role of the UFC and the Dean of Faculty should be expanded to improve communication and consultation between the Administration, the Board of Trustees and the faculty. What we were hearing, to a

great extent from various parties, is how important the liaison role of the UFC and the Dean of Faculty is. The Trustees felt that this was important, and it was actually working quite well already. So taking seriously what we were hearing about that, we thought that consolidating in this way: to expand the UFC's role; to expand the eligibility of people on the UFC; and to encourage broad consultation by all the parties in that way; and also very importantly if the role of the UFC and the Dean of Faculty are going to be expanded in this way, we would recommend very regular and detailed reporting to the Faculty Senate on what goes on in this liaison role. The other provision is to have the Dean of Faculty and the UFC work on ensuring timely responses and implementation with regard to Senate resolutions.

"The other ones I think are obvious, but just to highlight the consultation with the UFC prior to accepting the resignation or considering discharge of the President or Provost and then finally a provision to encourage the UFC to initiate reviews in appropriate circumstances.

"I just did want to also mention that in these recommendations, what we tried to do as a committee was to recognize that we have to get the Administration and the Trustees and faculty all involved here, and we are recommending that the Administration do more open and full consultation, as well as the Trustees. Also, we are recognizing that the faculty need to take seriously and take full account of their own need to participate very actively in order to make this process work.

"I'm not going to spend much time on the others. Our recommendations to improve the effectiveness of the Faculty Senate committees with regard to reviewing charges for the committees, to do that themselves as well as to encourage more consultation with the committee by the Administration. And then also we have provisions with regard to faculty participation in searches, the first one dealing with Presidential searches and significant faculty participation. We have also strengthened and highlighted the role of the Nominations and Elections Committee here and its role in nominating members of these committees with approval by the Senate. We have a provision here with regard to searches for the Provost.

"We also have a recommendation for clarifying the role of Nominations and Elections Committee with regard to the searches for college deans, and to take the process that's in place and just simply clarify and actually make it, we thought, better in terms of complete participation by Nominations and Elections.

"I won't go into number 7. I think that's obvious in terms of the Dean of the Graduate School, the Dean of Students. And then finally a new recommendation for a review of these every five years - the offices of the President and the Provost, we don't have the specifics holders of those offices but to see how the offices themselves are running.

And, to, again have the Dean of Faculty, UFC and Nominations and Elections be involved in that.

“So those are the highlights of the recommendations. I have already gone over the resolution that we have put together. I think that’s it.”

Speaker Knuth: “Thank you. We have about nine minutes for discussion on this and our vote. You see the resolution up here. Again, the resolution has the whereases, and that is receiving the report and calling for further consideration and recommendations. Discussions, questions?”

Professor Carol Rosen, Linguistics: “I understand full well that we are not voting on the recommendations now. I do think that the resolution ought to say just a bit more than it does. I read this report with great admiration and appreciation and I was looking forward to being able to vote today for a resolution, which would express something to that affect.

“Secondly, I think the resolution is a bit vague as it is written. It doesn’t guarantee in any way that the Faculty Senate, itself, would ever have the opportunity to consider the recommendations either collectively or individually. I would like to see a revision that would say something like, ‘The Senate expresses its appreciation for the report of the Committee on Faculty Governance and calls for the Dean of Faculty and University Faculty Committee to make arrangements for the recommendations to be considered by the Faculty Senate.’”

Professor Lieberwitz: “Just let me just mention there are other members of our committee here who can also speak to various questions. First of all, we are always happy to hear appreciation, I’m sure. But, in terms of the role of the committee we did discuss what should be the next steps. Our view of what we were charged with was doing a study. We have done our study. We have made recommendations and now it’s really up to the various members of this body with the leadership of the Dean of Faculty and the UFC to use that momentum to have these recommendations considered, perhaps refined, perhaps changed in different ways and then brought back. We do hope that momentum does carry on.”

Professor Dietert: “I’m also one of the members of the UFC and I just wanted to belay any fears that the UFC is only empowered, in fact, by the faculty and the Faculty Senate. By laying this in our laps for specific actions, specific considerations, and very specific resolutions, it’s certainly would not be something we would not do. One could never envision bypassing the Senate. That’s not the intention. The intention is to applaud this committee that’s worked so long, I think, and to allow them get about any business. Let others take up the gauntlet.”

“Professor Earle: “I understand that the resolution from the committee would seem a little odd if they asked for a vote of thanks for their work, but I’m wondering if would be acceptable as a friendly alteration to say, ‘be it resolved that the Senate receives the report with thanks,’ or something like that, to the committee.”

Speaker Knuth: “Let me make a comment on that. First of all is that’s proposed as an amendment, Lisa? (yes) Is there a second? Okay. Seconded. I will indicate that it’s my power as speaker of the body, to accept non-substantive amendments if they approved, meaning that they don’t change the content of the resolution. In all due respect to the committee, I will rule this one, if you vote on it, I will rule it a non-substantive amendment. I will let you know that I would judge substantive, the suggestion that was made to redirect the language regarding the Faculty Senate. Just to give you a point of information here. We had an amendment and a second. Is there any discussion on the amendment and at the language providing thanks to the committee? Hearing no discussion, I’ll ask for a vote on that amendment. All those in favor to adding language to thank the committee, say aye. Those opposed, say nay.

Motion Passed.

“That carries so we are now amending the resolution to add thanks to the committee and then the rest of the language you have. Any further discussion?”

Professor Locksley Edmondson, Africana Studies: “I am still a bit unclear about the meaning and points posed in the last paragraph. Could you explain? These seem to be a bit up in the air? Do you need to add something else to give a little more concreteness to it, come back to the Senate, consult with the Senate, I don’t know?”

Professor Lieberwitz: “The last recommendation? Well I think that our view of this was that if we had the leadership of the Faculty Senate through the Dean of Faculty and UFC taking on this role of having the recommendations considered further, that it’s up to, for example, if some of these recommendations go to a standing committee, it’s up to them in the standing committee to decide whether to put together a resolution for them to bring back before this body. There may be other ways in which other aspects of the recommendations are considered, and so we thought it was best to leave it up to the process which can take place at this point in the way that the Senate is set up to consider further resolutions. And, hopefully what will also happen, I mentioned, that it is the Dean of Faculty and the UFC who will continue making reports to this body and reporting on the progress.”

Professor Paul Eberts, Development Sociology: “I was just wondering what you had in mind on further consideration. Do you mean that we should pass resolutions regarding these issues or put them in the by-laws, or some thing to that effect?”

Professor Lieberwitz: "It depends."

Dean Walcott: "Let me just speak to one piece of that. One of the recommendations here is to change the way the University Faculty Committee is elected. That requires a change to what we affectionately call "OPUF," that is the rules by which the Senate governs itself. That is a complicated process, which involves bringing it to this body and then having a vote of the entire faculty of the University. So, this isn't something you enter into casually. But, there are a number of things we need to change about "OPUF" for one reason or another so I think that the UFC is likely to make a resolution to change it and bring it to this body. Then it will go to a vote of the entire faculty and I think each one of the various recommendations will go different routes. But I think they will all eventually end up here in some form or other."

Professor Lieberwitz: "I think this was discussed with us as well. There are some things that may be very easy to change, for example, the recommendation of having regular reports by the UFC. The Dean of Faculty already does that, reports at each Faculty Senate meeting. It may be that UFC wants to look at that and say we think that a good idea, we can start that immediately. It depends on the recommendation. It might lead to a different process and also might be a catalyst for other kinds of things that committees want to consider."

Speaker Knuth: "Thank you. I do need to call for a vote at this point because we do have a Good and Welfare speaker who has promised me he only needs 60 seconds. At this point I am going to call for a vote on this resolution with the change that we discussed, which expresses thanks to the committee for their work. Those in favor of this resolution, please indicate by saying aye. All those opposed, please say nay."

Motion carries.

"At this point our last item of business is to call on Peter Stein for 60 seconds Good and Welfare."

9. Good and Welfare

Professor Stein: Sixty seconds, I'll take half the time going and back. Let me do it from here. Yesterday I made my annual visit to my ophthalmologist. He told me with my glasses on I have 20/20 vision. Sitting here I would doubt that because with the exception of a few parts of Risa's transparencies, I have not been able to read a word that was projected up there. If we take ourselves seriously, as a deliberative body, and its speakers who want to present things to us, we should have the technical capability of displaying them so that people can read them. I don't know what is used in the classrooms. I'm sure there are things that are displayed there and students don't need better than 20/20 vision. I would like to ask the Dean of the Faculty and the UFC to

appoint a technical subcommittee to come up with a protocol whereby transparencies that would be presented at Senate meetings would be legible to people with ordinary vision.”

Speaker Knuth: “Thank you Peter. I am sure the Dean of Faculty will take that under advisement. We have reached our agreed upon adjournment time, so I am declaring the meeting adjourned.”

Meeting adjourned - 6:00 PM

Respectfully submitted,

A. Brad Anton

Associate Dean and Secretary of the University Faculty

Appendix 1

Appendix 2

***Resolution to Approve the
Establishment of a New Master of Science Degree Program
in Legal Studies (MSLS) in the Graduate Field of Law***

WHEREAS, the General Committee of the Graduate School has reviewed and approved the proposal to create a new Master of Science degree program (MSLS) in the graduate field of Law;

WHEREAS, the Committee on Academic Programs and Policies has reviewed and recommends creation of this Master of Science in Legal Studies;

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the establishment of a new Master of Science degree program in Legal Studies in the graduate field of Law.

*CAPP APPROVAL
December 2006*

*Faculty Senate Approval
March 14, 2007*

Appendix 3

**RESOLUTION TO AMEND
CODE OF ACADEMIC INTEGRITY**

Whereas the Educational Policy Committee has reviewed the Code of Academic Integrity, and

Whereas the EPC proposes modification of the current Code,

Therefore be it resolved that Sections II C 4 – 8 be amended as follows:

Replace Section II C 4 a and b with

4. The Board may either

a. Find the student innocent of the charge, or

b. Find the student guilty of the charge and act in one or more of the following ways:

i. Affirm the faculty member's decision

ii. Direct the faculty member to change the penalty given. Examples of possible penalties are to: record a failing grade in the course, record a failing grade in some portion of the course, and reduce the final grade of the student one level (e.g. from B to B-, or C- to D)

iii. Recommend to the dean of the student's college that the student be placed on probation (or the college's equivalent)

iv. Recommend to the dean of the student's college that the student be suspended from the University for a period of time

v. Recommend to the dean of the student's college that the words "declared guilty of violation of the Code of Academic Integrity" be recorded on the student's transcript. The Hearing Board may set a date after which the student may petition the Board to have these words deleted from the transcript

vi. Recommend to the dean of the student's college that the student be expelled from the University

vii. Recommend to the dean of the student's college any other suitable action, including counseling, community service, or reprimand

Renumber existing item II C 4 c as item II C 5.

Renumber existing items II C 5-8 to II C 6-9.

Replace current II C 5 b i and ii with:

i. If a grade penalty has been exacted (II C 4 b i-ii), the dean may direct the faculty member to reduce the grade penalty.

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

Rationale for Changes

Effect of the proposed changes: The current Code of Academic Integrity stipulates that an Academic Integrity Hearing Board or college dean may recommend an adjustment, generally a reduction, in a grade penalty imposed on a student by a faculty member for a violation of the Code. The proposed new wording would make any such recommendation binding.

Educational Policy Committee
February 5, 2007

(Not approved by the Faculty Senate)

Appendix 4

**Code of Academic Integrity
Proposed Changes to Section II, C
February 5, 2007**

(Deletions - ~~strikethroughs~~) (Additions - underlined)

4. ~~The Board may act in one or more of the following ways:~~

- a. ~~Find the student innocent of the charge~~
- b. ~~Find the student guilty of the charge and~~
 - i. ~~Recommend to the faculty member that she or he reduce the penalty given~~
 - ii. ~~Affirm the faculty member's decision~~
 - iii. ~~Recommend that the faculty member record a failing grade for the course, or for some portion of it~~
 - iv. ~~Recommend to the dean of the student's college that the student be placed on probation (or the college's equivalent)~~
 - v. ~~Recommend to the dean of the student's college that the student be suspended from the University for a period of time~~
 - vi. ~~Recommend to the dean of the student's college that the words "declared guilty of violation of the Code of Academic Integrity" be recorded on the student's transcript. The Hearing Board may set a date after which the student may petition the Board to have these words deleted from the transcript~~
 - vii. ~~Recommend to the dean of the student's college that the student be expelled from the University~~
 - viii. ~~Recommend to the dean of the student's college any other suitable action, including counseling, community service, or reprimand~~

4. The Board may either

- a. Find the student innocent of the charge, or
- b. Find the student guilty of the charge and act in one or more of the following ways:
 - i. Affirm the faculty member's decision

ii. Direct the faculty member to change the penalty given. Examples of possible penalties are to: record a failing grade in the course, record a failing grade in some portion of the course, and reduce the final grade of the student one level (e.g. from B to B-, or C- to D)

iii. Recommend to the dean of the student's college that the student be placed on probation (or the college's equivalent)

iv. Recommend to the dean of the student's college that the student be suspended from the University for a period of time

v. Recommend to the dean of the student's college that the words "declared guilty of violation of the Code of Academic Integrity" be recorded on the student's transcript. The Hearing Board may set a date after which the student may petition the Board to have these words deleted from the transcript

vi. Recommend to the dean of the student's college that the student be expelled from the University

vii. Recommend to the dean of the student's college any other suitable action, including counseling, community service, or reprimand.

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

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

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

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

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

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

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

- i. If a grade penalty has been exacted (~~II.C.4.b.i-iii~~) (II C 4 b i-ii) , the dean may ~~recommend to~~ direct the faculty member ~~that the grade penalty be reduced to reduce the grade penalty.~~
- ii. If another penalty has been exacted (~~II.C.4.b.iv-viii~~) (II C 4 b iii-vi), the dean may modify or decline to carry out the recommended penalty.

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

7. 6. Annual Reports. Each college Academic Integrity Hearing Board shall submit a summary report of its proceedings (without identifying any particular student) to the Dean of the Faculty at the end of the academic year. The names of the members of the Board and any significant departures in procedure should be reported as well.

8. 7. Honor Codes. The existing school honor codes as in the College of Veterinary Medicine and the Law School are not governed by the foregoing legislation, but current versions of these honor codes must be kept on file with the Office of the Dean of the Faculty. In the case of allegations against a student enrolled in a course subject to a school honor code but registered in another college, all actions beyond the primary hearing revert to the Hearing Board of the student's college.

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

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

Appendix 5

Resolution to Change the Charge and Name of

**University Committee on Human Subjects to
Institutional Review Board for Human Participants**

Whereas the Office of Human Research Protections in the U.S. Department of Health and Human Services has guided university Institutional Review Boards to include a larger number of community members and provided considerable guidance as to membership and responsibilities;

Whereas current university legislation describes a charge that does not fully incorporate the guidelines of the U.S. Department of Health and Human Services;

Whereas current university legislation creates a committee structure that could not respond flexibly to changes in federal regulations regarding the conduct of IRBs;

Whereas the conventional title of this committee used by the U.S. Department of Health and Human Services and most other universities is Institutional Review Board (IRB);

Therefore, it is proposed that the title of this committee be changed to Institutional Review Board for Human Participants and that the charge for this committee be changed to the following: (see following pages)

*University Committee on Human Subjects
February 6, 2007*

*University Faculty Senate
March 14, 2007*

**Cornell University
Institutional Review Board for Human Participants**

CHARGE

AUTHORIZATION

In accordance with its Federalwide Assurance on file with the Department of Health and Human Services, Cornell University has an Institutional Review Board for Human Participants (IRB). The IRB is a standing committee of the University Faculty. Its activities are overseen by the Vice Provost for Research Administration.

CORNELL'S COMMITMENT TO PROTECTING HUMAN PARTICIPANTS

In order to protect the rights of all human participants involved in research at Cornell University, the University operates its human participant research programs under a Federalwide Assurance (FWA) with the Office of Human Research Protection (OHRP) within the Department of Health and Human Services. The FWA represents a fundamental commitment to the protection of human participants and applies to all Cornell University research involving human participants, regardless of the location of the research or its sources of funding, be they governmental agencies, nonprofit organizations, industry, or University funds. In addition, the FWA applies to all research that is conducted at Cornell University or using Cornell resources regardless of whom is conducting the research.

As part of its mission, Cornell University maintains a Human Research Protection Program that adheres to the principles outlined in the Belmont Report, the Declaration of Helsinki (as amended in 1989), and the Nuremburg Code as well as with the federal regulations, outlined in 45 CFR 46 and its Subparts A, B, C, and D, and the FDA regulations, outlined in 21 CFR 50 and 21 CFR 56. In addition, the University complies with New York State Public Health Law 24-A §2444 and New York State regulations concerning the use of human participants in research. When research activities are being proposed to be conducted in other states and/or countries by Cornell faculty, staff, and/or students, the research activities will be approved in compliance with the regulations for those specific research locations.

DEFINITIONS

Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge¹. Activities which meet this definition constitute research for purposes of this policy, whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities and they would be included in this definition of Research.²

*Human participants*³ means a living individual about whom an investigator (whether professional or student) conducting research obtains:

- (1) Data through intervention or interaction with the individual, or
- (2) Identifiable private information.

Intervention includes both physical procedures by which data are gathered and manipulations of the participant or the participant's environment that are performed for research purposes. Intervention includes communication or interpersonal contact between investigator and participant.

Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public. Private information must be individually identifiable (i.e., the identity of the participant is or may readily be ascertained by the investigator or associated with the information) in order for obtaining the information to constitute research involving human participants.^{4, 5}

Investigator - The individual(s) designated to have the appropriate level of authority and responsibility to direct the research project and/or activity.

ORGANIZATIONAL ROLES

1. Without exception, all human participant research conducted by Cornell University investigators, students, and staff, and any others conducting research at Cornell or utilizing Cornell resources, must receive prior approval of Cornell University's

¹ Generally defined as publication, presentation, or requirement for a degree

² 45 CFR 46.102(d)

³ For purposes of this document, "Human Participants" is equivalent to "Human Subjects"

⁴ 45 CFR 46.102(f)

⁵ Private information includes: name; address; elements of dates related to an individual (e.g. birth date, marriage date, date of death, etc.); numbers (telephone, fax, social security, medical record, health beneficiary/health insurance, certificate or license numbers, vehicle numbers; account numbers (e.g. credit card), device identification numbers, serial numbers, and/or any unique identifying number, characteristics, or codes); email address; Web URLs; Internet Protocol addresses [IP]; biometric identifiers (e.g., voice, fingerprints); full face photographs or comparable images; or biological samples or genetic material.

Institutional Review Board for Human Participants (IRB). The IRB for Human Participants has the authority to review, approve, disapprove or require changes in research or related activities involving human participants. Research reviewed by the IRB may also be subject to other review and approval or disapproval by officials at Cornell University. However, those officials may not approve research that has not been approved by the IRB for Human Participants.

2. The IRB for Human Participants has the final determination as to what constitutes Research and the use of Human Participants. The IRB for Human Participants makes the final determination as to whether or not activities meet the definition of Research and if the activity needs to be reviewed and/or approved by the IRB for Human Participants. Investigators cannot exempt themselves and their activities from IRB review and approval. The approval by the IRB for Human Participants cannot occur after the data for a research activity has been collected.
3. The Vice Provost for Research Administration serves as the Institutional Official for the Federal-Wide Assurance with OHRP. As such, the Vice Provost for Research Administration, in consultation with the Provost and appropriate Deans, has oversight responsibility of the University's Human Research Protection Program.

CHARGE

The IRB shall ensure the protection of human participants as subjects of research at Cornell University. The IRB shall:

- (a) Determine what activities constitute research and the use of human participants.
- (b) Review, approve, require modifications in (to secure approval), or disapprove all research activities covered by this policy prior to the commencement of the research.
- (c) Require that information given to participants as part of informed consent is in accordance with appropriate law, regulations, and international standards.⁶ The IRB for Human Participants may require that additional information be given to the participants when, in the IRB's judgment, the information would meaningfully add to the protection of the rights and welfare of participants.
- (d) Require documentation of informed consent or waive documentation in accordance with federal and New York State laws and regulations. When research activities are being proposed to be conducted in other states and/or countries by Cornell faculty, staff, and/or students, the research activities will be approved in compliance with the regulations for those specific research locations.⁷
- (e) Notify investigators and the institution in writing of its decision to approve or disapprove the proposed research activity, or of modifications required to secure IRB approval of the research activity. If the IRB decides to disapprove a research activity, it shall include in its written notification a statement of the reasons for its decision and give

⁶ 45 CFR 46.116

⁷ 45 CFR 46.117

the investigator an opportunity to respond in person or in writing.

(f) Conduct continuing review of research covered by this policy at intervals appropriate to the degree of risk, but not less than once per year, and have authority to observe or have a third party observe the consent process and the research.

(g) Suspend or terminate approval of research that is not being conducted in accordance with the IRB's requirements or that has been associated with unexpected serious harm to participants. Any suspension or termination of approval shall include a statement of the reasons for the IRB's action and shall be reported promptly to the investigator, appropriate institutional official, and the department or agency head.

MEMBERSHIP

The IRB for Human Participants shall consist of twelve to eighteen members. It shall consist of (a) at least one physician representing the Gannett Health Services, (b) at least two members not otherwise affiliated with Cornell University; (c) a representative from Cornell Environmental Health and Safety, and (d) other members of the University faculty to be able to review and approve research conducted by Cornell University. All members shall be appointed by the President upon recommendation of the Dean of the Faculty in consultation with the Vice Provost for Research. Members will serve terms of one to three-years and should provide representation primarily from the social, behavioral, and biological sciences. The Committee Chair shall be appointed from among the faculty members by the President upon recommendation of the Dean of the Faculty in consultation with the Vice Provost for Research. The Chair will serve for a term of one to three years after which time the Dean of the Faculty, in consultation with the Vice Provost for Research; will make a recommendation to the President concerning the appointment of a new Chair or the reappointment of the present chair.

ADMINISTRATIVE SUPPORT

The Office of Research Integrity and Assurance (ORIA) provides the administrative support for the Human Research Protection Program and the IRB for Human Participants. Initial contact with the Committee should be made through ORIA.

Persons requesting a decision on whether research or scholarly activity is subject to the University's Human Research Protection Program must contact ORIA. The ORIA staff will make the decision based on the following factors: (1) whether or not the activity is subject to Cornell University's FWA, (2) when the activity represents Research and involves Human Participants, and (3) whether or not Cornell University is "engaged" in the research activity.

Determination requests made in writing (e-mail, fax, or hard copy), must include sufficient documentation of the proposed research to allow a fully informed determination. ORIA staff or the IRB will respond to these written requests with a written determination. The submitted materials and a copy of the determination letter will be kept on file.

ORIA, acting for the IRB and any subcommittees, shall maintain minutes of all meetings and shall record their findings and recommendations as part of these minutes. These records shall be maintained in ORIA.

ANNUAL REPORT

The IRB shall submit an annual report to the President on its activities for the year and shall make its report available to the Faculty Senate. The Chair of the IRB shall also submit an annual report of IRB activities and deliberations to the Institutional Official and the Dean of Faculty.

The basic formulation and structure of this committee was embodied in a report from the Committee on Research Policy and Personnel, Faculty Council Minutes, June 6, 1967; amended November 18, 1970. Amended by the FCR, December 9, 1987, Records, pp. 6530-44C, Appendix B; October 11, 1989, Records, pp. 6769-70C. Changes in nomenclature from FCR to Faculty Senate and to reflect amendments to Organization and Procedures of the University Faculty, October 1995. Amended to increase the number of members from twelve to eighteen on October 10, 2001. Amended to change the composition of the committee on February 13, 2002. ***Amended to (1) change the name of the committee to the Institutional Review Board for Human Participants, (2) clarify the charge to the Committee, (3) change the number of members from eighteen to 12-18, and (4) provide for rotating terms of Committee members, on March 14, 2007.***

Appendix 6

Resolution from the Committee to Review Faculty Governance

Whereas the Committee to Review Faculty Governance was created by the Faculty Senate in November 2005 to study the state of faculty governance at Cornell and “to make recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the university faculty on administrative decision-making at Cornell”; and

Whereas the Committee to Review Faculty Governance has fulfilled its charge and has submitted its final report and recommendations to the Faculty Senate,

Be it resolved that the Senate receives the report with thanks and calls on the Dean of Faculty and the University Faculty Committee to initiate further consideration of the recommendations.

Committee to Review Faculty Governance
March 7, 2007

University Faculty Senate
March 14, 2007

Faculty Senate Committee to Review Faculty Governance
Final Report and Recommendations

March 7, 2007

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I. Introduction

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

To carry out its tasks, the FGC engaged in work in multiple areas. The FGC: (1) defined issues of faculty governance, both conceptually and in practice at Cornell; (2) researched secondary sources (e.g. reflective essays and empirical studies) on faculty governance models, including faculty governance systems at other universities⁸; (3) conducted interviews with individuals and groups of current and former faculty, administrators, and trustees at Cornell⁹; (4) conducted telephone interviews with individuals outside Cornell; and (5) solicited input and suggestions from the members of the Faculty Senate, department chairs, and the entire Cornell faculty. These five areas of the FGC's activities are interrelated, as the research and interview processes helped to define the key issues of faculty governance and provide information useful for addressing them. The FGC presented a draft final report and recommendations (dated November 1, 2006) to the Faculty Senate at its November 8, 2006 meeting and held a Faculty Forum on the draft report on November 15, 2006. The FGC has created a web page on the Faculty Senate's web site, which includes the progress report, draft final report and recommendations, and other information relevant to the committee's work.

Section II of this report discusses the traditional university “shared governance” model, which is linked to academic freedom in fulfilling the university's public mission in a democratic society. This section also describes the roles and responsibilities of the respective elements of the shared governance structure at Cornell. Section III discusses societal changes in the United States that have led to institutional shifts in many universities, including a weakening of shared governance.

⁸ The FGC researched faculty governance systems of the following universities: California Institute of Technology; Harvard University; Massachusetts Institute of Technology; University of California, Berkeley; University of Chicago; University of Iowa; University of Pennsylvania; University of Wisconsin; and Yale University.

⁹ See Appendix B: List of individuals interviewed or consulted by the FGC. The Faculty Governance Committee is grateful to these individuals for taking their valuable time to answer our questions and to give us the benefit of their insights and opinions on the issues that have been our primary concern.

The discussion analyzes the way these trends in governance are reflected at Cornell, including institutional changes and approaches to governance by the university administration, changes in faculty attitudes toward faculty governance, and the implications of these changes for shared governance at Cornell.

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

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

II. The Shared Governance Model in the University

Creating and preserving a great university depends, in part, on adopting governance processes that promote the institutional role of the university in serving the public good through teaching, research and service.¹⁰ The model of university governance widely adopted in U.S. universities is "shared governance," which includes faculty participation in university governance as an essential element of promoting and preserving the quality of the university's core educational functions of teaching and research.¹¹ In the absence of formalized structures for consultation, faculty participation in university decision-making occurs primarily in times of crisis and is, thus, reactive rather than proactive. Shared governance processes provide institutional mechanisms to encourage deliberative, rather than crisis-based faculty participation. The shared governance model is linked to the role of academic freedom in preserving collective faculty autonomy over traditional academic matters such as faculty hiring, peer review, curriculum, and student academic standards. The shared governance model also recognizes that meaningful faculty governance over academic matters requires broad faculty participation in other aspects of university governance, such as budgets and administrative appointments, which affect the core

¹⁰ See, e.g., Joan Wallach Scott, *The Critical State of Shared Governance*, <http://www.aaup.org/publications/Academe/2002/02ja/02jasco.htm>; Larry G. Gerber, "Inextricably Linked": *Shared Governance and Academic Freedom*, <http://www.aaup.org/publications/Academe/2001/01mj/mj01gerb.htm>; William G. Tierney, *When Divorce Is Not an Option: The Board and the Faculty*, <http://www.aaup.org/publications/Academe/2005/05mj/05mjtier.htm#b1>

¹¹The mutual recognition by faculty and university administrations of the importance of shared governance dates back to the joint effort by the AAUP and the Association of American Colleges to restate the principles of academic freedom, which resulted in the 1940 Statement of Principles on Academic Freedom and Tenure, in AAUP POLICY DOCUMENTS & REPORTS 3 (1995) [hereinafter, 1940 Statement]. The Association of American Colleges is now the Association of American Colleges and Universities. AAUP POLICY DOCUMENTS & REPORTS 1 (B. Robert Kreiser ed., 9th ed. 2001).

academic functions of teaching and research. Making faculty perspectives and expertise an integral part of university governance thus promotes decision-making consistent with the university's core missions.

In its 1966 "Statement on Government of Colleges and Universities," the American Association of University Professors (AAUP) describes the shared governance model that reflects the norm at many universities, including Cornell. This Statement enumerates the principal governing responsibilities of university boards (i.e., trustees), presidents, and faculty, and it offers broad guidelines for productive interactions among these groups.¹² It recognizes that they will each initiate action in different areas, and that the weight of each group's voice may differ depending on the nature of the issue. Faculty have "primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life that relate to the educational process"; the President is the "chief planning officer" with a "special obligation to innovate and initiate"; and the governing board is the "final institutional authority."

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

Cornell's shared governance structure mirrors the AAUP model in the divisions of authority and responsibility. The Cornell Bylaws give the Board of Trustees "supreme control over the university," which is implemented largely through the leadership of the University President as "chief executive and educational officer of the University," and the Provost.¹³ The Bylaws explicitly protect faculty autonomy over academic matters in the individual colleges and schools and questions of educational policy that concern more than one college or department.¹⁴

Cornell policy expresses the view that good leadership by the Trustees and Administration respects the shared governance model. As described in the Organization and Procedures of the University Faculty (OPUF), University leadership "functions best when it is derived from the consent of the governed and is able to strike the delicate balance between the twin needs for broad consultation and decisive, timely decision-making."¹⁵ The University includes institutional positions and structures to implement consultative processes between faculty and the Administration/Trustees. At the college and departmental levels, this consultation is carried out between Deans, Department Chairs, and faculty. At the university level, consultation is carried out among the Dean of Faculty, the Faculty Senate, the Administration, and the Trustees.

¹² <http://www.aaup.org/statements/Redbook/Govern.htm>

¹³ University By-Laws, Art. V, §1; Art. VI, §1

¹⁴ University By-Laws, Arts. XII, XIII. <http://www.cornell.edu/trustees/cornell_bylaws.pdf>

¹⁵ <<http://web.cornell.edu/UniversityFaculty/gov/OPUF.html>>

The Dean of Faculty and Faculty Senate are included in the Cornell University Bylaws. The Dean of Faculty, elected by the University Faculty for a three-year term with possible reappointment by the Senate for two more years, has an important role of representing the faculty's interests to the Board of Trustees and Administration. In this capacity, the Dean of Faculty meets with the President, Provost, and Board of Trustees, including the Board's Executive Committee. The OPUF emphasizes the Dean of Faculty's role as an independent faculty representative, stating that the Dean "is not a member or agent of the University administration."¹⁶ The Dean of Faculty has the responsibility to "oversee and expedite" Senate committee work and to inform committees of problems that should be addressed. The Associate Dean of Faculty, who is also elected by the University Faculty, has duties that include chairing the Nominations and Elections Committee and *ex officio* membership on each committee of the University Faculty and each committee of the Senate.

The Faculty Senate carries out the functions of the University Faculty "to consider questions of educational policy which concern more than one college, school or separate academic unit, or are general in nature; and to recommend to the Board of Trustees, with the approval of the appropriate college or school faculty, the establishment, modification or discontinuance of degrees."¹⁷

The University Faculty Committee (UFC) is a liaison between the Cornell Faculty Senate and the President, Provost, and other senior university administrators. The UFC, whose members are elected for three-year terms by the University Faculty, is an executive committee for the Senate, with responsibilities including setting Senate meeting agendas and acting for the Senate when necessary during emergencies.¹⁸ The UFC "has the responsibility to inform and consult the Senate on a regular and frequent basis."¹⁹ Most recently, the UFC, as a faculty consultative body, has begun to meet regularly with the Trustees.

The Faculty Senate Nominations and Elections Committee, which is elected by the University Faculty, presents to the Faculty Senate slates of nominees for Senate standing and *ad hoc* committees. Faculty may also be members of committees created by the central administration to make or advise on policy issues, or carry out searches. Where the administration decides to appoint faculty members to such committees, OPUF provides that the administration is expected to choose about half the faculty membership on the committee from Senate nominations. Faculty hold seven of the 21 seats on the University Assembly (UA). The duties of the UA includes "legislative authority" over the Campus Code of Conduct and the Statement of Student Rights.²⁰ The UA may make recommendations on academic matters to the University Faculty.²¹

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

¹⁶ *Id.* at Section V.B.

¹⁷ OPUF Sections IV, IX, X, XII.

¹⁸ *Id.* at Sections VIII.A.1.; XI.B.

¹⁹ *Id.*

²⁰ <http://assembly.cornell.edu/UA/Home>

²¹ <http://assembly.cornell.edu/UA/About>

Current issues of faculty governance at Cornell should be understood in the broader context of national trends over the last three decades that have had an impact on the structure and practices in universities throughout the United States. These trends have been characterized in different ways, including the increasing use of a model based on market and financial concerns of the university as a business.²² While the influence of business on universities is not a new phenomenon, dating as far back as the early 1900s, privatization trends since the 1980s have more recently expanded the use of a business or market model in universities. Various factors have contributed to the use of this market model, including: competition for students and research dollars and resulting pressures on universities to “market” themselves; increasing costs, overall, of operating the university; rising costs of research in the sciences and engineering; the growing media use of competitive rankings in *U.S. News & World Report* and other outlets as indicators of presumed educational quality; and the privatization of public functions, with a decrease in public funding to universities.²³ These increased concerns with market issues are reflected in changes in university institutional structures and practices, including: continuing increases in tuition and student financial aid; increased student debt, which affects students’ career choices; a focus on the “branding” of the university; descriptions of students as “customers” purchasing education as a “product”; the expanding importance in the university of sciences as compared to the humanities; the growth of university technology transfer offices to commercialize science and engineering research through patenting and licensing²⁴; widely divergent faculty salaries across disciplines, based on the scarcity value of faculty in their respective “markets”; pressures on faculty to provide their own research support; the growth of the ranks of lower paid nontenure-track faculty²⁵; and increased emphasis on commercial aspects of university athletic programs. Both private and public universities have been affected by these factors, particularly as shrinking state funds lead public universities to raise tuition and expand relationships with industry.

One of the chief outcomes of these developments has been the overall expansion of “non-academic” units of the university to address administrative areas such as finance, student affairs, housing, and legal affairs. Yet these “non-academic” areas, for all the above-mentioned reasons,

²² See, e.g., Jennifer Washburn, *UNIVERSITY INC.: THE CORRUPTION OF HIGHER EDUCATION* (New York: Basic Books 2005); Risa L. Lieberwitz, *University Science Research Funding: Privatizing Policy and Practice*, in *SCIENCE AND THE UNIVERSITY* (Paula E. Stephan and Ronald G. Ehrenberg, eds., University of Wisconsin Press, forthcoming); Gerber, *supra* note 3.

²³ See MARTIN KENNEY, *BIOTECHNOLOGY: THE UNIVERSITY-INDUSTRIAL COMPLEX* 28-29 (New Haven, Yale University Press 1986); Sara Shipley Hiles, *As Funding Drops, Young Researchers Suffer Most*, *THE BOSTON GLOBE*, Vol. 125, No. 64 (Jan. 25, 2006) (both sources discussing decreasing federal research funds in the 1980s).

²⁴ See, e.g., David Blumenthal, David, *Academic-Industrial Relationships in the Life Sciences*, 349 *NEW ENGLAND JOURNAL OF MEDICINE* 2452, 2454-55 (2003); Sheldon Krinsky, *The Profit of Scientific Discovery and Its Normative Implications*, 75 *CHICAGO-KENT LAW REVIEW* 15, 22 (1999); Arti K. Rai and Rebecca S. Eisenberg, *Bayh-Dole Reform and the Progress of Biomedicine*, 91 *AMERICAN SCIENTIST* 52, 53 (Jan.-Feb. 2003).

²⁵ The AAUP reports that “non-tenure-track positions of all types now account for 65 percent of all faculty appointments in American higher education,” with 35.5 percent growth of full-time nontenure-track faculty between 1998 and 2001. This contrasts with hiring practices in 1969, when only 3.3 percent of full-time faculty appointments were nontenure-track. AAUP, *Background Facts on Contingent Faculty*, available at, <http://www.aaup.org/AAUP/issued/contingent/contingentfacts.htm>> See also, John C. Duncan, Jr., *The Indentured Servants of Academia: The Adjunct Faculty Dilemma and Their Limited Legal Remedies*, 74 *IND. L.J.* 513, 521-28 (1999).

have a growing impact on traditional "academic" concerns. Especially in institutions with residential college structures, housing offices have various areas of responsibility that overlap with academic concerns. As growing numbers of students seek participation in internships and extracurricular activities (in part to enhance their attractiveness in the job market), the work of student services offices increasingly connects to the academic mission of the university. Legal affairs and efforts to deal with potential or actual litigation now permeate all areas of university operations. And in an era in which universities are under continuing financial pressures, finance and financial management concerns have overriding impacts across all areas and all functions of the modern university.

The expanding presence of this market model and the growing importance of "non-academic" concerns to the core academic mission of the university raise concerns about the preservation of traditional academic values of the university. Will the university be able to maintain the institutional goals and values central to its role in a democratic society; that is, will the university preserve a commitment to its public mission and the culture of collegiality, community, openness of communication, and consultation that are part of academic freedom and shared governance? There is widespread concern that the university's changing identity as a business has been accompanied by institutional and structural changes that alter the unique academic culture of openness, debate, and careful deliberation essential to effective teaching, research, and participatory governance.²⁶ Many commentators have raised warnings that the shared governance model is eroding in the context of these changes in the university, resulting in more unilateral decision-making by university administrations and trustees and a corresponding decrease of faculty participation in university governance outside of the parameters of undisputed academic issues.

The responsibility for the widespread erosion of the faculty governance role rests with the faculty, as well as with the university administration and governing boards. As faculty have increasingly turned their attention to individual concerns with research funding and to relationships and activities outside their own universities, they have reduced their interest and participation in collective faculty governance "at home."²⁷ While faculty members are often more concerned with the research and teaching that drew them to the academy in the first place, and because the tenure and merit pay processes typically reflect the value of research and teaching above service, faculty tend to view university service activities, including governance, as less important than other faculty work, too time consuming, and overly burdensome. Yet, without effective faculty governance, the environment for faculty research and teaching may be imperiled. Patterns have emerged of university administrations making decisions without consultation with established faculty governance bodies.²⁸ Additionally, as university structures have expanded "non-academic" administration, this institutional reorganization limits faculty consultation and participation in decision-making.

²⁶ See, e.g., Scott, *supra* note 3; David A. Hollinger, *Faculty Governance, The University of California, and the Future of Academe*, <http://www.aaup.org/publications/Academe/2001/01mj/mj01holl.htm>; Gerber, *supra* note 3.

²⁷ See Hollinger, *supra* note 19.

²⁸ See Scott, *supra* note 3.

These national trends and concerns about the impact on faculty governance are also reflected at Cornell. In interviews with faculty, including Deans of Faculty and Faculty Trustees, and in faculty e-mails, the FGC heard certain repeated concerns, which are discussed below. Appendix C of this report provides a more detailed account of these concerns as they have arisen in the context of the specific events leading to the creation of the FGC.²⁹

The concerns expressed by faculty in interviews and e-mails can be summarized as follows³⁰:

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

Faculty concerns about this issue arise from a pattern of the Administration and Board of Trustees making unilateral decisions, which have been presented to the faculty as a *fait accompli* or where there has been insufficient faculty consultation. In April 2000, the Faculty Senate adopted a resolution seeking to rectify the problem of the Administration's failure to engage in early and adequate faculty consultation concerning reorganization of the Division of Biological Sciences, reorganization of the Department of Computer Science, and the creation of eCornell. In the case of the Division of Biological Sciences, the Faculty Senate was consulted late in the process, long after the Provost had created a task force to make recommendations concerning reorganization. One outcome of the process for reorganizing the Division of Biological Sciences was the creation of the Local Advisory Council, which now provides a governance mechanism for early and ongoing faculty consultation on such issues in the natural sciences. In the case of the Department of Computer Science, the Provost unilaterally created and filled a position of Dean of Faculty of Information Science, without consulting the Faculty Senate. Similarly, the Administration announced its intention to recommend that the Board of Trustees create eCornell as a for-profit corporation, without prior consultation with the Faculty Senate.

The April 2000 Faculty Senate resolution instructed the Dean of Faculty and UFC to draft a written agreement with the President and Provost to ensure early and adequate consultation with the Faculty Senate. Although the parties entered such an agreement, which was adopted by the Faculty Senate in May 2000,³¹ the problem of a lack of early and adequate consultation has persisted. The most recent example of this problem, triggering the creation of the FGC, was the resignation of President Lehman, which occurred without any prior consultation by the Board of Trustees with the faculty,

²⁹ Appendix C also includes an account of one issue where faculty governance was used quite successfully, in creating the Faculty Advisory Committee on Tenure Appointments (FACTA).

³⁰ See Appendix C for more detailed descriptions of events cited in the following discussion.

³¹ See Appendix C, descriptions of eCornell and of the Faculty of Computer and Information Science.

including the UFC and the Faculty Senate. After faculty protested the limited extent of faculty participation in the subsequent search for a new president, additional faculty were appointed to the presidential search committee.

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

- The growth of "non-academic" administrative offices is structurally exclusionary; that is, defining areas such as student affairs and budgeting as "non-academic" offices excludes an adequate level of faculty consultation and participation on what are actually academic issues. Many financial planning issues, including the setting of tuition levels and commissioning of building projects, directly affect faculty work, as do student housing and other issues dealt with by "non-academic" offices such as Student and Academic Services. Consultation between the administration and faculty should include these issues, which affect core academic matters.
- There have been significant instances where communication by the Administration and Trustees of information to faculty on key university matters has been inadequate, resulting at least in part from an overuse of confidentiality as an information sharing criterion. The prime example of this problem was the Lehman resignation. Faculty were concerned that the Trustees did not provide information to faculty through a consultation process that was also sensitive to the unusual nature of the circumstances.³² In the case of the forced resignation of Professor Philip Lewis from the position of Dean of Arts and Sciences, the Administration did not provide faculty with reasons for the resignation, despite Professor Lewis' request that President Rawlings publicly provide such information.³³
- Some Faculty Senate committees do not have a sufficiently strong influence on decisions made by the Administration and Board of Trustees. The Administration has not responded in a timely way to several Faculty Senate committee recommendations or Faculty Senate resolutions. For example, in March 2005, the Faculty Senate passed two

³² See, Philip Lewis, *On Trusting in Secrecy*, at 1-3, available at <http://web.cornell.edu/UniversityFaculty/announce/LewisOpinionPiece.pdf>

³³ *Id.* at 4.

resolutions that adopted two separate recommendations of the Faculty Senate *ad hoc* Committee on Nontenure-Track Faculty Status. The Administration has not yet taken action to respond to these two recommendations to create emeritus titles and professional development opportunities for senior lecturers, senior research associates, and senior extension associates. Another example of an overly long process is the development of a suspension policy covering tenure-track faculty (also referred to as Policy on Sanctions and Job-Related Faculty Misconduct), which has taken almost five years from initial formation of a Faculty Senate task force to final Faculty Senate adoption of the proposed policy. A significant part of the delay was created by two periods of almost one year each, when the policy had left the Senate and was under consideration by the Administration, including the academic deans.

Effective shared governance also requires that faculty recommendations have an adequate influence on the Administration and Trustees' decisions in appropriate circumstances, such as issues that strongly affect academic matters. For example, the Faculty Senate Committee on Academic Freedom and Professional Status (AFPS) has concluded that the AFPS faculty grievance process does not guarantee sufficient influence on the Administration of AFPS recommendations, which often require many hours of investigation and deliberation. The AFPS has proposed changes in the grievance processes to strengthen the influence of the Committee's recommendations on the Administration's final decisions on faculty grievances.³⁴

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

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

³⁴ See Discussion of AFPS proposal at the December 14, 2005 Faculty Senate meeting, <http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/2005-2006/121405Minutes/Minutes051214.htm> The UFC transferred the AFPS proposed changes to the FGC for consideration. While the FGC does not make a recommendation on the specific proposal, it has concluded that the recommendations of the AFPS and other Faculty Senate committees should be given greater weight in final decisions by the Administration. See FGC recommendation #3.

IV. Recommendations

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

The success of any changes depends on active faculty participation in university governance, including the UFC, Faculty Senate, Faculty Senate committees and University Assembly. The Dean of Faculty and University Faculty Committee (UFC) should develop a program to educate new members of the Senate and newly hired faculty about governance processes and procedures. Departments should encourage broad and active participation of faculty in the Faculty Senate, giving such representation weight appropriate to the importance of faculty governance at Cornell, relative to other faculty committee and service duties. Faculty Senators should report to and seek input from the faculty they represent on a regular basis.

1. **The role of the Dean of Faculty and UFC shall be expanded to improve communication and consultation between the Administration, the Board of Trustees and the Faculty:**

- **Expanded membership eligibility:** Five members of the UFC shall be current Senate members at the time of their election; four need not be current members of the Senate at the time of their election.
- **Broad consultation:** The President, Provost and Trustees shall use their regular meetings with the Dean of Faculty and the UFC to raise issues for faculty consultation. In addition to meeting regularly with the President and Provost, the Dean of Faculty shall attend the President's weekly meetings with senior administrators. Issues for faculty consultation should cover both academic and non-academic matters that affect faculty and academic life at the university (e.g. capital campaign planning; housing; budget/finance; new construction). These issues shall be raised early enough to provide time for meaningful consideration by appropriate Faculty Senate committees, *ad hoc* faculty committees, or joint faculty/administration committees. In unusual cases where time is of the essence, the President, Provost, or Board of Trustees shall work with the Dean of Faculty and UFC to find ways to act quickly while also providing adequate faculty consultation.
- **Report regularly to the Faculty Senate:** Given the scope and importance of their liaison roles, the Dean of Faculty and UFC shall each make an oral report at every Faculty Senate meeting, with sufficient time for questions. These reports should fully inform the Faculty Senate of the content of the UFC's meetings with the Administration and Trustees. Any restriction of information based on confidentiality shall be defined as narrowly as possible. At least once a semester, the Dean of Faculty and UFC shall report on the progress in implementing specific Senate resolutions. All Dean of Faculty and UFC reports shall be posted on the University Faculty website, in addition to their inclusion in the Faculty Senate meeting minutes.
- **Ensure timely response to and implementation of Faculty Senate resolutions:** The Dean of Faculty and the UFC shall adopt processes to ensure timely response to

and implementation of Faculty Senate resolutions, including: encouraging Senate committees to seek responses from the Administration or Deans, where appropriate, to proposals prior to submission to the Faculty Senate; establishing timetables, with the Administration, for the Administration's definitive responses, whether positive or negative, to resolutions adopted by the Faculty Senate³⁵; and adopting processes to ensure that Faculty Senate resolutions, when accepted by the administration, are implemented within one to two semesters.³⁶

- **Authority during breaks:** During the summer and winter breaks, when the Faculty Senate does not meet, the UFC shall have executive authority to consult, on behalf of the Faculty Senate, with the Administration and Board of Trustees when necessary to deal with crises or other important issues that arise. In dealing with such matters, the UFC shall attempt, whenever possible, to find interim solutions until such time as the Faculty Senate is able to meet and consider the matters.
 - **Special consultation:** Prior to accepting the resignation or considering the discharge of the President or Provost, the Board of Trustees or the President, respectively, shall consult with the UFC.
 - **Initiate reviews of deans, vice presidents, and vice provosts, based on significant faculty concerns:** The UFC shall adopt a procedure for receiving substantive complaints about the functioning of deans, vice presidents, and vice provosts. In consultation with the Provost, the UFC will decide if the substance and number of complaints is significant enough to merit a formal review.
2. **President's biannual meeting with the faculty and university faculty fora:** The President shall hold a meeting with the faculty, as a whole, at least once each semester to report on the state of the University and answer questions. In addition, the Dean of Faculty shall hold university faculty fora on crucial issues, as they arise. The agendas of these meetings shall be publicized, with a general discussion following the particular agenda items.
3. **Effectiveness of Faculty Senate committees:**
- Faculty Senate committees shall review their committee charges to determine if the charge should be amended to provide mechanisms that add weight to committee recommendations to the CU Administration. Committees that seek to change their charge shall bring a resolution to the Faculty Senate.³⁷ Each Faculty Senate committee shall establish regular meeting times at the start of each academic year.

³⁵ The University of Chicago provides an example of a governance process that places primary responsibility on the University President for implementing the decisions of the Council of the Senate, which is a university-wide governing body consisting of 51 faculty members. The University President, who acts as chair of the Council meetings, executes or implements the decisions reached by the Council and reports back to the Council.

³⁶ Structural changes may require up to two semesters for implementation. Examples include the suspension policy recommended by the AFPS and approved by the Faculty Senate in September 2006, and the Faculty Senate *ad hoc* Committee on the Status of Nontenure-track Faculty recommendations for emeritus status and professional development opportunities for senior level nontenure-track faculty. See Appendix C. Other types of Senate resolutions should, in general, be implemented more quickly. The emeritus status and professional development opportunities recommended by the Faculty Senate *Ad Hoc* Committee on the Status of Nontenure-Track Faculty have still not been implemented, more than one year after Senate approval. See Appendix C.

³⁷ At the December 2005 Faculty Senate meeting, the Faculty Senate Committee on Academic Freedom and Professional Status (AFPS) proposed amending its charge to strengthen the weight of its recommendations to the

- The Administration shall consult regularly with Faculty Senate standing committees on relevant issues of policy. For example, the Faculty Senate Financial Policies Committee (FPC) should have a more consultative role in university budgetary planning. One means to further this goal could be for the chair of the FPC to participate in the Provost's budget committee or to reinstate the practice by Provosts Nesheim and Randel to include faculty members on the Provost's budget committee.³⁸ Another example is the Executive Committee of the University Diversity Council, which was created in December 2006. A standing appointment of the chair of the Faculty Senate Affirmative Action Committee would create an ongoing liaison with the Diversity Council.
4. **Faculty participation in presidential searches:** In recognition of the importance of the position of the University President, the appointment of the President shall be carried out in as open a manner as possible, including broad faculty input and consultation in search processes. Faculty shall compose at least one-half of any search committee for the President.³⁹ These faculty appointments shall be made through a process of nominations by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate. The Nominations and Elections Committee shall adopt procedures that ensure its independent role in nominating the slate of faculty search committee members that it presents for the Faculty Senate's approval.
 5. **Faculty participation in searches for the Provost:** While recognizing that the President has the prerogative to appoint the Provost, faculty shall participate actively in the search process for Provost, including consultation by the President with the University Faculty Committee and the Nominations and Elections Committee.
 6. **Faculty participation in searches for college deans:** The Provost's process for selecting faculty membership on Deans' search committees should be amended to clarify the role of the Nominations and Elections Committee. The Provost's current policy for Deans' searches includes the following provisions: After receiving nominations from the faculty of the particular college, "[t]he Provost submits a list of possible search committee members to the Nominations and Elections committee, the members of which suggest revisions to the list or additional names. The Provost makes final decisions about the membership after determining individuals' willingness or ability to serve."⁴⁰ This procedure should be amended in the

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

³⁸ The current Provost's budget committee is made up only of administrators. Adding faculty participation has its roots in the history of an analogous budget committee under Provosts Nesheim and Randel, which included two faculty members; one appointed by the Faculty Senate and another appointed by the Provost.

³⁹ Examples of faculty representation on presidential search committees at other universities include: University of Wisconsin-Madison (faculty make up a majority of the search committee for Chancellor); University of Chicago (The search committee is made up of the 49 Board of Trustees members, 7 faculty members elected by the faculty, and student representatives. A faculty advisory committee, consisting of one faculty member and one trustee from the search committee, consults extensively with the deans); California Institute of Technology (In its last three searches for president, a trustee selection committee made an offer to a candidate from a short list generated by an all-faculty search committee.)

⁴⁰ "Policy Statement – Provost Bidy Martin: Deans' Searches, Reappointments, Mid-term Review," available at, <http://web.cornell.edu/UniversityFaculty/announce/ProvostStatement021002.html>

following ways: The Provost shall consult actively with the Nominations and Elections Committee throughout the process of appointing Deans' search committees. The Nominations and Elections Committee shall have access to the list of faculty who were nominated from the college to serve on the search committee. This information shall include any supporting statements on behalf of the faculty nominees. After receiving the Nominations and Elections Committee's suggested revisions to her/his initial list, the Provost shall submit the final faculty list to the Nominations and Elections Committee for their review prior to inviting faculty to serve on the search committee. If any faculty decline to serve, the Provost shall consult with the Nominations and Elections Committee about the names of additional faculty to add to the list.⁴¹

7. **Faculty participation in searches for senior-level administrators:** Appointments of senior level administrators shall be carried out in as open a manner as possible, including broad faculty input and consultation in search processes. In searches for the Dean of the Graduate School and Dean of Students, the Administration shall follow the Organization and Procedures of the University Faculty (OPUF), which describes the process for Senate nominations of faculty to serve on search committees appointed by the Administration. Section XIII.B of OPUF states: "The central administration will be expected to select about one-half of the faculty membership on each such committee from names presented by the Senate. The Senate will present as many names as are requested, but in no case more than twice the number to be selected."⁴² These faculty nominations shall be made by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate.
8. **Reviews of the offices of the President and Provost:** The offices of the President and Provost shall be reviewed periodically, and at least once every five years. The Dean of Faculty and the UFC should be actively involved in scheduling the reviews and developing the review procedures. The Nominations and Elections Committee should be involved in nominating faculty to serve on review committees. Such reviews would provide a systematic faculty evaluation of the offices' structure and performance and the opportunity for recommended improvements.⁴³

⁴¹ The recommended changes in recommendation #6 do not strictly follow the Organization and Procedures of the University Faculty, described in recommendation #7. The FGC interviewed current and past chairs of the Nominations and Elections Committee, current and past Deans of Faculty, and the Provost about the process of appointing faculty to dean search committees. The changes recommended here are based on the view that the current process is generally adequate, but could be improved by enhancing the Nominations and Elections Committee's participation and access to information.

⁴² <http://web.cornell.edu/UniversityFaculty/gov/OPUF.html>

⁴³ An example of procedures for periodic reviews of central administration offices is found in the University of Iowa policies. See University of Iowa Operations Manual, Chapter 28.4, available at, <http://www.uiowa.edu/~our/opmanual/ii/28.htm#284>

APPENDIX A

Resolution to Review Faculty Governance

Whereas 2005 is the tenth anniversary of the founding of the Faculty Senate, and

Whereas several events during the last year have raised questions about the relationship among the Faculty Senate, the central administration, and the Board of Trustees at Cornell University,

Therefore be it resolved that the Faculty Senate, using a slate of candidates proposed by its Nominations and Elections Committee, appoint a seven-member committee to:

1. Review the actions of Faculty Governance over the past ten years to assess their impact on administrative decision-making at Cornell;
2. Examine the relationship among the faculty governing body, administration of the individual colleges, central administration, and Board of Trustees at other comparable universities;
3. Make recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the university faculty on administrative decision-making at Cornell; and
4. Report back to the Faculty Senate no later than its May 2006 meeting.

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

Members of the Committee to Review Faculty Governance:

Brad Anton, Chemical and Biomolecular Engineering

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

Eric Cheyfitz, English, Arts & Sciences

William Crepet, Plant Biology, Agriculture & Life Sciences

Cornelia Farnum, Biomedical Sciences, Veterinary Medicine

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

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

APPENDIX B

Individuals Interviewed or Consulted by FGC

Cornell University Administration and Board of Trustees

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

Cornell University Deans of Faculty and Faculty Trustees

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

Cornell University Faculty

Professor Pierre Clavel, *City and Regional Planning*
Associate Professor Abigail Cohn, *Linguistics*
Senior Lecturer Stuart Davis, *English*
Professor Terrence Fine, *Electrical and Computer Engineering*
Professor Dominick Lacapra, *Comparative Literature*
Professor James Turner, *Africana Studies and Research Center*

APPENDIX C

Relevant Events at Cornell University Concerning Faculty Governance

Resignation of President Lehman

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

I am proud of what Cornell has achieved during my tenure as president. Over the past few months, it has become apparent that the board of trustees and I have different approaches to how the university can best realize its long-term vision. In light of our differences, it is best for the university that I step aside. I know that this remarkable university will continue to prosper and move forward under different leadership. As a Cornell graduate, I remain deeply devoted to the university, its faculty and students. (<http://www.news.cornell.edu/stories/June05/President.steps.down.html>, accessed 09/25/06)

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

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

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

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

dismissed speculation that he and the trustees were at odds over the direction of the university or its academic goals, or that they were unhappy over his handling of contentious local issues. "This was not about an issue, not about people or personalities. It was about a philosophical difference over how Cornell should reach our goals," he stated emphatically. "I think my departure signals an opportunity for the board to find a new president who is more in tune with their strategies for how to reach those goals." (http://www.news.cornell.edu/stories/June05/Lehman_interview.lgk.html, accessed 09/25/06)

In the absence of any concrete explanation for the resignation and in the face of a confidentiality agreement signed by the trustees and Lehman, speculation ensued. In an article on June 17, 2005, *The Cornell Daily Sun* reported that the “board...had, by almost all accounts, forced his resignation”; moreover, although “University representatives have consistently characterized the issues as ones between the president and the Board, many members of the Board told *The Sun* they were unaware of the rift until the day of Lehman's announcement.”⁴⁴ The article continues:

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

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

Most attribute at least some degree of the relationship's breakdown to the sudden departure of Inge Reichenbach, Cornell's former vice president for alumni affairs and development. Although University representatives were quick to characterize her departure to Yale as her decision to take a more lucrative offer, Reichenbach had made every sign of making Ithaca her permanent home. (<http://cornellsun.com/node/14929>, accessed 09/25/06).

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

In the absence of substantive information, there was a great deal of conjecture, much of it centered on fund-raising issues. The Chronicle of Higher Education reported that "there was speculation on the campus that the trustees blamed Mr. Lehman for the sudden departure of Inge T. Reichenbach, the university's chief development officer, just as the campus was in the early stages of a major capital campaign. Ms. Reichenbach, who had been at the university for twenty-five years, left with little notice to become Yale University's vice president for development." Lehman denied this allegation, telling the *Ithaca Journal* that the disagreements were not over "a personnel matter." (<http://cornellalumnimagazine.com/Archive/2005julaug/depts/FTH.html>, accessed 09/25/06)

Because Lehman's resignation occurred in the summer, the faculty was not able to respond to the event in any formal or unified way until the fall semester of 2005. But on August 30th, answering an invitation from the presidential search committee to meet with it, faculty filled Hollis Cornell

⁴⁴ In a Faculty Senate meeting of October 12, 2005, Provost Biddy Martin offered the following explanation for what part of the Board participated in the resignation: “It’s my understanding that when the Executive Committee worked with Jeff on his resignation, that it was a bit bigger than usual because it included the older members of the Executive Committee and the people who in June were about to rotate on to the Executive Committee. So it was a total of about nineteen people.”

auditorium and turned the meeting from one about the search for a new president into one about the lack of information afforded the Cornell community concerning the reasons for the resignation and the lack of consultation with the faculty in making such an important decision in the first place. The faculty expressed its dismay and anger to Meinig at the absence of communication between the Board of Trustees and the faculty in the Lehman matter. The sense of the faculty on that occasion is captured by Professor Abby Cohn in the minutes of the October 12, 2005 meeting of the Faculty Senate, the meeting in which the Senate voted to create the Faculty Committee on Governance:

I guess the biggest concern for me ... is seeing multiple situations where it seems that there is a serious lack of two-way communication. I don't think we have overcome that yet.... Despite the fact that we filled this room on August 30 and expressed our concerns, despite the fact that we did get two additional faculty members on the [Search] Committee, which I am grateful for, we have yet to start to get this two-way thing going. I really hope that you [the UFC] will carry that to the Board. Part of it is a question of common courtesy, but part of it is a question of how we establish a genuine conversation in this way. (http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/2005-2006/101205Minutes/101205.htm (11 of 27)9/8/2006 2:14:22 AM)

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

In the wake of the August 30th meeting two faculty initiatives took place. One, to constitute a faculty body to review governance at Cornell, was initiated by an independent group of faculty affiliated with the Cornell University Faculty for Justice and Peace (CUFJP), many of whom had been involved in the action to save Redbud Woods. This eventuated in the Senate resolution to create the Faculty Committee on Governance. The other initiative was generated by the Senate itself and took the form of the *Resolution Urging the Administration and the Board of Trustees to Engage in a Frank and Open Dialogue with the Faculty Regarding the Resignation of President Jeffrey Lehman*

(<http://web.cornell.edu/UniversityFaculty/FacSen/050914SenateMtg/OpenDialogueRes.pdf>, accessed 09/27/06). The resolution, which was passed at the September 14th meeting of the Senate, notes how “very seriously [the faculty takes] its obligation to advise the Administration of the University on the conduct of the University’s business” but that it “cannot perform this function in a climate of secrecy.” Further, the resolution notes “the abruptness of the resignation of President Lehman and the lack of any meaningful explanation for it have, to our knowledge, no precedent at Cornell or at other prestigious American universities.” Registering the “distress[.]” of the Senate that the faculty had to turn to journalistic speculation “rather than to an official University source” for its information on the resignation, the resolution states: “the Senate is deeply concerned that the non-specific generalities of the official explanation for the resignation are broad enough to mask a major shift in the traditional locus of decision making at Cornell from the President to the Board of Trustees,” thus expressing its anxieties about the state of governance at the university. In view of the situation, the resolution resolved that “the Senate strongly urges the Board of Trustees to find a way to engage in a frank and open dialogue with the faculty regarding” the specifics of the Lehman resignation and further that “the Senate

requests the Dean of the Faculty and the Faculty Trustees to present this resolution personally to the leadership of the Board of Trustees and report back to the Senate at its next meeting.”

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

Members of the Senate whose responses were recorded in the minutes variously voiced their concerns at the response. Professor Martin Hatch remarked: “I guess I’m frustrated by it. I don’t know how else to put it, except by saying those things to you now and asking the Senate if they want to take any more aggressive action in figuring out what’s going on.” Professor Steve Shiffrin noted: “It occurs to me that there are questions to be raised that the Trustees could address without violating the confidentiality agreement.... My imagination fails me as to why it wouldn’t be appropriate to have faculty input on such strategic issues. It seems to me that’s at least an area that could open up discussion.” Professor Dick Durst, one of the authors of the resolution, added: “Meinig’s statement was nothing more than what was stated originally in announcing the resignation.” And Professor Peter Stein, another of the authors, said: “I don’t quite know how to say this except to say that I am outraged at this response from the Trustees and I’m disappointed in the calm that exists in this room. Unless I am missing something, that letter that the Trustees sent to you is nothing more than a polite restatement of the various remarks that have been made.”

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

Reorganization of the Division of Biological Sciences

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

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

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

released on March 2, 1998, ten days before the final Task Force report was released. On May 13, 1998, the Faculty Senate considered the issue for the first time,⁴⁵ passing the following resolution:

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

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

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

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

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

WHEREAS, about one-third of Cornell's faculty is engaged in research in the life sciences and, therefore, any decision made based on these reports or on the Report of the External Review Committee for the Biological Sciences (September 1998) and will affect a high proportion of Cornell's faculty directly or indirectly, and

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

⁴⁵ Prior to the May 1998 meeting, the issue of the reorganization of the Division of Biological Sciences was raised in the Faculty Senate only through a question by Professor Howland during Provost Randel's regularly scheduled question and answer period (March 1998 meeting) and by Professor Howland during the "Good and Welfare" period in the April 1998 meeting, stating his intention to propose the resolution eventually adopted at the May 1998 Senate meeting.

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

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

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

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

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

Rumors spread throughout the Faculty that Vice Provost Garza had advised Provost Randel against eliminating the division structure and that Provost Randel was also disposed to retain the Division. Thus, there was some surprise when President Rawlings sent a letter on November 17

in which he revealed his decision to “*implement the primary recommendations of the Task Force on the Future of the Division of Biological Sciences.*”

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

Faculty Salary Adjustments To Bring Cornell Faculty Salaries To The Level Of Our Peer Institutions

The campaign for higher faculty salaries was a concerted effort over a five-year period, and implemented over another period of approximately five years. The major actors were two Deans of the Faculty, the President and the Provost, two chairs of the Financial Policies Committee, the Vice President for Planning and Budget, two Vice Provosts, a group of Arts and Sciences Faculty, and the Chair of the Board of Trustees.

The initiative began with a 1995 letter from a faculty member to the Dean of the Faculty, Peter Stein, presenting a detailed comparison between Cornell's endowed salaries and several private peer institutions over many years. The data showed that faculty salaries in Cornell's endowed colleges were significantly lower than in any of their peers and were steadily losing ground. These data were discussed with Vice-Provost John Wiesenfeld who countered with the administration's faculty salary comparison. That analysis compared a combined endowed/contract college average salary with a group of private and public peers. Cornell was below the average, but not at the bottom of the peer group. An additional issue raised by the administration was that salaries should be adjusted to reflect differences in the cost of living between institutions. If that were done, Cornell faculty salaries would be near the top of the comparison group. A resolution for further study of faculty salaries together with the administration was brought to the Senate in March 1997 by the Financial Policies Committee.

The Dean of the Faculty and the Chair of the Financial Policies Committee (FPC) made extensive analyses of salaries at top institutions. They found (a) substantial systematic differences between public and private universities, (b) a correlation of salaries to a quality index based on National Research Council (NRC) rankings, and (c) no statistically significant correlation of salaries with local cost of living indices. According to their analysis incorporating a "NRC quality" factor derived from the above analysis, Cornell salaries were about 18% lower than would be expected. The Dean of the Faculty presented this analysis to the Trustee Executive Committee and the President's staff. In March 1998 the FPC reported to the Faculty Senate that they were asking the Provost to work together with them to reach consensus. In December 1998 a report of faculty salary targets was presented to the Faculty Senate by the Associate Dean of the Faculty.

Talks between the Financial Policies Committee and the Provost continued, and then stalled as noted in the report by the FPC to the Faculty Senate in March 1999. Following a resolution of the Faculty Senate in April 1999 again asking the Provost to work with the Financial Policies Committee and the Vice President for Planning and Budget to develop a new list of peers, negotiations between the Financial Policies Committee and the administration resumed. After much discussion, a compromise was reached. Separate endowed and contract lists were constructed. Cost of living adjustments were dropped. The endowed list was derived from the NRC rankings, but included both private and public institutions. The contract college list was proposed by the contract college deans and accepted by Financial Policies Committee. However, following this agreement, talks between Financial Policies Committee and the Provost once again stalled. The Chair of the Financial Policies Committee resigned, and was replaced.

After reorganization, the Financial Policies Committee turned its attention away from faculty salaries to other issues. Subsequently, a self-selected group of Arts College faculty, including prior members of the Financial Policies Committee, convened. They decided to bring a resolution to the faculty of the College of Arts and Sciences asking the Trustees to involve themselves in the dispute about faculty salaries. Over the jurisdictional objections of the Arts College Dean, the Arts College faculty approved a petition to the Trustees that was then circulated to the college faculty. An overwhelming majority of the college faculty signed it. Faculty of the College of Arts and Sciences met with a group of Trustees about the petition. A debate among the faculty about releasing the petition to the press followed, and the Chairman of the Board of Trustees came to Ithaca to meet with the College of Arts and Sciences faculty group that circulated the petition and urged them not to release the petition to the press, but the group decided to leave that option open. On the same day, the President and Provost re-convened the faculty/administration working group that had negotiated the selection of salary peers and offered to raise faculty salaries so that Cornell's average salary for each unit was somewhere within the middle third of the comparison group. The faculty members argued that the dollar range spanned by the middle third was so great that it could not be considered a goal. They asked that the goal be the average of the entire comparison group. The President agreed to accept this as a goal to be achieved in five years for the endowed colleges and six years for the contract colleges.

Implementation of the salary improvement plan proceeded on schedule, and even ahead of schedule for some of the contract colleges. Annual reports of progress were presented to the Faculty Senate by the Provost. Targets were met, and in May 2006 a resolution of acknowledgment and appreciation thanking multiple individuals (Peter Stein, Hunter Rawlings, Bidy Martin and Carolyn Ainslie) for making the salary program possible and meeting the targets was placed on the Faculty Senate's agenda by the Financial Policies Committee. Due to a lack of a quorum at that meeting the resolution was not voted on until September 2006, when it passed unanimously.

Creation of Faculty Advisory Committee on Tenure Appointments (FACTA)

FACTA is standing committee of the Cornell tenure-track faculty with the charge to “...*advise the Provost on all proposed promotions to and appointments with tenure as well as proposed denials of tenure by a dean after a positive recommendation from the department.*” The committee consists of 15 individuals, one elected by the professorial faculty in each college and five nominated by the University Faculty Nominations and Elections Committee and appointed by the Faculty Senate with the goal of maintaining a balanced committee that *in toto* represents the broad and diverse disciplines of faculty at Cornell.

Background to formation of FACTA

The steps for review of a faculty member for indefinite tenure at Cornell University include review by the department, by an *ad hoc* College committee, by the dean of the College, by the Provost, and by the Board of Trustees. Prior to the formation of FACTA, there was no codified procedure through which the Provost would receive advice by individuals in a position to evaluate the final dossier, other than through personal requests from the Provost for advice from academic associates of his/her choosing, such as associate provosts. FACTA was established as the primary source of advice to the Provost prior to making a recommendation to the Board of Trustees. An excellent review of the history of FACTA prepared by J. Robert Cooke, former dean of the Faculty, can be found at:

<http://web.cornell.edu/UniversityFaculty/dean/FACTAReviewtoFS0091.pdf>

The current description of FACTA can be found at:

web.cornell.edu/UniversityFaculty/committees/CommLegislation/FACTAlegislatioRev.pdf

As can be seen from the time line of actions and resolutions regarding FACTA, this major revision regarding faculty review of tenure decisions at the University level was implemented in 18 months from the time of initial presentation of the idea to the Senate. Strongly differing points of view were expressed in multiple debates. In subsequent years FACTA has undergone minor modifications, based primarily on input from faculty serving on FACTA.

Time line of Senate committee meetings and resolutions for establishment of FACTA:

May 8, May 15 1996	Faculty Senate debates about FACTA
September 1996	Presentation of ideas relative to FACTA to the Senate
Oct 9, Oct 16 1996	Faculty Senate debates about FACTA
April 1996	Multiple options for possible structures of FACTA presented
May 1996	Motion to develop option 3 (passed 34-25); committee formed to work over the summer
October 1997	Report from the Committee
November 12 1997	Senate approval (48-38-1)
September 1998	Report about FACTA
May 1999	minor amendments after a year in practice
September 2000	suggested changes in description of FACTA
October 2000	minor changes to FACTA
April 2004	minor revisions of FACTA legislation (unanimous)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dean for CIS Constable continues to have administrative control of CS, which remains housed in Engineering but hopes to acquire funds for a building of its own. The size of the CS faculty grew. The FCIS remained a small structure in its first year of operation in AY2000-2001 and acted as the Executive Committee advising the Dean. Since then the Dean for CIS gained sway over a number of units, including the Department of Statistical Science and the Cornell Theory Center. The CIS website informs us that, “The mission of CIS is to integrate computing and information science---its ideas, technology, and modes of thought---into every academic field.” The mission of the FCIS is that it “engages with every college at Cornell and shares the information revolution with every Cornell student to invent the fields of tomorrow.” There have been a number of appointments of current and new faculty, all with primary memberships in pre-existing departments, with partial support from the FCIS and its Dean. Association with FCIS has been helpful in attracting some of these new faculty, although such an association could have been achieved through graduate field memberships and part-time appointments in CS.

eCornell

eCornell was a contentious issue, in large part due to the administration's failure to engage in early and active consultation with the Faculty Senate. Although a joint administration-faculty committee was eventually created to make recommendations on distance learning models, this action came only after significant conflict between the administration and the Faculty Senate. The conflict was precipitated by the administration's notice to the UFC, in January 2000, of its plans for eCornell as a *fait accompli*. At that time, the administration told the UFC that it intended to seek Board of Trustees approval, in March 2000, to create eCornell as a for-profit distance learning corporation. The Faculty Senate acted quickly, and within two months broadly debated the issue and passed a resolution at the March 8, 2000 Senate meeting asserting the Senate's entitlement to active consultation and participation prior to the creation of eCornell.⁴⁶ The resolution, which was resoundingly passed by a vote of 65 in favor, 1 opposed, and 2 abstentions stated:

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

One week later, however, the Cornell Board of Trustees voted to create eCornell as a for-profit corporation. The Board's action, in the face of the Faculty Senate's resolution, created significant frustration in the Senate. Following a series of discussions with the UFC, President Rawlings agreed to appoint a joint administration-faculty committee to study all types of distance learning models. This action avoided further conflict over eCornell, as the joint committee completed a report that was circulated to the Faculty Senate in July 2000, endorsed by the UFC on August 10, 2000 on behalf of the Faculty Senate, and discussed at the September 13, 2000 Faculty Senate meeting.⁴⁷ The joint committee report supported the creation of eCornell to deliver distance education only for nondegree programs, on the condition that faculty retain autonomy over course content.⁴⁸

At its April 12, 2000 meeting, the Faculty Senate passed a resolution (by a vote of 64-4-3) instructing the UFC "to draft a written agreement between the Faculty Senate and the President, covering the process by which decisions of the central administration on academic matters will be handled."⁴⁹ This resolution was prompted by the Administration's inadequate consultation with the faculty on issues of eCornell and the reorganization of the Division of Biological Sciences and the Department of Computer Science. President Rawlings and Provost Martin entered a written agreement, "*Principles of Cooperation and Consultation between the President and Faculty Senate*," to engage in early consultation with the Faculty Senate on issues of

⁴⁶ http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000308.html

⁴⁷ http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000412minutes.html

⁴⁸ The committee did not take a position on whether eCornell should be a nonprofit or for-profit corporation, based on the committee's view that it lacked sufficient expertise on that issue.

⁴⁹ http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000412minutes.html

concern to the faculty.⁵⁰ While these Principles were ratified by the Senate at its May 10, 2000 meeting, it is unclear whether this document is still active, as most current members of the Faculty Senate are not aware of its existence.

⁵⁰ http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000510minutes.html
<http://web.cornell.edu/UniversityFaculty/FacSen/Pres/FSCooperation.pdf>

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

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

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

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

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

Background

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

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

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

Time line of actions by the Faculty Senate concerning NTTF

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

October 2002:	Resolution to Establish a Committee to Investigate and make Recommendations Concerning the Status of Non-Tenure-Track Faculty
February 2003:	Finalizing membership on the Committee on Non-Tenure-Track Faculty
March 2003	Initial report from the Committee on Non-Tenure-Track Faculty
May 2003	Interim Report, Committee on Non-Tenure-Track Faculty
December 2004	Discussion of final report of Committee on Non-Tenure-Track Faculty
March 2005	Resolutions:

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

Follow-up on specific recommendations

a. Research titles: Research Scientist and Principal Research Scientist

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

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

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

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

c. Creation of professional development opportunities

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

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

Summary of where we stand now

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

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

Resolution to Establish a Suspension Policy for Tenure Track Faculty

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

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| November 2001 | <p>Senate Resolution to create a Task Force on Appeals and Grievance Procedures</p> <p>This Task Force consisted of a subgroup of members of the Senate Committee on Academic Freedom and Professional Status of the Faculty (AFPS), as well as non-tenure-track faculty and graduate student representatives.</p> <p>During the next two years the committee met on a regular basis. It turned out that tracking current suspension procedures was difficult due to the presence of conflicting policies, a high degree of autonomy by deans within individual colleges for making the decision, and difficulty in getting accurate information about how often suspension had occurred, under what circumstances, and for what duration. The committee met twice during this period with different subsets of deans for the purpose of discussing initial draft reports and specifics of the current procedures. The committee also met with other individuals such as current and former deans of the faculty and the ombudsman.</p> <p>The committee early on decided to restrict its recommendations to tenure track faculty.</p> |
| March 2004 | <p>Senate: Initial discussion of the Suspension policy, brought by the AFPS</p> |
| April 2004 | <p>Report to the Faculty Senate from the Chair of the Task Force
The Dean of the faculty said he had discussed the policy with the President and the Provost, and the deans had some reservations; the deans formed a group to meet with the AFPS.</p> |
| May 2004 | <p>Announcement that the Suspension Policy would be reported on again in the fall.
However, there was no further discussion of the Suspension Policy by the Faculty Senate in the fall of 2004.</p> |
| May 2005 | <p>Adoption of the Policy on Sanctions and Job-Related Misconduct (Suspension Policy)
The policy was brought to the Faculty Senate and passed.</p> |
| April 2006 | <p>Senate: Update on the Suspension Policy
The Dean of the Faculty said that the policy had gone back to the deans, and then to the Provost where it now resided; it will then go back to the AFPS and then back to the Senate.</p> <p>The issue of grounds for an “emergency suspension” became an area of some disagreement. Initially clinical faculty at the Veterinary College were not to be covered</p> |

in the same way as other faculty of the University under the emergency suspension provision (specifically as it related to their clinical duties). This issue was resolved within the Veterinary College following the bringing of a resolution by the General Committee and a vote by faculty at the Veterinary College affirming their desire to be covered under the University's emergency suspension procedure in the same way as other university faculty.

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

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

The Provost gave verbal assurance that the policy, as passed by the Senate in September 2006, would be brought to the Board of Trustees, presumably at their October meeting. In February, 2007, a revised document was sent from the Provost to the AFPS for reconsideration of several aspects of the policy as passed by the Senate in September 2006. The AFPS will present their recommendations to the Faculty Senate later in the spring.

Redbud Woods

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

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

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