MINUTES OF A MEETING OF THE FACULTY SENATE

November 8, 2006

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

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

1. REMARKS BY THE PROVOST

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

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

"You remember the purpose of this particular survey was to examine what might qualify tenured and tenure-track faculty at Cornell with the specific focus on problems

and experiences of women, and then to develop some appropriate initiatives to address these concerns (Appendix 3). Those of you who responded to the survey will recognize the labels here (Appendix 4). These were the categories of questions you were asked to answer. What we focused on most and certainly in the analysis is the question about satisfaction. How satisfied are you as a faculty member at Cornell? Just to remind some of you again and to tell some of you for the first time about the response rate, which was excellent (Appendix 5). Fifty percent of the population contributed openly to the comments, which is probably more significant even than the response rate of the survey.

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

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

"Before I head into a little more depth about the differences by gender, I want to tell you some of the things that seemed very interesting statistically, but also just simply interesting to me, about what you all said as faculty members overall about your satisfaction. We took a number of things into account when trying to think about the results on the satisfaction measure (Appendix 9). For example, what might structural position have to do with faculty's relative satisfaction? Did rank matter, did college matter? Does salary matter? That was the first category. Then we took into account questions about workload. Does workload correlate significantly with satisfaction?

The third category was life outside of Cornell. Does people's relative satisfaction with your lives outside of Cornell correlate significantly with how satisfied you are, or not, being a faculty member at Cornell? Those are the three big ones. Let me stick with those.

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

"Here are some other interesting things that you won't see on any slide. There's a high correlation between satisfaction and salary, that is, that more satisfied faculty are paid more, or faculty who are paid more are more satisfied.   However, this does not explain the gender difference because this was as true for men as it was for women. So there's a relationship that's significant between salary and satisfaction. Assistant professors are more satisfied than full professors when you control for salary. Associate professors are the least satisfied. So assistant professors and full professors both are more satisfied being faculty members at Cornell than associate professors, with assistant professors being happier being faculty members at Cornell than full professors, when you control their salaries.

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

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

"We have also tried to break this down by race and ethnicity. The numbers are very small so I don't really have a lot of faith in the results. I can tell you what the percentages are on the satisfaction measure, but I would caution you that the numbers

are really tiny, both because of the diversity at this institution is not where it ought to be, in my opinion, which I have expressed many times, but also because it was a slightly lower response rate among faculty of color than there was among white faculty. Forty-five percent of white faculty say they are very satisfied as a faculty member at Cornell. Fifty-two percent of Hispanic faculty say that they are very satisfied, and thirty-nine percent of black faculty and thirty-one percent of Asian faculty say they are very satisfied. These categories are themselves problematic, but again this is a broad overview.

"Now I showed this slide (Appendix 10) to you once before, that is, what aspects of people's appointment seem to be correlated with satisfaction in a significant way and where does it vary by gender. There's an asterisk by every line where there is a significant difference by gender. You see which those are - clerical support, computer resources, and committee responsibilities with women reporting, say in the case of committee responsibility, that they believe that they are over-burdened to a degree that men don't report. As I said earlier, we have been trying to understand the satisfaction and what's most highly correlated with satisfaction or lack of satisfaction. To just go to the bottom line, it's been very difficult for our researchers to find any single thing that correlates highly with satisfaction or with the gender differences in the faculty on the question of satisfaction. What we did, in the faculty work-life group and with our institutional researchers, is cluster some aspects of the field experience and called it measures of integration (Appendix 11). It turns out that if you cluster a set of interesting variables, which I have listed here, that we are calling measures of integration, you are able to explain away the difference by gender in faculty's relative level of satisfaction at Cornell. These were responses to questions that we used, that we clustered in order to ascertain what seemed to be highly correlated with satisfaction: 'Opportunities to collaborate with faculty at other units at Cornell ' - there was a significant difference by gender; 'Extent of stress caused by departmental or campus politics' - there was a significant difference between men and women with women reporting far more or significantly more. On the agreement with that 'I feel that I am ignored in my department or unit,' significantly more women feel ignored in their departments or units than men do. Agreement with 'I can navigate the unwritten rules concerning how one is to conduct oneself as a faculty member' - significantly more women report that they do not agree with that than do men. And then the sense that people have used the following justification or reason to think about leaving Cornell 'to find a more supportive work environment' - women reported in more significant numbers than men that they considered leaving Cornell in order to find a supportive work environment.

"That is the shortened and not so sweet overview - just to tell you what we think the bottom line is. It is that we could not find, as I think has been said many times in this room, we do not find significant differences by gender when it comes to things like salary. We did not find significant differences on allocation of space. We did not find

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

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

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

Provost Martin: "Okay, so that gets me to the end right away. You remember, as I just said, we did salary equity study several years ago based on a faculty committee that designed a regression analysis that we continue to use year after year. The salary survey and the salary study and following that year-by-year matters a lot to me. I have said this before, but I'll repeat for those of you who haven't heard it, every year I sit down with every dean of every college. There have not turned out to be any significant differences statistically by gender in salary in any college. However, there are always those men and women whose salaries at any given point fall below the mean for their discipline or department. Every year I talk to each dean individually about the women whose salaries fall below the predicted level and why that might be the case. I always review as well the salaries of men whose salaries for that year were below the mean predicted levels. We are going to keep up with that on an annual basis as long as I am Provost, and I'm sure beyond. That's salary. As I said it hasn't turned out to be significant even in self-reports women did not report a different level of satisfaction with salary than men did in the survey. I think what we are doing here is what we should be doing. Keeping faculty salaries increasing in a significant way overall and paying attention to equity. On space I think we still have more work to do. Again,

people did not report dissatisfaction with allocation of space, nor in the studies we did earlier in the science fields of engineering and the physical sciences, did we find significant differences of equity problems in the allocation of research space. But that's something that as we continue to build - space and study space utilization across campus - that we'll continue to keep in mind.

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

Professor Abby Cohn, Linguistics: "I know that Virginia Valian was here recently. She's the author of the book Why So Slow…?, where she documents precisely these very subtle kinds of discrimination and how they accumulate, basically how you accumulate these deficits. I'm wondering, in fact, of what you are hearing back from the report is precisely the response to that kind of subtle discrimination? There aren't

major inequities in terms of salary and so on, but what I'm hearing is that it's the accumulation of precisely the kinds of things she's talking about. How the subtle dynamics in a faculty meeting where men use their eyes in different ways than women do. And all these very subtle things accumulate and what you are hearing then in the report is the accumulation and the response to those feelings. And I'm wondering how we then get at changing the very subtle cultures that play in."

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

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

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

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

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

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

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

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

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

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

2. REMARKS BY THE DEAN

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

"I want to report on another meeting. I want to give you just a brief report of the meeting that the UFC had with the members of the Board of Trustees on the 26th of October. We had a good turn out of the leadership of the Trustees, the Chair of the Board, the Associate Chairs of the Board, the Chairs of a number of different committees. There were about six Trustees and about six members of the UFC so we were fairly evenly matched. We had what I think can only be described as a very pleasant, very collegial conversation. We began by raising a question, which came from a faculty member, asking how does the Board of Trustees feel about our continued and expanding engagement with China on a variety of initiatives. In particular, does the Board feel that this needs to all be centralized or are there opportunities for individual faculty members? The answer came back that they thought that our engagement with China was a positive kind of thing. That it was really a question of kind of Cornell's managerial capabilities to manage all the various different engagements. There was some concern from the Trustees that there might be too many people doing too much and spread rather thin. I can't comment on that but it seems like a possibility. One of them suggested that there was a problem that we should be aware of, which is the difficulties with intellectual property rights in China and that was an issue that Cornell needed to be alert about. But that nonetheless, they thought that things as far as they could tell were going very well, and they were very supportive.

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

"We then moved on to talking about the initiatives with the medical school and how that might be effectively integrated. The Trustees said that they were very supportive of collaboration. They proposed a model in which they would put a large pot of money in the Roscoe Diner. And so, Ithaca would have to go towards New York and New York would have to go towards Ithaca and would meet. I was a bit of a shock when I pointed out that the Campus-to-Campus bus bypasses the Roscoe Diner by staying on Route 81. But essentially there was real enthusiasm from the Trustees to try and

facilitate interactions between Ithaca and Weill and that there is going to be, there is money available, now and there was likely to be more money available in the future and they felt that this was one of the important things that we should be looking ahead to.

"Our next item of discussion, perhaps not surprisingly, was the capital campaign. One of the questions that were raised is, what's going to happen to the money? Is there going to be a large pot of money in the Provost's office at Day Hall of which she will dispense as she sees fit? It was pointed out that unfortunately money doesn't seem to appear that way. It seems to come attached to ideas. That is, donors have things they want to support. And the great game that development plays, and that all of us are going to have to participate in, is that of persuading donors that the University's priorities should be the donor's priorities and try to get some match between these two. The Trustees point out that both the deans and the faculty are going to have to be involved at some stages in trying to raise funds.

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

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

Dean Walcott: "Pot for what?"

Professor Anton: "The pot at Roscoe Diner."

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

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

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

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

Dean Walcott: "That's a very good question. The way it worked this time is that we canvassed the faculty and asked if there were any questions. And there was one question, which I addressed – the issue of China. Beyond that there were no questions. So we started with that question and then in this case it was a free-formed discussion

back and forth. I think UFC originated about as many ideas as the Trustees. I think it was as much a kind of a get to know you session and how do you feel about on both sides. It was an extraordinarily, I feel, collegial kind of exchange of views. Anything else from anybody?"

3. APPROVAL OF MINUTES OF THE SEPTEMBER MEETING

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

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

4. NOMINATIONS AND ELECTIONS COMMITTEE REPORT

Professor Brad Anton: "I will continue the tradition my predecessors used by flashing these overheads by you so quickly you can barely read them. The Nominations and Elections Committee has been quite busy this semester because there were many positions on standing committees that people had rotated out of and had to be filled. Unfortunately, I had an accident this fall and had to miss a few weeks of work and then I was sort of going at half speed much of the rest of the time. I want to publicly thank Sandie Sutfin from the Dean of Faculty Office, the administrative assistant, who has done a lot of the work of the Associate Dean of the Faculty while I have been gone. And that's calling the people, and asking them to serve, and then keeping track of who agreed to sere on committees and who didn't, so that we could make more nominations, and so forth.

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

Report from Nominations & Elections Committee

November 8, 2006

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

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

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

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

Faculty Committee on Program Review
> *John Hopcroft, Engr.*

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

Music Committee
> *John Forester, AAP*

Nominations and Elections Committee
> *William Goldsmith, AAP*

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

Transportation Advisory Committee
> *Dan Brown, CALS*

University Benefits Committee
> *William White, CHE*

__University Committee on Human Subjects__
    Carole Bisogni, CHE
    Robert Strawderman, CALS
    Brian Wansink, CALS

__University Conflicts Committee__
    Gregory Alexander, Law

__University Faculty Committee__
    Rodney Dietert, Vet.

__University Lectures Committee__
    Patrick Stover, CHE

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

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

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

Professor Martin Hatch, Music and Chair of CAPP: "The Committee on Academic Programs and Policies is concerned with academic programs and policies that are independent of or extend beyond the single- or joint-jurisdiction of a school or college faculty, except those delegated to other committees by the University Faculty Senate. Among its duties is to conduct an initial screening of formal proposals for new academic programs or policies, including proposals for modification or discontinuance of existing programs and policies. As part of its charge to conduct this initial screening of programs, it considers program proposals not only in terms of the substance, coherence and potential value to individual students, but also for how well they fit into and are consonant with the wider mission of the University. Thus the committee looks

to locate the place of new programs in the stated mission of Cornell, which is in part, to quote from the mission statement, 'the cultivation and enrichment of the human mind and spirit in service to our alumni, the community, the state, the nation and the world in an environment of collegiality, civility, and responsible stewardship.' I thought you all should know what you are doing here.

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

"Are there any questions about this degree? I will probably refer substantive questions about it to Professor White."

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

Professor Hatch: "Well I can answer, or at least I can suggest, why it is the committee was given this task and it has to do with the by-laws of the University. To quote, "The functions of the University Faculty shall be to consider questions of educational policy which concern more than one college, school, or separate academic unit or are general in nature and to recommend to the Board of Trustees with the approval with the appropriate college or school faculty the establishment modification or discontinuance of degrees." This is a joint degree, a dual degree, and the Committee on Academic Programs and Policies concerns itself with academic programs and policies which are independent of or extend beyond the single or joint jurisdiction, of the school or college faculty."

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

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

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

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

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

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

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

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

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

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

Speaker Knuth: "Thank you. I am going to go ahead in the interest of time and ask for a vote on the resolution that you have in front in of you and that was distributed early.

"All those in favor of approving this resolution (Appendix 13) please indicate by saying aye. All those opposed, please say nay.   Resolution passed with one abstention.

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

6. [REPORT](#) FROM THE COMMITTEE TO REVIEW FACULTY GOVERNANCE

Professor Risa Lieberwitz, Industrial and Labor Relations: "It's a real great pleasure to be here to talk with you about this draft report. We are hoping to have a lively and interesting discussion, starting today, as well as at the faculty forum that we planned. What I would like to do is to run through some of the issues to highlight some points. I hope you have all had a chance to read our draft report and recommendations (Appendix 14). But I will just start with some points and then we will move to the discussion.

"First, just as a reminder, I just have the resolution to review faculty governance that was passed at the end of 2005 (Appendix 15), and of course we have been at work on the committee trying to fulfill the resolution that was given to us, and so I just wanted to remind you of that.   Another quick reminder - the members on the Committee to Review Faculty Governance are listed on the overhead (Appendix 16) and are in the report as well. And then just some preliminary issues that I thought would be useful for me to identify that highlight some of the points of the report.

"The Faculty Governance Committee, again I have taken this very long name, and we just collapsed it, so the Faculty Governance Committee decided as you can see from reading the report that faculty governance at Cornell could be improved by strengthening existing faculty governance processes. And so you can see that our recommendations are designed to take what we have and make it stronger and make it work better. One of the things that we agreed on as a general matter and identified in the report is that we thought it was important to avoid governance by crisis

management as much as possible. Of course crises occur, and one has to take care of them, but we thought that looking at faculty governance and trying to take actions to increase the flow of information, to engage in processes re institutionalized for regular and early consultation, and to have broad and effective faculty participation would help to avoid that kind of crisis approach.

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

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

"Then what we would like to do after receiving this broad input is to incorporate ideas. The committee, of course, will continue to meet and our final report will reflect the sort of collective opinions that we are hearing from you with regard to the recommendations that we have made as well as the other parts of the report. We hope that when we come back to you, and as I said the target date here, the projected date, would be December 2006, and hopefully if not exactly then we'll signal a short period of time when we come back to you hopefully for your majority support of the final report and recommendations. This majority support itself will not actually result in changes of the kind that are recommended in the report and recommendations, but instead the collective voice of the faculty, if we have the majority supporting the report, will then trigger the need for a specific recommendation to be put into effect. The Dean of Faculty will have the job of, for example, recruiting ad hoc committees to consider the sorts of recommendations that we are making and if necessary draft new resolutions for presentation to the Senate for the Senate to vote. We have had this kind of action in the past, for example the creation of the local advisory committee. And an example of something that we recommend that would require perhaps an ad hoc committee but certainly another resolution for the Faculty Senate would be any changes in expanding the role of the UFC. That would need a resolution and some change in legislation in OPUF, to use the acronym. Your support of the committee report, if there is majority support, would then lead to further actions to implement them.

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

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

be strengthened. And we recommended that Faculty Senate committees review their charges to see if they would like to propose changes with regard to strengthening their charges and bring those recommendations for changing committee charges to the Faculty Senate.

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

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

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

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

Professor Lieberwitz: "I think it's a good question and then of course there may be other people on the committee who want to say something. I think that one of the beauties of having drafts is that they are drafts. There are lots of things that could be

changed, and I think what you are raising with regard to the process for how the Faculty Governance Committee should go forward and what we exactly should do with the report in terms of presenting it to you is part of the input that would be really useful to get from people. For example, if you thought that it would be useful for us to have separate votes on the recommendation that would be something that we could consider in coming back to the Senate."

Professor Abby Cohn: "This is a really excellent report. I think it certainly addresses in a very comprehensive way, certainly many of the concerns that I know I've had. There's one issue that has been on my mind that I'd raise that's not addressed here, that I would just put out there. In some informal conversations I've had it appears to have to be the case that in the past rather than just having two Faculty Trustees we actually had three or four Faculty Trustees. It is certainly the case right now that neither of our Faculty Trustees serves on the Executive Committee. There is a structural reason for that because the Executive Committee of the Board of Trustees is made up of the Chairs of the Committees. However we have an unusually large board of 64 members and so the role and function of the Executive Committee of the Board of Trustees is enormously important, much more so than boards at many of our peer institutions. One idea that I had was that perhaps we really should be requesting representation on the Executive Committee and possibly additional ranks. I was just wondering if the Committee had considered that and so forth."

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

Professor Richard Schuler, Economics and Civil and Environmental Engineering: "Actually I had a question first, but then I wanted to respond to the question that you and Professor Cohn just raised. I've read over this report. It's very thoughtful but I didn't discern any recommendation for an actual structural change in governance. Am I misreading it? In other words, recommending that there'd be more Faculty Trustees that would have been a structural change in governance, or exploring ways that the Faculty Senate might be arranged and organized. There's nothing in here that does

that. What you are doing is really trying to enhance the interactive advisory capacity with the Board of Trustees and senior administrators."

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

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

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

I just want to make a quick observation on Abby's point. When I was a Faculty Trustee, in fact I did serve on the Executive Committee for two of the four years, I think that was in part just an attempt of the Trustees to demonstrate that they did want to pay attention to faculty, because the norm on the Executive Committee for most of the Trustees is that they have been Trustees for a considerable period of time and have risen

through the ranks. I just wanted to emphasize that that may be a tough thing to push in a legalistic sense. But it's worth a try."

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

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

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

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

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

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

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

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

"There was something like the UFC, which was called faculty council. The members were elected by the faculty. There were six or eight members. It was prestigious to be on that organization. That organization consulted with the Administration. That

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

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

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

Professor Lieberwitz: "Okay. Let me make a quick comment. One is that, I think the point that you raise is an underlying issue that the Section Two of our report really tries to address. That is, this is not just a question of finding the perfect committee, the perfect structure. But that in fact what we are looking at is a situation where the shared governance model is across the United State is really being weakened. We had a long discussion in there about the kind of courses that we believe. It's not just our belief but based on our research and reading that there are courses, economic kinds of courses, social courses that have really created more of a kind of a business model that we think

is inconsistent with governance. And so I think that what you may actually be reflecting is not necessarily that there's one perfect structure and one that doesn't work. But that in fact there is a more broad social issue.

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

Speaker Knuth: "I want to thank you for a good report and encourage those of you who have comments to pass them on to Professor Lieberwitz and her committee.

"I did promise four minutes to Professor Abby Cohn for Good and Welfare purposes, so Professor Cohn."

7. GOOD AND WELFARE

Professor Abby Cohn: "I think the remarks I want to make highlight the importance of all the issues that are raised in the faculty governance report. I was shocked to read in last Tuesday's Sun that former President Hunter Rawlings had asked his senior advisor, Barbara Krause, to draft a revision to the Campus Code of Conduct leading to a proposed code which greatly restricts due process and constitutional rights, such as the right to remain silent. There are deeply troubling aspects of this proposal that warrant careful consideration, but I would like to focus my remarks on the procedural matters.

Krause evidently consulted with various parties including University Assembly, though not the Senate, but is the sole author of this document. Thus these first steps in revising the Code deviate from the standing procedure, whereby the Code of Conduct falls under the purview of the University Assembly and revisions of the Code are the direct responsibility of the Codes and Judicial Committee of the University Assembly. This document was circulated by Hunter Rawlings to a number of individuals on May 15, but has not yet been made public. This is perhaps due to the change of Administration.

"The first question that I would like to consider is the status of this document. And if indeed it is to be taken seriously as the basis of a revision to the Campus Code, one of the procedures proposed for full consultation with the student body, employees and faculty. In this May 15th memo, Rawlings states that since this is a very important matter he would like to solicit comments for these proposed changes and that these should be discussed in the recommended changes before the Trustees are asked to take

action, suggesting further deviation from the standing policy on revisions to the Code. This leads me to a more specific question about this matter has not come before the Senate. The Code is under the purview of the University Assemblies, not the Senate. Nevertheless, it has major ramifications for the educational matters that normally are under the purview of the Senate and certain provisions of the Code potentially apply to faculty. What to do?

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

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

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

Adjourned: 6:00 PM

Respectfully submitted,

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

Appendix 1

Appendix 2

Appendix 3

Appendix 4

Appendix 5

Appendix 6

Appendix 7

Appendix 8

Appendix 9

Appendix 10

Appendix 11

Appendix 12

Appendix 13

Mba1

Mba-2

Mba-3

Mba-4

Appendix 14

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

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

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

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

CAPP Approval
10/31/06

Faculty Senate Approval
11/08/06

Faculty Senate Committee to Review Faculty Governance

Report and Recommendations

(Draft)

November 1, 2006

Table of Contents

I. Introduction

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

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

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

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

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

including institutional changes and approaches to governance by the university administration, changes in faculty attitudes toward faculty governance, and the implications of these changes for shared governance at Cornell.

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

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

II. The Shared Governance Model in the University

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

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

[4] The 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).

integral part of university governance thus promotes decision-making consistent with the university's core missions.

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

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

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

Cornell policy expresses the view that good leadership by the Trustees and Administration respects the shared governance model. As described in the Organization and Procedures of the University Faculty (OPUF), University leadership "functions best when it is derived from the consent of the governed and is able to strike the delicate balance between the twin needs for broad consultation and decisive, timely decision-making."[8] The University includes institutional positions and structures to implement consultative processes between faculty and the Administration/Trustees. At the college and departmental levels, this consultation is carried out between Deans, Department Chairs, and faculty. At the university level, consultation is carried out among the Dean of Faculty, the Faculty Senate, the Administration, and the Trustees.

The Dean of Faculty and Faculty Senate are included in the Cornell University Bylaws. The Dean of Faculty, elected by the University Faculty for a three-year term with possible

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[5] http://www.aaup.org/statements/Redbook/Govern.htm
[6] University By-Laws, Art. V, §1; Art. VI. §1
[7] University By-Laws, Arts. XII, XIII. <http://www.cornell.edu/trustees/cornell_bylaws.pdf>
[8] <http://web.cornell.edu/UniversityFaculty/gov/OPUF.html>

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

The Faculty Senate carries out the functions of the University Faculty "to consider questions of educational policy which concern more than one college, school or separate academic unit, or are general in nature; and to recommend to the Board of Trustees, with the approval of the appropriate college or school faculty, the establishment, modification or discontinuance of degrees."[10]

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

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

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

Current issues of faculty governance at Cornell should be understood in the broader context of national trends over the last twenty-five years that have had an impact on the structure and practices in universities throughout the United States. These trends have been characterized in different ways, including the increasing use of a model based on market and financial concerns of the university as a business.[13] While the influence of business on universities is not a new

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[9] *Id.* at Section V.B.
[10] OPUF Sections IV, IX, X, XII.
[11] *Id.* at Sections VIII.A.1.; XI.B.
[12] *Id.*
[13] *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

phenomenon, dating as far back as the early 1900s, privatization trends since the 1980s have more recently expanded the use of a business or market model in universities. Various factors have contributed to the use of this market model, including: competition for students and research dollars and resulting pressures on universities to "market" themselves; increasing costs, overall, of operating the university; rising costs of research in the sciences and engineering; the growing media use of competitive rankings in *U.S. News & World Report* and other outlets as indicators of presumed educational quality; and the privatization of public functions, with a decrease in public funding to universities.[14] These increased concerns with market issues are reflected in changes in university institutional structures and practices, including: continuing increases in tuition and student financial aid; increased student debt, which affects students' career choices; a focus on the "branding" of the university; descriptions of students as "customers" purchasing education as a "product"; the expanding importance in the university of sciences as compared to the humanities; the growth of university technology transfer offices to commercialize science and engineering research through patenting and licensing[15]; 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 faculty[16]; and increased emphasis on commercial aspects of university athletic programs. Both private and public universities have been affected by these factors, particularly as shrinking state funds lead public universities to raise tuition and expand relationships with industry.

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

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SCIENCE AND THE UNIVERSITY (Ronald G. Ehrenberg and Paula E. Stephan, eds., University of Wisconsin Press, forthcoming); Gerber, *supra* note 3.

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

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

[16] The AAUP reports that "non-tenure-track positions of all types now account for 65 percent of all faculty appointments in American higher education," with 35.5 percent growth of full-time nontenure-track faculty between 1998 and 2001. This contrasts with hiring practices in 1969, when only 3.3 percent of full-time faculty appointments were nontenure-track. AAUP, *Background Facts on Contingent Faculty,* available at, http://www.aaup.org/AAUP/issuesed/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).

financial pressures, finance and financial management concerns have overriding impacts across all areas and all functions of the modern university.

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

The responsibility for the widespread erosion of the faculty governance role rests with the faculty, as well as with the university administration and governing boards. As faculty have increasingly turned their attention to individual concerns with research funding and to relationships and activities outside their own universities, they have reduced their interest and participation in collective faculty governance "at home."[18] While faculty members are often more concerned with the research and teaching that drew them to the academy in the first place, and because the tenure and merit pay processes typically reflect the value of research and teaching above service, faculty tend to view university service activities, including governance, as less important than other faculty work, too time consuming, and overly burdensome. Yet, without effective faculty governance, the environment for faculty research and teaching may be imperiled. Patterns have emerged of university administrations making decisions without consultation with established faculty governance bodies.[19] Additionally, as university structures have expanded "non-academic" administration, this institutional reorganization limits faculty consultation and participation in decision-making.

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

The concerns expressed by faculty in interviews and e-mails can be summarized as follows[20]:

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[17] *See, e.g.*, Scott, *supra* note 3; David A. Hollinger, *Faculty Governance, The University of California, and the Future of Academe*, http://www.aaup.org/publications/Academe/2001/01mj/mj01holl.htm ; Gerber, *supra* note 3.
[18] *See* Hollinger, *supra* note 17.
[19] *See* Scott, *supra* note 3.
[20] *See* Appendix C for more detailed descriptions of events cited in the following discussion.

- 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,[21] the problem of a lack of early and adequate consultation has persisted. The most recent example of this problem, triggering the creation of the FGC, was the resignation of President Lehman, which occurred without any prior consultation by the Board of Trustees with the faculty, including the UFC and the Faculty Senate. After faculty protested the limited extent of faculty participation in the subsequent search for a new president, additional faculty were appointed to the presidential search committee.

Other recent examples of inadequate faculty consultation include the Provost's announcement, in summer 2002, of a proposal to dissolve the College of Architecture, Art and Planning (AAP), without prior consultation with AAP faculty. Faculty were surprised, as well, in summer 2002 by the forced resignation of Professor Philip Lewis from his position as Dean of Arts and Sciences, which was imposed by the President and Provost without prior consultation with the faculty nor explanation after the fact of the

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

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.[22] In the case of the forced resignation of Professor Philip Lewis from the position of Dean of Arts and Sciences, the Administration did not provide faculty with reasons for the resignation, despite Professor Lewis' request that President Rawlings publicly provide such information.[23]

- Some Faculty Senate committees do not have a sufficiently strong influence on decisions made by the Administration and Board of Trustees. The Administration has not responded in a timely way to several Faculty Senate committee recommendations or Faculty Senate resolutions. For example, in March 2005, the Faculty Senate passed two resolutions that adopted two separate recommendations of the Faculty Senate *ad hoc* Committee on Nontenure-Track Faculty Status. The Administration has still not taken action to implement these two recommendations to create emeritus titles and professional development opportunities for senior lecturers, senior research associates, and senior extension associates. Another example of an overly long process is the development of a suspension policy covering tenure-track faculty (also referred to as Policy on Sanctions and Job-Related Faculty Misconduct), which has taken almost five years from initial formation of a Faculty Senate task force to final Faculty Senate adoption of the proposed policy. A significant part of the delay was created by two periods of almost one year

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[22] See, Philip Lewis, *On Trusting in Secrecy*, at 1-3, available at
http://web.cornell.edu/UniversityFaculty/announce/LewisOpinionPiece.pdf
[23] *Id.* at 4.

each, when the policy had left the Senate and was under consideration by the Administration, including the academic deans.

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

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

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

IV. Recommendations

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

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[24] *See* Discussion of AFPS proposal at the December 14, 2005 Faculty Senate meeting, <http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/2005-2006/121405Minutes/Minutes051214.htm > The UFC transferred the AFPS proposed changes to the FGC for consideration. While the FGC does not make a recommendation on the specific proposal, it has concluded that the recommendations of the AFPS and other Faculty Senate committees should be given greater weight in final decisions by the Administration. See FGC recommendation #7.

1. The Dean of Faculty and University Faculty Committee (UFC) shall develop a program to inform the full faculty of university governance processes, including the role of the Faculty Senate, Faculty Senate committees, UFC, and Faculty Senate procedures. It is especially important to educate new members of the Senate and newly hired faculty about these processes and procedures.

2. The Administration shall consult with faculty about a broad range of issues, including both academic and non-academic matters that affect faculty and academic life at the university (e.g. capital campaign planning; housing; budget/finance; new construction). The President, Provost and Board of Trustees Chair/Executive Committee Chair shall use their regular meetings with the Dean of Faculty and the UFC to raise issues for faculty consultation. In general, these issues shall be raised early enough to provide time for meaningful consultation with the faculty, including consideration by Faculty Senate committees, *ad hoc* faculty committees, or joint faculty/administration committees. The goal of consultation shall be to reach consensus between the Administration/Trustees and Faculty. In the unusual case where the President, Provost, or Board of Trustees believes that action must be taken quickly, they shall work with the Dean of Faculty and the UFC to provide for adequate faculty consultation.

3. The President shall hold a meeting with the faculty, as a whole, at least once each semester to report on the state of the University and answer questions. In addition, the Dean of Faculty shall hold university faculty fora on crucial issues, as they arise. The agendas of these meetings shall be publicized, with a general discussion following the particular agenda items.

4. The faculty shall be informed about the work of the Board of Trustees in the following manner: The UFC shall report to the Senate on its regular meetings with the trustees and this information shall be disseminated by senators to their departments or Colleges. The Board of Trustees (at a minimum, the Chairs of the Board and of the Executive Committee) shall hold a "town meeting" with the faculty, as a whole, at least once a year to provide information to the faculty about issues being considered by the Board of Trustees, answer faculty questions, and to enable faculty to inform the Board about issues of concern to the faculty.

5. Departments should encourage broad and active participation of faculty in the Faculty Senate. Faculty Senate representation shall be given appropriate weight among other faculty committee and service roles. Faculty Senators shall report to and seek input from the faculty they represent, on a regular basis, on the matters considered by the Faculty Senate.

6. The role of the UFC and faculty awareness of the UFC shall be expanded:
   - At least five members of the UFC shall be current Senate members at the time of their election; as many as four need not be current members of the Senate at the time of their election.
   - The UFC shall make an oral report at each Faculty Senate meeting, with sufficient time for questions.
   - During the summer and winter breaks, when the Faculty Senate does not meet, the UFC shall have executive authority to consult, on behalf of the Faculty Senate, with the Administration and Board of Trustees when necessary to deal with crises or other

important issues that arise. In dealing with such matters, the UFC shall attempt, whenever possible, to find interim solutions until such time as the Faculty Senate is able to meet and consider the matters.

7. Faculty Senate Committees shall review their committee charges to determine if the charge should be amended to provide mechanisms that add weight to committee recommendations to the CU Administration. Committees that seek to change their charge shall bring a resolution to the Faculty Senate.[25] Each Faculty Senate committee shall establish regular meeting times at the start of each academic year.

8. Procedures for ensuring timely implementation of Faculty Senate resolutions shall be adopted:
   - The Dean of Faculty shall work with Faculty Senate committees to establish procedures for presenting resolutions to the Faculty Senate in a timely fashion.
   - To increase the potential for timely implementation of Faculty Senate resolutions, Faculty Senate committees shall seek responses from the Administration or Deans, where appropriate, to proposals that the committees are considering for submission to the Faculty Senate.
   - The Dean of Faculty, UFC, and the Administration shall establish timetables for definitive responses from the Administration, be they positive or negative, to Faculty Senate resolutions. In general, Faculty Senate resolutions accepted by the Administration calling for structural changes shall be implemented within two semesters.[26] Other Faculty Senate resolutions or Faculty Senate committee recommendations shall be implemented more quickly. The Dean of Faculty and UFC shall report to the Senate, at least once a semester, on the status of implementation of Senate resolutions. [27]

9. In recognition of the importance of the position of the University President, the appointment and subsequent reviews of the President shall be carried out in as open a manner as possible, including broad faculty input and consultation in search and review processes. Faculty shall compose at least one-half of the members of any search committee or performance review committee for the President. Faculty appointments to these search and review committees shall be made through a procedure of nominations by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate.

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[25] At the December 2005 Faculty Senate meeting, the Faculty Senate Committee on Academic Freedom and Professional Status (AFPS) proposed amending its charge to strengthen the weight of its recommendations to the Administration concerning faculty grievances. The UFC referred the AFPS resolution to the FGC. The AFPS should consider re-submitting its resolution to the UFC for debate by the Faculty Senate.

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

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

10. Appointments and performance reviews of senior level administrators shall be carried out in as open a manner as possible, including broad faculty input and consultation in search and review processes. While recognizing that the President has the prerogative to appoint the University Provost, faculty shall participate actively in the search process for Provost, with faculty composing at least one-half the members of any search committee or subsequent performance review committee. Faculty shall compose at least one-half the members of any search or performance-review committee for the positions of Dean of the Graduate School, Dean of Students, and Deans of the Colleges. Faculty appointments to these search and review committees shall be made through a procedure of nominations by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate.

11. In addition to the recommendations in #10 (above), a Faculty Senate Committee on Administrative Appointments and Reviews shall be created for consultation by the Administration on appointments, reappointments, and performance reviews of University Vice Provosts and Vice Presidents. The faculty members and Chair of this Committee shall be appointed by the Faculty Senate Nominations and Elections Committee, under the same procedure used by the Nominations and Elections Committee for appointing members of other Senate committees. University Vice Provosts and Vice Presidents shall create faculty consultation mechanisms for their units.

12. Prior to accepting the resignation or considering the discharge of the President, the Board of Trustees shall consult with the University Faculty Committee, which body will report these discussions to the Faculty Senate and seek its advice.

13. Prior to accepting the resignation or considering the discharge of the Provost, the President shall consult with the University Faculty Committee, which body will report these discussions to the Faculty Senate and seek its advice. Prior to the resignation or consideration of the discharge of other senior level administrators, the President or Provost shall consult with the University Faculty Committee.

APPENDIX A

Resolution to Review Faculty Governance

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

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

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

1. Review the actions of Faculty Governance over the past ten years to assess their impact on administrative decision-making at Cornell;

2. Examine the relationship among the faculty governing body, administration of the individual colleges, central administration, and Board of Trustees at other comparable universities;

3. Make recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the university faculty on administrative decision-making at Cornell; and

4. Report back to the Faculty Senate no later than its May 2006 meeting.

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

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Members of the Committee to Review Faculty Governance:
Brad Anton, Chemical and Biomolecular Engineering
N'Dri Assie-Lumumba, Africana Studies & Research Center
Eric Cheyfitz, English, Arts & Sciences
William Crepet, Plant Biology, Agriculture & Life Sciences
Cornelia Farnum, Biomedical Sciences, Veterinary Medicine
David R. Lee, Applied Economics & Management,, Agriculture & Life Sciences
Risa Lieberwitz (Chair) Collective Bargaining, Labor Law & Labor History, Industrial
      & Labor Relations

APPENDIX B

Individuals Interviewed or Consulted by FGC

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

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

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

APPENDIX C

Events at Cornell University Raising Faculty Governance Concerns

Resignation of President Lehman

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

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

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

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

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

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

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

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

> Many in Day Hall and on the Board itself say that Meinig forced Lehman to resign or face removal. Why Meinig would want to remove a president who had reigned over two of Cornell's most lucrative fund raising years ever is a closely guarded secret.
>
> Day Hall observers have spent endless hours debating various theories about what caused the final break, which occurred sometime shortly after commencement.
>
> Most attribute at least some degree of the relationship's breakdown to the sudden departure of Inge Reichenbach, Cornell's former vice president for alumni affairs and development. Although University representatives were quick to characterize her departure to Yale as her decision to take a more lucrative offer, Reichenbach had made every sign of making Ithaca her permanent home. (http://cornellsun.com/node/14929, accessed 09/25/06).

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

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

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

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

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

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

In the wake of the August 30th meeting two faculty initiatives took place. One, to constitute a faculty body to review governance at Cornell, was initiated by an independent group of faculty affiliated with the Cornell University Faculty for Justice and Peace (CUFJP), many of whom had been involved in the action to save Redbud Woods. This eventuated in the Senate resolution to create the Faculty Committee on Governance. The other initiative was generated by the Senate itself and took the form of the *Resolution Urging the Administration and the Board of Trustees to Engage in a Frank and Open Dialogue with the Faculty Regarding the Resignation of President Jeffrey Lehman* (http://web.cornell.edu/UniversityFaculty/FacSen/050914SenateMtg/OpenDialogueRes.pdf, accessed 09/27/06). The resolution, which was passed at the September 14th meeting of the Senate, notes how "very seriously [the faculty takes] its obligation to advise the Administration of the University on the conduct of the University's business" but that it "cannot perform this function in a climate of secrecy." Further, the resolution notes "the abruptness of the resignation of President Lehman and the lack of any meaningful explanation for it have, to our knowledge, no precedent at Cornell or at other prestigious American universities." Registering the "distress[…]" of the Senate that the faculty had to turn to journalistic speculation "rather than to an official University source" for its information on the resignation, the resolution states: "the Senate is deeply concerned that the non-specific generalities of the official explanation for the resignation are broad enough to mask a major shift in the traditional locus of decision making at Cornell from the President to the Board of Trustees," thus expressing its anxieties about the state of governance at the university. In view of the situation, the resolution resolved that "the Senate strongly urges the Board of Trustees to find a way to engage in a frank and open dialogue with the faculty regarding" the specifics of the Lehman resignation and further that "the Senate

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

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

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

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

Reorganization of the Division of Biological Sciences

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

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

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

released on March 2, 1998, ten days before the final Task Force report was released. On May 13, 1998, the Faculty Senate considered the issue for the first time,[29] passing the following resolution:

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

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

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

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

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

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

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[29] Prior to the May 1998 meeting, the issue of the reorganization of the Division of Biological Sciences was raised in the Faculty Senate only through a question by Professor Howland during Provost Randel's regularly scheduled question and answer period (March 1998 meeting) and by Profession 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

eCornell

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

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

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

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

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[30] http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000308.html
[31] http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000412minutes.html
[32] The committee did not take a position on whether eCornell should be a nonprofit or for-profit corporation, based on the committee's view that it lacked sufficient expertise on that issue.
[33] http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000412minutes.html

concern to the faculty.[34] While these Principles were ratified by the Senate at its May 10, 2000 meeting, it is unclear whether this document is still active, as most current members of the Faculty Senate are not aware of its existence.

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

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

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

1. To CRP, the College of Architecture, Art and Planning (AAP) had always seemed a diverse and tolerant place. The three departments operated with a lot of autonomy. This caused no problems; and all seemed to flourish. Core competencies were different. Special projects across departments did well, notably the Rome Program.

2. But AAP had always been underfunded, resulting in part from a lack of endowments for faculty chairs. College level finance administration was problematic under successive deans. CRP adapted partly by working across college lines through the Einaudi Center and other parallel units; and notably, with the Graduate School.

3. In mid-July 2002 President Rawlings and Provost Martin summoned the dean and three department chairs for a meeting in Rawlings' office, at which Rawlings, noting a series of difficulties and issues, announced the intent to dissolve the college and asked the three chairs to investigate alternative "homes." The chairs tried to get some elaboration:

    a) They asked Rawlings whether, having made this announcement, it would now be possible to initiate discussions within AAP with more attention by faculty. He indicated that while AAP faculty were free to have internal discussions, he preferred to let his statement of intent stand.

    b) Rawlings listed a number of issues that "caught our [his and the provost's] attention" – management issues like the tardy submission of required faculty conflict of interest declarations; failure to keep spending under Day Hall targets.

4. There were the following responses over the fall 2002 semester:

    a) Dean Olpadwala communicated the President's statement to the faculty and to AAP alumni, through the AAP Alumni Council, a body with which he had regularly interacted, exchanging views with about the direction of the College. He had also enlisted the Council's help in fund raising for a new AAP building. The Alumni Council resisted the idea of dismantling the College.

    b) CRP was strongly against any dismantling of AAP. It hoped for a continuation of the College, with improved administration and resources. CRP faculty spoke to faculty and associate deans in Agriculture and Arts and Sciences, and concluded that the department would not do as well in these environments, much as they respected their capacities and envied their administrative structures.

    c) By September, Olpadwala and Martin had set up a process to study the AAP situation. –

        *   Martin announced a target number for budget, faculty lines and staff lines.

- The chairs of the three departments and selected faculty formed two committees

d) The fall of 2002 was a major strain. Faculty sitting on the committees were frustrated that it was so difficult to get comfortable enough with one another to make progress. Staff morale became a major preoccupation. Their jobs, not faculty jobs, were on the line. They were operating heroically to provide services to students, while hearing their jobs would be gone.

e) The situation notwithstanding, the central administration did devote serious administrative time to our situation. The Vice Provost, Walter Cohen, interviewed every faculty member and held regular hours in Sibley Hall. Day Hall also assigned a very competent financial administrator, who was quite helpful.

f) Throughout, no one seemed to know the real reasons for the decision the President had announced in July.

g) At the end of the fall, the Provost addressed the College faculty. She stipulated that AAP would continue as a college, and concern itself with built environment issues campus-wide, with a dean having a "capacious view" of architecture. There would be a search for a new dean, and the College would come back together. All these things have happened, or begun to happen.

h) The next three semesters included a year of administrative fixing and exercises in goal setting, and a successful search of a new dean, who took office in July 2004.

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

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

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

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

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

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

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

Follow-up on specific recommendations

a. Research titles: Research Scientist and Principal Research Scientist
The report of the *ad hoc* committee, submitted by the co-chairs, Donald Holcomb and Norman Scott, on behalf of the Committee, is dated August 2004. It includes in it both a recommendation and a resolution for establishment of new research titles 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 2205 - April 2006), when the policy had left the Senate and was under consideration by the administration, including the academic deans.

November 2001	Senate Resolution to create a Task Force on Appeals and Grievance Procedures

This Task Force consisted of a subgroup of members of the Senate Committee on Academic Freedom and Professional Status of the Faculty (AFPS), as well as non-tenure-track faculty and graduate student representatives.

During the next two years the committee met on a regular basis. It turned out that tracking current suspension procedures was difficult due to the presence of conflicting policies, a high degree of autonomy by deans within individual colleges for making the decision, and difficulty in getting accurate information about how often suspension had occurred, under what circumstances, and for what duration. The committee met twice during this period with different subsets of deans for the purpose of discussing initial draft reports and specifics of the current procedures. The committee also met with other individuals such as current and former deans of the faculty and the ombudsman.

The committee early on decided to restrict its recommendations to tenure track faculty.

March 2004	Senate: Initial discussion of the Suspension policy, brought by the AFPS

April 2004	Report to the Faculty Senate from the Chair of the Task Force

The Dean of the faculty said he had discussed the policy with the President and the Provost, and the deans had some reservations; the deans formed a group to meet with the AFPS.

May 2004	Announcement that the Suspension Policy would be reported on again in the fall.

However, there was no further discussion of the Suspension Policy by the Faculty Senate in the fall of 2004.

May 2005	Adoption of the Policy on Sanctions and Job-Related Misconduct (Suspension Policy)

The policy was brought to the Faculty Senate and passed.

April 2006	Senate: Update on the Suspension Policy

The Dean of the Faculty said that the policy had gone back to the deans, and then to the Provost where it now resided; it will then go back to the AFPS and then back to the Senate.

The issue of grounds for an "emergency suspension" became an area of some disagreement. Initially clinical faculty at the Veterinary College were not to be covered

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

May 2006   Suspension Policy brought to the Faculty Senate, but there was no quorum so there was no vote. The policy had been modified in a variety of minor ways since the original passing (May 2005), but essentially was a nearly identical document.

Summer 2006   e-mail vote on the Suspension Policy by the current Senate membership; this was not considered to be a final vote, but only a "straw vote" to demonstrate the level of approval by the Senate members who had heard the 2006 discussion. One third of Senators turn over each year. The e-mail vote passed by a large majority.

September 2006   Suspension policy approved unanimously by the Faculty Senate

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

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

Redbud Woods

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

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

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

Resolution to Review Faculty Governance

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

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

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

1. Review the actions of Faculty Governance over the past ten years to assess their impact on administrative decision-making at Cornell;

2. Examine the relationship among the faculty governing body, administration of the individual colleges, central administration, and Board of Trustees at other comparable universities;

3. Make recommendations to the Faculty Senate for changes to broaden and strengthen the influence of the university faculty on administrative decision-making at Cornell; and

4. Report back to the Faculty Senate no later than its May 2006 meeting.

University Faculty Committee
4 October 2005

Appendix 17

Governance Committee Membership

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