Minutes of a Meeting of the Faculty Senate  
December 13, 2006

Speaker Barbara Knuth: “I would like to call to order this meeting of the Faculty Senate. I’ll begin with a number of announcements. Please remember that no photos or tape recorders are allowed during the meeting. Please turn off your cell phones. When you speak, please stand and project your voice and please identify yourself and your department or unit. To my knowledge we have no good and welfare speakers, so we can allocate that additional ten minutes to other discussions later on in the agenda should we need it. Let me ask Dean Walcott if we have a quorum.”

Dean of Faculty Charles Walcott: “We have one shy of a quorum.”

Speaker Knuth: “I have been informed that we have one shy of a quorum, who is just now walking in the door. We now have a quorum, so we will be covering all of our business this afternoon. And our first item is to call on Provost Martin, who is going to give an update on the 2007/08 budget. We have about thirty minutes for this discussion.”

1. REMARKS BY THE PROVOST

Provost Biddy Martin: “Good afternoon. Hello. Okay. I really appreciate the opportunity to talk about the budget. You know we take the primary budget elements to the Trustees in the middle of January, so it makes a lot of sense to come and talk to you all about it in December. Before I begin I just want make sure that all of you, I know most of you, but all of you have met Carolyn Ainslie, Vice President for Budget and Planning, who is outstanding. That is well-deserved applause for Carolyn. Carolyn works closely with our Financial Policies Committee on budgetary and financial issues. So this is a high level, as they say, overview.”

“Here’s just a little introduction. We work very hard to make the University budget and its planning reflect our academic priorities. We have a challenge at Cornell. I know you all have heard me say this before, but it has the virtue of being true. We do more with less at Cornell, and I think that everybody here probably feels that, the effects of it, and either you take some pride in it, or you don’t. But it remains the case that our endowment is smaller and our revenue streams in general are less than some of our peers, yet we manage to compete pretty well with all of those peers. We intended to review that.” (Note: The overheads that the Provost showed at the meeting will not be part of the official minutes.)

“Our primary budget goals for 2007/08 include the obvious things - at least I hope they would be obvious to you - to remain competitive with faculty and staff salaries,
maintain student access, which all of you know is becoming harder and harder, and costing more and more, and raise funds for current initiatives. Let me say just one thing about raising funds for our current initiatives. I’ve said this in the context of talking about the capital campaign, so I think most of you have heard it before, but Carolyn and I believe that we are about three to five years behind in raising the funds through a campaign, that we actually need to cover those things to which we have committed over the past six or seven years or even longer back. We hope, in the context of the campaign now that is in its public phase, to catch up quickly, to be able to bring in funds in our priority areas. But it’s simply the case that we are behind, that is, we have committed to things and we are already doing things for which we have not raised enough money from gifts.”

“Okay. Every time I talk about the budget I show you this kind of picture and so many of you have seen it before. This is based on the 2006/07 financial plan, and the interesting aspect of the graph really has to do with what our major sources of revenue are. Tuition and fees account for 35% of the operating budget for Ithaca. Sponsored programs 23%, and you can see there the sources. If you have any questions as I go, please feel free to ask them. Our revenues for 2006/07 budget are expected to total $1.698 billion. That’s our revenue. One category that you won’t understand immediately is ‘other sources.’ That includes such things as the Statler, the Vet Hospital - those sources of revenue.”

Professor William Arms, Computer Science: “Biddy, sponsored programs, does it include sponsored research? What else is in there?”

Provost Martin: “Yes. That is research and non-research grants and contracts.”

Professor Buzz Spector Art: “Biddy, what are enterprises then in this context?”

Provost Martin: “Ah, enterprises. You know that our student services functions are run as enterprises. Our facilities functions are enterprises. Those are the sources of revenue included there. I wanted to let you know, by the way, since investments account for 12% of our operating budget, that our performance for this past year was 16.4% for the long term pool, which is again an improvement over what our performance had been, and the market benchmark for our peers was 11.4, so we did quite a bit better than the market benchmark for this past year.”

Charles Walcott, Dean of the Faculty: “Does government appropriations include the funding for the statutory units?”

Provost Martin: “Yes. Did everybody hear Charlie’s question? Yes it does. Are there any other questions about revenues?”
Associate Professor Risa Lieberwitz, Industrial & Labor Relations: “Where is the Technology Transfer Office included? Any revenues come through technology transfer?”

Provost Martin: “In the deficit column. Is that enough said about that? That’s why we are trying to improve our ‘C-tech’ operation and make it a revenue generating as opposed to a revenue consuming operation.”

“Okay. Operating–expense side. Here again I show you something that most of you have seen before and that you understand well, I think. And that is, that we as other institutions of higher education, are heavily labor intensive. Salaries and wages and benefits together come to 59% of the total operating budget. And if we were to count the benefits supplied by New York State for some of our contract college lines, we’d be at 61% of the total budget in compensations. And that’s one percent higher than the average for higher education, which is 60%. So, you see where most of the money actually goes. And student aid, 13%, and that includes graduate students and undergraduates. It also includes tuition waivers, which are not strictly speaking a form of financial aid, but they cost money, and they support graduate students.

Associate Professor Brad Anton, Chemical and Biomolecular Engineering, and Associate Dean and Secretary of the University Faculty: “The graduate student stipends that are paid from sponsored programs and grants and contracts, do those go in salaries and wages?”

Provost Martin: “No. Salaries and wages are the faculty and staff. I’m not sure what you are asking.”

Professor Anton: “On the revenue side we have the sponsored programs. This is all money that comes in from grants and contracts; then we use those grants to pay our PhD students and so forth. Where does the expense of paying them their stipends show up on the graph?”

Provost Martin: “It’s in the financial aid for students.”

Professor Anton: “Okay, I see.”

Provost Martin: “Any other question about expenses? Okay, so what I wanted to do is just go over two major budget policy issues that will be taken to the Board of Trustees in January for their consideration and for approval - undergraduate tuition and financial aid policy. I think you also know about Cornell, and you know about need. I think we need to take pride that we are one of the few remaining completely need-blind admit schools in the country. There are not that many left. It’s our goal to remain a need-blind admittance school and to provide enough financial aid to assure that we are
accessible to students from all economic backgrounds. On the tuition side, we aim to stay in the middle of our peers, balancing tuition growth with adequate financial aid.”

“Just a little about the tuition policy process. Tuition is what scholars of higher education, at least some of them - Ron can tell you more about them and the language they use if you wish to hear about it - but tuition is only a sticker price. It’s doesn’t reflect the total cost of education as it’s calculated by scholars of finance of higher education. So that’s the sticker price, and we plan for reasonable year-to-year increases, both for families and for financial aid budgets. Financial aid is the tool by which we reduce the sticker price, but only based on need. Right. So financial aid reduces what we are calling here the sticker price, the tuition, but only based on need, because we are a need-blind and need-based financial aid institution.”

“Contract residence students benefit from state appropriations when they increase. And the multi-year objective we have is to move the contract college non-resident tuition as close as we can get it to endowed tuition. How, and especially to what degree, to raise tuition? So let me show you now increases in undergraduate tuition in 2007 dollars. This is from 1967 to 2006. The point of this slide is simply to show you the rise in undergraduate tuition rates for the past 39 years. The rate of growth has leveled a little bit over the past ten years. As you see we have been trying to set tuition no higher than two to three percent higher than the rate of inflation. Inflation is projected for this next year to be 3.5 percent. By the way, 58% of our contract college undergraduate students are in-state and pay resident tuition, 58%.”

“Tuition and fees. This is Cornell relative to our peers and you see that we are now closer to the bottom than we were. That is not in the middle, which is our goal, to be in the middle. And you also see that the change last year in the rate of growth was lower for Cornell than for many of our peers. So we raised tuition last year 4.8 percent on the endowed side and 5.0% for the contract non-resident students again in our effort to get the tuition for contract non-residents to the same or close to the same as endowed tuition. We were low compared to many of our peers. I’m assuming you are fine with this.”

“Sources of support for grant aid. Given the rise in tuition and its steady increase and even greater increase in the cost of education, we need to ensure access for students from a range of economic backgrounds, we need to provide financial aid. What are our sources of grant aid for students? Cornell unrestricted dollars in the general-purpose budget - restricted funds that are the outcome of gifts primarily, government sources and other external sources. You see the downtrend in government sources of grant aid. You probably realize the federal government is providing much more loan aid than grant aid at the moment. That’s a trend, and less also comes from the state.”
“Unrestricted grant aid as a percent of tuition revenues. This is something we track very carefully, what is called by some the ‘discount rate.’ This is the ratio of unrestricted grant aid to gross tuition, so unrestricted grant aid to gross tuition or tuition discount. From 1988/89 through 1996/97 the ratio grew to almost 20%. And when it reached 20%, the Trustees and the administration decided to take a hard look at what we can do to bring that down. The ratios fell as a consequence of the scholarship campaign, restricted gifts, and endowment support, which were added as a result of that campaign, that mini-campaign as it was called. The recent uptick partially reflects the change in financial aid policy. We became part of what’s called ‘consensus approach’ among our peers. In fact Hunter Rawlings led the effort to change to what was called ‘consensus approach.’ That changed the need formula in a way that benefited more middle-income families.”

“At the same time I want point out to you something that I reported on here before and which I think is worth emphasizing, and that is Cornell’s number and percent of Pell Grant recipients, relative to our peers. So you see, Cornell is red, and Berkeley and Columbia are ahead of us in the number and percent of Pell Grant recipients, but we are not far behind, and we are quite substantially ahead of other peers. This indicates, of course, for those of you who haven’t spent a lot of time thinking about this, that we have as a percent of our students and in absolute numbers economic diversity of a sort that we don’t find at many of our peers. Pell Grant recipients come from families with incomes of $45,000 or less. So that gives you a sense of who these students are. The other thing people often assume, at least our Trustees, when we show this graph and talk about it, is that we have significantly more Pell Grant recipients because of contract colleges. But the truth is that they are spread evenly across Cornell very methodically. They are not concentrated in the contract colleges, these students who qualify for Pell Grants.”

“2007/08 tuition planning. Endowed tuition is currently $32,800. As I just showed you, that has put us closer to the bottom. We are no longer in the middle of the peers. We are going to propose a range, an increase in the range of 4.75 and 5.25, which would still potentially put us below some the increases of our peers, about which we don’t know anything other than what they have done the past couple of years. But if the trends among our peers continue, we wouldn’t be on the high side with such increases. This is the question in our minds and the big issue honestly, is the question of net tuition. That is, at what point would we raise tuition to a point where we couldn’t afford the financial aid to ensure that students from lower income could attend. So we have to be able to increase our financial aid dollars when we increase tuition, and when does it become a loss rather than a gain.”

“Professor Steven Beer, Plant Pathology: “What is the administration’s thinking on the importance of the tuition rate relative to our peer institutions? Does it attract more students, or does it repel students?”
Provost Martin: “Well, that it’s a really complicated issue. I wonder if you all read the article, was it in the Times, suggesting that the cost in tuition for colleges and universities serves as a kind of proxy for quality? And that if we fall below our peers the assumption is, I don’t mean we, Cornell, but in general the point is made, to have a tuition rate that is lower is an indication then of lower quality and less attractiveness, lesser attractiveness. This is all perverse. Nonetheless, it’s the world in which we live. While it might be, perhaps it isn’t. My view of perversity is different from some people’s. But in any case I think it’s not that we care about, being exactly where our peers are in the absolute sense, but relatively speaking. One of the things that some of our Trustees pointed out is that if we raise our rate more slowly than our peers over just a few-year period, we will then never be able to catch up. That’s indeed what we need to do because of our costs, or in order to stay where our peers are. The reason for that is obvious, I suppose, and that is in order to catch up once you fall significantly behind, we have to raise tuition by an extraordinary amount in a given year or over a couple of years. And that’s not something we want to do.”

“I’ll tell you what guides tuition policy. I’ll tell you three things. One, we want to be a premiere research university. That cost is an extraordinary amount of money. It costs more money than we have and less if we continue to increase the rate of tuition. But we don’t want to increase tuition to such an extent that we can’t afford the financial aid to pay for students who can’t afford the sticker price. Being at the level of our peers is secondary, but it’s not completely insignificant.”

Unidentified: “What’s the current percentage of the student population who is getting some form of financial aid?”

Provost Martin: “Forty-eight through grants but over 50 get financial aid of some sort.”

Unidentified: “Is that fairly stable or has there been an increase to that?”

Provost Martin: “No. It’s stable. Actually the need-base population has gone down instead of up. But only slightly over the past couple of years.”

Unidentified: “How do we compare with our peer institutions in that regard?”

Provost Martin: “Well, I think we are quite close to our peers when it comes to the percentage of students on aid. Carolyn - correct me if I’m wrong about that. But I think that with 48% of our grant aid and over 50% on some aid, we are close to our peers.”

Professor Peter Davies, Plant Biology: “The article that you quoted in the Times went on to suggest that higher tuition can be easily offset by giving higher financial aid. But you indicated that that was a losing game. I don’t understand this, because if you raise
the tuition, let’s say 10%, and you only give out 50 to 60 or even 70% in financial aid, you are still ahead. That is not a losing game.”

Provost Martin: “No, no. It can become a losing game. But losing relative to what, not in absolute terms, but it can become what is considered to be a losing game. But we have to figure out the point at which that would occur.”

Unidentified: “Our so-called peer institutions reflect no land-grant universities in that list. How do we stack up against the Wisconsins or the Davises, the Ohio States?”

Provost Martin: “On resident tuition we are where our peers are. For non-residents we are at the very high end. But we feel justified in that higher rate, because those students are also benefiting from the teaching and research resources on the endowed side. So we have a different cost structure.”

Professor Rich Burkhauser, Policy Analysis and Management: “Let me push you a little bit on that. I assume that the quality of education that one gets on the endowed and the contract college is the same. It costs the same to provide it. So how can we possibly drive it for $14,000 less if the government is not making up that difference, which it isn’t? We have seen that the state salaries are level, so how can we continue to do that? Doesn’t the contract college salary or tuition have to go up at an even faster percentage that the endowed?

Provost Martin: “The resident tuition?”

Professor Burkhauser: “Yes, even faster in percentage than the endowed?”

Provost Martin: “Well, no not as long as the state appropriations are subsidizing.”

Professor Burkhauser: “But I thought they were level. You showed us a graph that showed us that the government monies coming in were not rising. It had actually fallen from the 80s, yet the gap between the two salaries is rising. So I see that as a problem.”

Provost Martin: “But it has risen, the appropriation from the state over the past couple of years. We are doing better. It’s true over the longer haul, that it’s gone down. But that’s as a percent.”

Carolyn Ainslie, Vice President for Planning and Budget: “When the state appropriations weren’t going up, we changed our policy probably six or seven years ago, we pushed tuition, so actually the contract college tuitions grew between eight and ten percent over that same period. So we were trying to put that right, and this assumes that we get state appropriations increasing to be able to keep the tuition rate the same.
If we don’t get the state appropriations next year we are going to have to push tuition to keep the quality preserved.”

Professor Ronald Ehrenberg, ILR: “If the state appropriation doesn’t go up by 4.75 to 5.25 percent, which you are now planning on tuitions to go to, then the total amount that the statutory units will get will not go up as rapidly as the total amount that the endowed units will get in terms of tuition revenue. So I think that’s Rich’s concern.”

Vice President Ainslie: “Right. So we don’t have the state appropriation yet. And so we try to watch those. We just put this parenthetical comp there with that four percent, just so you had an idea of how much there was per student, so we’ll watch that. We put in a budget request for next year for the contract colleges of a ten percent increase.”

Provost Martin: “It might or might not be good news.”

Speaker Knuth: “If I could just remind people to please identify yourself and your unit when you speak, particularly if you are in the back or up front stand when you speak. Thank you.”

Professor Chris Wien, Horticulture: “So how does Cornell’s contract college in-state’s tuition compare with our peers in other states of the union?”

Provost Martin: “It compares favorably, the in-state rate. It’s a little high but it’s not way out of line. Would you agree Carolyn?”

Vice President Ainslie: “We’re pretty high.”

Provost Martin: “We are up pretty high. We are in the high end.”

Professor David Delchamps, Electrical and Computer Engineering: “In a lot of these discussions of tuition planning, people act always as if that piece of the pie, the revenue pie - the tuition piece - is the only thing we can mess around with. I’m just curious about what is the current rate of endowment payout? How rigid is that? Have people considered things like, for example, making endowment payout a constant fraction of the revenue pie and playing with the payout rate?”

Provost Martin: “Well, yes we have considered that. In fact when I first became Provost there was a recommendation from our Deans that we push the endowment payout up at a faster rate, because the view was timed to the late nineties, before we hit that year 2000, was that we were benefiting the future at the expense of the present. But you know what happened then with the markets, and we actually have a policy, and we got outside the bounds of our policy and were losing purchasing power of our endowment by virtue of having raised the payout to too high level, given the
performance and the market themselves. So we are now just getting back within range. I think actually it wouldn’t be wise to try and put pressure again at this moment on payout for the endowment. We will increase it this year. Our performance was certainly strong enough and now that we are back within the bounds of our payout policy, we can raise it by five percent. That’s what we expect to get approved.”

Professor Delchamps: “Are you ball-parking the five-percent range now?”

Provost Martin: “Yes. That is exactly what it is. But you are right. There are not that many things on the revenue side over which we have control and that we can change. And tuition is a primary one. As I said earlier we are hoping for gifts. Not only hoping but depending quite seriously on the campaign and the gift-funding that we get, not only for financial aid but for virtually everything else. Are there other things?”

Professor Paul Houston, Chemistry and Chemical Biology: “Is sponsored research increasing as fast as tuition?”

Provost Martin: “No.”

Professor Houston: “That’s a problem because you are assuming for graduate education that as your tuition rises the grants will also rise. But the pool of federal funds is not rising nearly that rapidly. In fact, it’s falling. It means we have to have fewer graduate students.”

Provost Martin: “Yes. I mean that logic is correct. Since we agree with you, we are doing two things. One, we have a major priority in the campaign on graduate fellowships, and we are bundling them with professorships in the hope that we will be better on graduate fellowships than we have done in the past in the context of the campaign. We also have been working very, very hard on graduate tuition policy. We are going to have a proposal, which will be ready soon, that will help a little bit with that gap that you are pointing out. It will help people on the endowed side a little more than it will help on the contract side. But I think, I don’t want to unveil a proposal that we are not yet ready to unveil, but you are right. And so we are working on that.”

“I’m still thinking about the losing battle with tuition and financial aid. What I am tempted to do is try to give a better explanation of the sources of funds for each of those and explain why it becomes a losing battle for us even though in absolute terms it wouldn’t. But I think we don’t want that to (cough) but I’d be happy to talk to you about it afterwards, if you want to know more about why that actually does occur and what it will lose for us if we increase tuition too much above financial aid.”

Faculty Salaries. “I think you all remember that as recently as May I gave you a report on our faculty salary program. Our Financial Policies Committee also gave you a report
on the success we had in our faculty salary programs over the past five or six years. So I will not dwell on this since my time is coming to an end and you may have questions about other things. But we have made great progress relative to our peers both on the contract and endowed side on salaries. These graphs just give you a sense of the progress we have made.”

“Here you see endowed Ithaca faculty salaries. You see where we are in relation to our peers. The average change for our peers is 3.6 percent over a five-year period and for Cornell, 5.2, which is the reason why we were able to change our position relative to our peers. When we started the faculty salary program Cornell’s average salary was 89% of the peer average. It’s now 99% of our peer average.”

(Graph). “Here are a contract college faculty salaries. The peer group average five-year change is 3.2%, while Cornell’s average five-year change on the contract side is 6%. Contract average salaries were at 88% of the peer average in 98/99, and they are now at 104% of the peer group. Our objective is to stay competitive, and so we are imagining a range of increases for this next year, of say, four and five percent. Any questions about faculty salaries?”

Professor Peter Davies: “Those figures - do they include all ranks of faculty, one, and second, do they include all fringe benefits?”

Provost Martin: “This is all ranks. No fringe benefits are included.”

Vice President Ainslie: “It’s nine month salaries.”

Provost Martin: “This is just nine month salaries so it actually is a little bit misleading, especially on the contract side where there twelve-month salaries are still quite significant. Any other questions about the salary effort?”

Professor Eric Cheyfitz, English. “I just wondered if you have a breakdown for rank.”

Provost Martin: “Yes. I didn’t bring it with me because I just showed it in May. But I do. We are doing very well at the assistant professor level, very well at the associate level. We are doing well, much better based on our goal at all levels. However, we do less well at full professor level than we do at the assistant and associate professor level relative to our peers.”

Professor Fran Kallfelz, Vet School. “Is that data available?”

Provost Martin: “Absolutely. I just showed it in May. I’ll bring it again. It’s absolutely available and accessible and if you want to look at it just write to me and I’ll send it to
you. It might actually be on my web site. I think it is. Fran write to me and I'll send it
to you. Yes. This is readily available and you should feel free to ask for it."

“This is my conclusion. My conclusion is the same as my introduction, and that is that
we try to do something that is very extensive, and that is be a premiere research
university and provide the best possible education to graduate students and
undergraduate students. It costs quite a bit. We have less. We do more with less.
Again, I'll repeat that. I believe it's documentable. Some institutions have made a
decision that they are going to make affordability a higher priority than research
distinction. And I think we seek a good balance, or that we find a good balance. But we
certainly push our resources by virtue of our desire to take advantage of new
interesting, exciting research and technological innovations. Right now our budget is
under a lot of pressure. As you see we are financially extremely healthy and strong, but
we need to have the campaign support those areas to which we committed long ago for
which the Provost's general all purpose budget is currently paying more than its fair
share. Are there any other questions or comments?

Professor Tim Mount, Applied Economics and Management: "Cornell has a new
President and we are soon to have a new governor, is there going to be a new initiative
to try to strengthen the relationships with the state?"

Provost Martin: "That a very good question. Yes there are already new initiatives
under way. In fact we have had a state strategy team, for which Carolyn is the Chair.
It's been working for over a year and a half on state strategy. At the moment, really
even our folks in Albany who are sort of the sources of the latest gossip, about what
might happen as a result of having a new governor, they say there's just no way to tell.
They are actually predicting what seems counterintuitive to me about what might occur
the first year of Spitzer's governorship. But, as you know, Hunter Rawlings was
appointed to the Governor's transition team and is the co-chair of the educational policy
committee for Spitzer's transition. He has made, I think, every effort to show that he's a
friend of higher education and that he will be a supporter of both SUNY and certainly
of Cornell. I feel that the contacts that we have established by various means with
Spitzer and his team and that continue to grow, actually those contacts, put us in a good
position but also probably put SUNY in a good position. We are hopeful, but we really
don't know exactly what he's going to do."

Professor Ronald Ehrenberg, ILR: "Yes. On behalf of the Financial Policies Committee,
I would like to thank Carolyn for working with us so intensely this semester. And I
would like to thank you for the really fine presentation you made and engaging the
faculty so much in question and answer. I would just point out to the group that one of
the problems with raising tuition is not so much the financial aid population, but is
what happens to the non-financial aid population, and therein lies the real danger of
losing middle class, upper middle class students who are not eligible for financial aid
who can get merit scholarships at competitors such as Washington University, St. Louis, and NYU. I think one of the reasons not to be very aggressive on tuition is I can’t see too many negatives. One of the reasons to be careful about raising tuition, we will always gain more revenue by raising tuition by a greater amount, but we run a great risk of losing high-quality students who will be blown away by our aid. I know this is something that Carolyn is concerned about, and I hope we continue to track what’s happening to that population.”

Provost Martin: “We are tracking what’s happening to that population. It’s a good point. And to be honest, as you know, as long as we are really dedicated to the need-blind, we will always have some difficulty competing for really talented students with schools that are not need-blind and that offer merit aid. That’s just a difference in principle. I think no matter how extreme we are, at least as far as I know, we all agree that remaining need-blind is what we want to do. But you are right. We are tracking that. The only thing I would say is that Carolyn and I are much less aggressive than our Trustees would like us to be. Why would they like us to be more aggressive? Not simply because they think we can use the revenue well. I mean I hope they think we can use it well, but not simply because they think the revenue looks good. But we hope they really believe that those who can pay and those who can’t benefit from what those who can afford to pay, pay. And that logic is sound to some extent, but I think you introduced one of the caveats. It is a delicate balancing act. I think we do probably need to be a little more aggressive than we were last year, because of where we now stand relative to our peers, and to keep the pressure on the budget in advance of the campaign, working to provide funds for our priority issues. But we won’t be quite as aggressive as you might hear some of your colleagues on the Board of Trustees are suggesting. Thanks a lot.”

Speaker Knuth: “Thank you very much for this discussion. Just a reminder that it’s important for you to stand when you speak, not only so others can hear you in the room, but so the recording device picks up your voice. Please stand and introduce yourself when you speak. Now I would like to introduce Dean Charles Walcott to provide remarks.”

2. REMARKS BY THE DEAN

Charles Walcott, Dean of Faculty: “Thank you Barbara. I don’t have any particular remarks. Are there any questions that anybody has for me?”

Professor Davies: “This is a question for both you and Biddy. Seeing the article in the New York Times about four weeks ago it was reported the salaries of university presidents throughout the nation, Cornell was ranked number four, quoting President Lehman’s salary as over a million, which exceeded every Ivy League school and every
state university. Given that we are not the wealthiest of the Ivy League schools, maybe you or the Provost would care to comment on this fact as it was quoted in the press.”

Dean Walcott: “I would not care to comment.”

Speaker Knuth: “And since this was the point on the agenda for Dean Walcott’s comments and remarks, I’m not sure that we have anything more to say on this.”

Provost Martin: “I would just like to comment, or what’s the word, deflect, I don’t think that was accurate. I think that was what was paid out in a given year.”

3. APPROVAL OF THE MINUTES OF THE NOVEMBER 8, 2006 MEETING

Speaker Knuth: “Thank you for the clarification. We are going to move on now to the next item of business, which is to approve the minutes of the November 8th Faculty Senate meeting. The minutes from the November meeting were available to you on the web site to review. So I ask for approval of these minutes by unanimous consent. Seeing no apparent objections, I’ll declare the minutes approved. I would like to now move on to call on Brad Anton, Associate Dean and Secretary of the Faculty who is going to present a committee on the nominations and elections report.”

4. REPORT FROM NOMINATIONS AND ELECTIONS COMMITTEE

Professor Anton: “The Nominations and Elections Committee met last Thursday to find people for the last remaining vacancies in faculty committees. We were fortunate enough to be able to, for the first time in years I understand, fill all seven positions in University Assembly for faculty members. And also we were able to fill some of the Assembly subcommittees. We still have requests out to about a dozen people I’m waiting to hear from for other committee positions. Remember at the beginning of next semester the canvas will go out for nominations for the elected positions. We’ll have the faculty election next semester, as we always do. Are there any questions?”

Report from Nominations & Elections Committee
December 13, 2006

University Assembly
David Rosen, A&S
Speaker Knuth: “I do have to ask for approval of the report by unanimous consent. Seeing no objections, it’s approved. Thank you.

“I will now call for approval of the report on the resolution from the Committee on Academic Programs and Policies. Professor Hatch will present a resolution to approve the establishment of a new Master of Professional Studies/Real Estate-Master in Business Administration in the Real Estate Program, Department of City and Regional Planning and the Johnson Graduate School of Management.”

5. **CAPP RESOLUTION TO APPROVE ESTABLISHMENT OF A NEW TWO-YEAR DUAL DEGREE MASTER OF PROFESSIONAL STUDIES/REAL ESTATE-MASTER IN BUSINESS ADMINISTRATION IN THE REAL ESTATE PROGRAM, DEPARTMENT OF CITY AND REGIONAL PLANNING AND THE JOHNSON GRADUATE SCHOOL OF MANAGEMENT**

Professor Martin Hatch, Music and Chair, CAPP: “The committee received this proposal (Appendix 1) a while ago, and after a few questions to the proposers, the committee voted unanimously to bring this resolution (Appendix 2) forward. We have with us today David Funk who is the Director of the Program in Real Estate, which is based in the Department of City and Regional Planning, College of Architecture, Art and Planning, but has connections through a working relationship with the Business School and the Hotel School. I won’t read the resolution. I don’t think I have to. Do I? Is that part of the rules? We ask unanimous consent for approval. Are there any questions?”

Speaker Knuth: “Actually, on this we will take a vote.”

Professor Hatch: “Okay. If you have any questions, address them to me or Mr. Funk.”
Speaker Knuth: “All those who are in favor of the resolution that you see before you, please indicate by saying aye. All those opposed, please say nay. The resolution passed. One abstention so noted. Thank you.”

Speaker Knuth: “We will now move along to a discussion item. I will call upon Professor Risa Lieberwitz, who is the chairing the committee to review the faculty governance.”

6. UPDATE FROM COMMITTEE TO REVIEW FACULTY GOVERNANCE

Associate Professor Risa Lieberwitz, ILR, and Committee Chair: “I am coming back to report from the Committee to Review Faculty Governance, following up on the draft report that we made at the November 8th Faculty Senate meeting. And as you know we had the faculty forum on November 15th. We are coming back at this point to give you an update on the revision process and also to give you a sense of the timeline that we are working with and to keep you apprised of what’s going on. This is intended to be an update, a brief report. In addition to the Senate meeting and the faculty forum we have received e-mails and had conversations with faculty. We’ve found the input very, very useful for the revision that we are looking at in the report.”

“In addition, we had on December 5th a meeting between the Faculty Governance Committee and three of the Cornell Trustees. Also, just let me interrupt myself to say that we have most our committee members here today from the Faculty Governance Committee. So I’m sure that in addition to things that I have to say, they may have comments as well and be able to answer any questions you have. But now returning to the December 5th meeting that we had with three of the Trustees - we had a very good meeting with the Chair of the Board of Trustees, Peter Meinig, and two other Trustees who came with him, the outgoing chair of the executive committee, Ned Morgens, and the incoming chair of the executive committee, Diana Daniels. This meeting was a follow up to the initial meeting that we had had when we were first gathering information for our draft report.”

“As I said we found it to be a very good meeting, a very productive meeting and discussion. We appreciated the fact first of all that they were willing to, on really pretty short notice, come to Ithaca to meet with us. And also it was clear in our meeting that they had read the report quite carefully and were taking it quite seriously, which we also thought was really good and appreciated and that meeting then was able to be very productive. We found that the three Trustees that we were meeting with were quite responsive to the report and recommendations, and they came having read the report and recommendations quite carefully and provided feedback to us that quite focused on aspects of the report recommendations. We also thought that their focus was on useful things, but also that their feedback was quite constructive and useful as well.”
“As a general matter we found that they were quite positive and in agreement with many of the aspects that we raised about increased consultation, increased input and dialog and exchange of information between the Trustees and the faculty. For example, they were very supportive of the work that they are doing right now in building a relationship with the University Faculty Committee. Some of the concerns that they expressed that we had discussions on had to do with just flushing out the meaning of consultation and the terms that we used, like consensus, in the report and recommendations, and so there were questions that were raised and that we are pursuing further on the way in which consultation would work in practice. But as I said, overall we really found this to be a very positive meeting and found that there were many areas of overlap and agreement, as well as areas of concern raised that we felt we could really work with them on. “

“Our faculty governance committee will meet jointly with President Skorton and with Provost Martin in January. Then we are looking toward issuing a final report. Hopefully we will be able to give you our final report and recommendations at the February meeting of the Faculty Senate. That is our goal - to give this final report considering all the revisions and any additions or any additions or edits.”

“What we plan to do at the point, when we give you the final report and recommendations, is to provide a resolution that we would ask the Faculty Senate to vote on. The resolution that we plan to provide is not a vote on specific recommendations in the report. We are not going to ask that you as a Senate vote to support or not support, or whatever, a vote on specific recommendations, because in our discussions at the Faculty Governance Committee, we came to the conclusion in looking again of course at our charge that the charge was to do the research, to write the report and make recommendations. Having fulfilled that charge at the point when we have our final report and recommendations, we feel it’s appropriate to provide a resolution to you that recognizes that we have fulfilled our charge. In that resolution we’ll call on the Dean of Faculty and the University Faculty Committee to take appropriate actions to consider implementing the specific recommendations of the final report. The actions of the Dean of Faculty and the University Faculty Committee could take to initiate that process of considering implementation can take various forms, things like ad hoc committees as necessary to be put together by standing committees as necessary, discussions with the administration and the Board of Trustees, specific resolutions to be proposed to the Faculty Senate for the Faculty Senate to vote on. Also, we plan our resolution to include a specific recommendation that the Dean of Faculty make a progress report to the Faculty Senate by the May 2007 meeting to update the Faculty Senate on the progress that’s been made toward considering implementation of our specific recommendations.
“So that’s the update. I don’t know if anybody has questions for me or other people on the committee.”

Assistant Professor Andre Kessler, Ecology and Evolutionary Biology: “It sounded as if you had a very big confirmation, but I was wondering if you can identify some controversial parts that come up in the discussion with the Board of Trustees.”

Professor Lieberwitz: “I’ll just repeat a little bit of the question. The focus of the question was in addition to the overlap and agreement were there specific areas and what specific areas were there of controversy or perhaps some disagreement. The places where we discussed the most had to do with the recommendations of course that involved the Trustees, in particular. I think what the Trustees were concerned about the balance between consultation, as opposed to responsibility for decision making - whether that was responsibility for decision making by the Trustees or by the administration. That question of where does consultation end and other people’s decision-making take over. And so that question about what does consensus mean I think is something that really needs to be flushed-out. Again, other people on the committee could answer that, but I think that we went away from this meeting feeling that there was room in our recommendations to either make further explanations or greater clarity to really fill out that notion of what a consultation means, that back and forth toward the goal of trying to reach agreement between parties in a way that increases the possibility of that goal being furthered. We feel that there’s room for us to make conditions of the report so that we have a situation with a greater chance of the meeting of the minds between our report and some of questions the Trustees raised. You can imagine that there are certain recommendations. I’ll just point them out to you where there were discussions. For example, Recommendation Number Nine, about the make-up of the presidential search committee and how definite should percentage of the faculty be. Other things were about resignations or discharge of a President, as well as review, and just what will be the nature of the faculty participation.”

Professor Martin Hatch: “I believe there’s some recommendations in the report or at least in the discussions about empowerment or relative strength of the roles of faculty committees in policy areas, in campus use, campus transportation and other matters. I’m wondering if there was extensive discussion about that.”

Professor Lieberwitz: “In the areas that are labeled non-academic areas questions about where is the impact of those so-called non-academic areas on academic issues. We had some discussion about that. As I recall, and maybe other people can fill in, I don’t recall any specific issue on that matter that was really an area of focus in our discussion. We talked generally about that question, which is always kind of the gray area where it is that so-called non-academic issue. I keep saying so-called because of course that label doesn’t really work very well. You know there is certainly agreement between the Trustees and the faculty that areas at the core of academic matters, like curriculum and
others of core teaching and research issues, are very much in the faculty purview. But then as we get farther away from that into those gray areas of what affects faculty and academic matters in the more indirect way, there are certain areas where we would disagree with Trustees about some of those gray areas. We talked about that in general, but one of the things that the Trustees pointed out I think is very true and I think the committee would agree with me on, the Trustees pointed out that there isn’t a monolithic relationship between the administration and the Trustees. And so one of the things for example they’ll look at in the report is when we say Trustees/Administration or Administration/Board of Trustees we may need to choose that out a little bit more and be more nuanced in terms of the relationship between sometimes the Board of Trustees and the faculty, sometimes between the Administration and the faculty and sometimes between the Board of Trustees and the Administration, because a lot of our recommendations about the so-called non academic areas really have to do with relationship between the faculty and the administration as opposed to the Board of Trustees. So our discussion to raise that was on that question of the relationship between the faculty and the Board of Trustees itself.”

Professor Howard Howland, Neurobiology and Behavior: “I guess I had expected a little bit more feedback from the committee on substantive issues before we were actually called to vote on it. As I recall the list of recommendations, there were some that seemed to me to be quite controversial. I fear that if you bring this sort of holus-bolus and ask us to approve it, you may find some things that people really don’t like. Although they may feel that on a whole the report is good, those are going to be sticking points. I know, having been through as many of us have, many revisions of curriculum and seen how disastrously things can happen, I just would like to bid a little bit of warning and ask you to rethink a little bit before you just try this in one shot.”

Professor Lieberwitz: “Okay. Well let me just clarify something in terms of what you just said, Howie. One thing in terms of the resolution that we are going to bring to the Senate, we are trying to be sensitive to, I think, just the point you are trying to make. We decided that it would be a mistake and really not advisable to come to the Senate and ask the Senate to vote on any specific recommendation that are included in the report. Because as you pointed out there’s a whole range of recommendations and some of those recommendations may be very easy to get agreement on. There may be some where people say well this is really uncontroversial and there’s lots of agreement. There may be other and will be other recommendations where for example, when we recommend that some of the committee, like the academic freedom and professional status committee, where we recommend that that should have greater strength, for example. There might be some disagreement about just the way to go about changing the committee charge where we can’t anticipate that that would just be, well please approve that recommendation and there won’t be any controversy over it.”
“We are not going to ask the Faculty Senate to approve any specific recommendations. What we are going to do is ask in the resolution is for the Faculty Senate to basically accept our report and to then instruct the Dean of Faculty and the University Faculty Committee to take the next steps, which is to say look the Faculty Governance Committee fulfilled its charge. They wrote a report. It made recommendations. Now is the point where those recommendations will need to be further considered by the appropriate bodies and that might include, as I said, Senate standing committees, ad hoc committees, a product of perhaps the UFC discussing with the administration. We are calling on the Dean of Faculty and the University Faculty Committee to take our specific recommendations and do with them what is appropriate - to take that step after the distribution of the recommendations for different committees to come back to the Senate with specific resolutions to vote on where changes are needed. So for example, the AFPS Committee may come back to you with a specific resolution to change their charge. There may be places where other committees need to be created and the specific resolution will come back to you for a vote before anything would actually be implemented.”

Professor Bill Arms, Computer Science: “Can I just echo the last point. I think you failed to understand how narrow the support is for this resolution. I mean the sort of people who are part of the Faculty Senate are not typical of the faculty in general. The people on this committee are not typical of people who are in the Faculty Senate. I find this report, quite frankly, an embarrassment. I think the intellectual argument is self-serving and weak. I think the tone is strident. It’s all full of shall do this, should do this. Almost everyone in the University is told how to do their job. And I think about at least a third of the resolutions are really ones that no self-respecting administration or the Trustees... I mean my respect for the administration and Trustees would be greatly reduced if they agreed with those resolutions because they haven’t been doing their job. We need a way early on before we move this forward to find out if there’s anything worth moving forward and get rid of the rest before we’re just embarrassed in front of the people we want to respect us.”

Professor Lieberwitz: “Okay. Well, thanks, I appreciate your frankness. That’s exactly what we want to get from people’s input. I would say that a lot of the input we’ve had is very positive and so one of the things we’ll consider as a committee, is the full range of reaction. And in fact from the Trustees one of the things that we found was that in general that said there were many aspects of this that they found very positive and certainly we are looking forward to hearing from the Provost and from the President what they view of our report because certainly the tone that we were going for, and that I thought that we achieved, was in fact really the opposite of strident. But if there aspects of it as you think do that then certainly we welcome your input. What we were looking for were ways to productively move a consultation process forward. I don’t know if other people on the committee want to have responses or comments about this.”
Professor Anton: “I’ll say something more detailed about how the Trustees responded to this. Some parts of it, I think, some of the recommendations they don’t care so much about. They were curious about how faculty committees are selected, how Nominations and Elections operates. They didn’t really understand that. They were under the impression that we only selected people from the Faculty Senate. So this was the only group involved in faculty committees. They thought that the recommendations for consultation with them that involved them appearing at Faculty Senate meetings or faculty forums or things like that, they were positive about those things. They said we should not specify the faculty composition on search committees. They said every search could be a different circumstance with a different purpose, and they want the power to determine the composition of the search committee. They thought that adding more faculty members the last time around was productive. “

“Then on resolution number 12, that was just “No. No.” Number 12 is the one that says before accepting the resignation of the President or firing the President the Trustees will consult with University Faculty Committee. The University Faculty Committee will report to the Faculty Senate. They said, ‘There’s no way you are going to report this to the Faculty Senate.’ But they did not say, ‘We won’t agree to talk with the University Faculty Committee.’ That was left a little bit ambiguous.”

“One of the recommendations talks about having a committee that would be involved in appointing Vice Presidents and other high-level administrators, about having faculty involved in that. The University of Iowa has a committee like that, and President Skorton found it a very useful instrument for his administrative appointments at the University of Iowa. So maybe some of the recommendations are hare-brained, but we’ve actually had some feedback that quite a few of them are not hare-brained at all. There are some things to fix, though.”

Speaker Knuth: “We have two more minutes.”

Professor Eric Cheyfitz, English. “I can do it in two minutes. I’m on the committee. First thing to point out, I’ll say it again. It doesn’t seem to have gotten across is this is a report for the Senate. It was commissioned by the Senate. So it will be discussed by the Senate. The Governance Committee has no power to implement, not to implement any of these recommendations. It’s up to you folks to discuss it and also to get feed back from your constituencies, which I think is important. If this is a representative body, then you are representing people. You should bring them the report and get feed back from them, if you are doing your job. That’s the first thing.”

“The second thing is many of these recommendations our peer institutions have already implemented in one form or another; the University of Pennsylvania, the University of Chicago, University of Wisconsin. We did not do this research in a vacuum. We looked
at the way governance went on across the country. So I think that’s very important. You think these recommendations are hare-brained. I think you also then ought to look at the way governance goes on at other institutions that we’ve looked at. Some of which are much more democratically run than this institution, by the way. And so we tried to look at the specific circumstances here at Cornell and we tried to look at circumstances at other peer institutions and come up with a set of recommendations that we thought would be worth discussing by you, the Senate, and your constituencies.”

Speaker Knuth: “One final comment.”

Professor Lisa Earle, Plant Breeding and Genetics. “Could you run over the timeline for the next steps again? When are we going to see a copy of the revised recommendations and how long before the next Faculty Senate meeting?”

Professor Lieberwitz: “Well the goal that we had in mind was to work as quickly as possible to get the final report to you, and that’s why we were aiming for the February Faculty Senate meeting. We don’t have a specific date for exactly when we, I mean the latest if we are going to meet that February goal for the Faculty Senate meeting, the latest that you would get a final report would be when the agenda goes out. But, because we think that responding to people’s views on issues is very important and that’s been the heart of our recommendations, if what we are hearing is that people feel that we need yet another round to have a response to another progress report, that’s always a possibility. We were trying to weigh the desire and what we felt was an advisable approach of working as quickly as possible to get to the final report, weighing that with the revisions that we have been getting in. And so we have been seeking as many revisions as possible, and the ideas that we are getting in the revisions, I have to say, are not really radical in the sense of advising us to make very large changes. Given the revisions and suggestions that we have been having coming in, our view was that it was realistic to aim for that February meeting. Now we were not able to get on the calendar of the Provost and President until mid-January. We were hoping to do that sooner. And that creates some limitations for us in terms of getting the feedback from the administration. If it looks like we cannot get the kind of revision out to faculty in time for further consultation, we can adjust our calendar. From what I’m hearing that’s something we should consider.”

Speaker Knuth: “Thank you. Thank you very much for the report and the discussion. Our last item of business is to call on Professor Ellis Loew from Biomedical Sciences who is also the faculty chair of the University Assembly. Professor Loew will provide a report on the University Assembly discussion on the Campus Code of Conduct.”
7. REPORT FROM THE UNIVERSITY ASSEMBLY ABOUT THE PROPOSED REVIEW OF THE CAMPUS CODE OF CONDUCT

Professor Ellis Loew, Biomedical Sciences: “Thank you. I thought this was going to take a long time, but fortunately the President was kind enough to send everybody an e-mail on the 7th of December, that in fact, I would like to use the word ‘caved in,’ but I’m going to not use that word, but say that he looked at the situation and realized that it was best to follow the procedures that were already in place. I’d like to think that it was more of a problem of ignorance along the way than anything purposeful. But I would like to thank the faculty for coming to the aid of the University Assembly in at least bringing this issue right up front and making it impossible for it to be ignored. I should by way of reminder...... you should all know by now, that a report was presented to President Rawlings last April by Barbara Krause, who was tasked to basically review the Campus Code of Conduct and come up with recommendations concerning potential changes and revisions to the Campus Code of Conduct as it existed. She was in a good position to do that, having been a Judicial Administrator, and she also had the time to do it.”

“I’d like to make it clear that from the point of view of the University Assembly and the Codes and Judicial Committee of the University Assembly that at the time we were wholeheartedly for and endorsing the task that Barbara had undertaken. The Code by agreement needed to be reviewed, and we were very happy that this process was undertaken. We were however surprised when the report was looked at, and in particular the process by which the aspects of the revisions were going to be reviewed and potentially brought into force. It appeared at the time that the University Assembly was going to be worked around, and that the University Administration had co-opted what we felt was the authority of the University Assembly in examining issues pertinent to the Code. For those of you who may not know this the University Assembly actually has a mission statement. You won’t find this on the web site. Actually I had to dig through a lot of old correspondence to find it. But of particular relevance is that technically the University Assembly is supposed to have some kind of purview over issues of the Code. And this certainly was evident when one actually looks at the actual charter, and right in the very beginning it says ‘authority of those aspects of conduct of members of Cornell University now covered by the Campus Code of Conduct’. It was felt at the time that a statement had to be made and made forcefully that the process must start with the University Assembly, and that the University Assembly should be the body tasked to take the Krause report, assemble the information and all the views of all the constituencies, and present the report to the President, as opposed to having an administrative working group sort of involve the University Assembly, but not necessarily take the University Assembly into account in coming to whatever its views were relative to the report.”
"I’m happy to say that that issue would seem to have been completely resolved, certainly to the satisfaction to the Codes and Judicial Committee and the University Assembly. This is a copy of the email that we have all seen, and in fact the President acknowledges that the University Assembly is the appropriate body to assemble views and comments and generate a report concerning the changes or potential changes in the Campus Code of Conduct. It recognizes that the Codes and Judicial Committee, which had been tasked by the University Assembly to basically undertake this review is the appropriate body. One thing that was really quite nice about this was that basically somewhere in here, I don’t remember, he actually says that the working group, which was a point of contention for many of us, really no longer had a reason to exist. And that in fact made us all feel quite good. Although I must say that, if I’m not mistaken, the CJC has certainly welcomed input from members of the working group, who will take part in the discussions of the CJC, however as non-voting members. And so we are not ignoring the interests of the administration, but now everything would seem to have basically fallen into place, and at this instance in time, thanks to I think community input, everything in my opinion is as it should be as far as the process is concerned. Did I cover that pretty well?

“That actually brings up the second part of the problem, and that is the actual report itself. There are certainly a number of issues and recommendations that come out of the report that a number of us find to be quite objectionable. Some of this is my personal view; some of it, I think, is shared by members of the University Assembly. Given the time that we have - the President would like a report by April 7th - basically, given the break, we really have the month of February to assemble information and come up with some kind of response. Although something that we had worried about, but which the President covered, is that in the event that something happens and we could not generate a report by the 7th, he is willing to extend this deadline. I also like the fact that he pointed out that we do have a Code that actually works. There tends to be the impression at times that this whole process evolved because there was something radically wrong with the Code the way it was, and that students were getting screwed, and faculty members were being fired at random, and that somehow the code was a total waste of time. And in fact that was not the case. It certainly needed changing, but the Code really does function quite well in many ways."

“Certainly from the point of view from the University Assembly, the two issues that are really paramount in importance to us are first of all the independence of the Judicial Administrator, and this also seems to be a point that is certainly contentious. We asked students who spoke up at a forum that we held, and faculty have pointed out that the independence of the Judicial Administrator is something that is really good. And second the idea of moving the Judicial Administrator into ultimately the Dean of Students Office would not necessarily be in the best interest of the Code. Along with that mode basically to remove all of the Code from the University Assembly, which is really an elected body - a representative body - and it would be moved into
administration. Obviously, and since we are members of the University Assembly, that would be like asking us to build our own gallows. So it’s hard to imagine that we would come up and say ‘yes, let’s do away with what we are supposed to be doing so that we have one less committee to serve on’. Two of the major issues that are going to be looked at in great detail are the pros and cons of where the Judicial Administrator should in fact be located administratively and also who owns the Code, us or them, if I can be a bit adversarial?”

“The third issue is really one of who is covered by the Code and where are they covered by the Code? There are issues about off-campus coverage as far as the Code is concerned; the relationship of the Code to employees and faculty, and these are also issues that have been raised at our forums and in our own discussions. There are other points that are raised, and what I would do is to first of all, for those of you who have not done so, one can see the entire report right here at the Office of Assemblies website, and you can just go to the Assemblies website and click your way to it. There is a summary at the beginning, but it’s really worthwhile to read the entire thing. Some of the points are not without merit. Many of them would change substantially the way that the University deals with infractions and who in fact is responsible for administering and what kind problems might arise due to the fact that you know you can’t remain quiet in issues of jeopardy and the like.”

“The other thing that I would point out is that we have established a blog site right here, and we would like to encourage everybody to give us whatever opinions they have of the recommendations raised in the Krause report, because these will be looked at with a great deal of detail and used by the CJC for assembling the report to be given to the University Assembly, hopefully by the March meeting. So we all have a stake in this in my opinion.”

“Lastly I would really like to thank Hunter Rawlings for doing something that I certainly have been unable to do for a number of years, and that is actually get faculty to want to be on the University Assembly. And I know that offering hockey tickets was the only way to do it but in fact having an issue that really is of substance can really point out the importance of something the University Assembly, which for years a lot of people didn’t think existed.

“That is where things stand, and hopefully you will all provide input to the CJC at the UA as regards to the final report. Any questions?”

Professor Lieberwitz: “I know you used the term lightly initially about the President ‘caving in,’ but what I would say is that I think it’s interesting to hear your report after the discussion of our Faculty Governance Committee draft. The result of a process aspect of this, in regard to the Campus Code I think is a testament to how well things can work when there is a good interaction between the administration and faculty,
students and staff who had input about a problem with the process and the way that it was handled. But that it’s an example of when consultation works well, and that is that the President, in hearing all the input on this, said ‘I’m going to change my mind and I’m going to do something different. I’m going to change that.’ It seems to me that that’s a very positive example, and in fact the President is to be commended for his willingness to in fact say, ‘I’m going to take a different road and go back to a process that took place in regard to University Assemblies’ role.’ So I think it’s a really great example of that.”

Professor Loew: “I have nothing but praise for the President in his handling of this. I was speaking a little light when I said ‘caved in,’ because in fact I think when the process was really pointed out to him, he inherited this and a lot of things happened when he was in the midst of the campaign, and I think when he really saw what was involved and the feelings of the campus community in terms of the process that had just been thrown out, that he was very, very quick to respond and did so positively. I think that may be his nature. He seems to be that way in talking with other people who have interacted with him. He seems to be really good that way. I’m very happy with the way things worked out.”

Professor Cheyfitz: “Just a quick correction. The report suggests that the JA be disbanded and moved to the Vice President for Student and Academic Services, not to the Dean of Students, which is what you had said, just a clarification because that’s a substantial difference.”

Professor Loew: “It says incorporated into the Dean of Students office. Right, Vice President for Student and Academic Services. I stand corrected.”

Professor Delchamps: “First a comment, then a question. I think it would be very useful to encourage the central administration to circulate widely a description of the entire chronology and genesis of the Krause report. There’s a lot of misunderstanding on campus about when this started, why this started, and I think that copies of memos, documentation of meetings, who said what to whom, when and frankly stated to everybody, would clear up a lot of misunderstanding. Secondly, I was happy to see the e-mail from President Skorton as well. I’m not sure that I feel quite as touchy, feely soft and well-cuddled about it as everybody else seems to, because it seemed to me, ‘I read it. Yes, now I realize there’s a process, so I’ll look at that process and I’ll take a report and then I’ll do what I want. Okay.’ That’s sort of how I read it.”

“Now to my question after those two comments. I served on the CJC for several years. I was the chair for a couple of years. I know how the intricacies work, and getting the CJC and getting something through the UA can be like pulling teeth. Later I worked on the committee that was attempting to draft anti-hazing legislation by virtue of the Code. Getting that through the CJC was a problem, getting it through the UA was like going
to the dentist and having root canal. My impression was that if the UA said no, the buck stopped there. We had no further recourse. Is it not true that if the UA says no about something to do with the Code, the buck stops there? And if it is not true, does central administration have the right to rip the Code away from the UA without the UAs consent?”

Professor Loew: “That raises an interesting point about how one reads the actual charter. This is something that was raised in discussion. If you go and actually look at the charter, it says by delegation from the President we have this legislative authority. I’m not sure exactly what that means. You have indicated that there was some discussion about what delegation from the President meant.”

Speaker Knuth: “Just a comment. We literally have one more minute.”

Professor Loew: “Briefly in this particular case I doubt that it would be acceptable for the University Assembly to get a report from the CJC. The CJC says we reject the entire report. The University Assembly says fine, we agree, and just lets it die. I do not think that neither the President nor the administration at this point would allow that to happen. What we would do is we would have to generate some kind of a statement as to our feelings and why we did that. At which point according to legislation ultimately the President is basically free to do what he wants. Yes. You are right in that regard. Whether he would do it not, I don’t know.”

Speaker Knuth: “So thank you for raising your additions. We are out of time so I will declare this meeting adjourned. Thank you.”

Adjourned: 6:00 PM

Respectfully submitted,

A. Brad Anton
Associate Dean and Secretary of the University Faculty
Appendix 2

Resolution to Establish Two-year Dual Degree
Master of Professional Studies/Real Estate (MPS/RE)-Master of Business Administration (MBA)

WHEREAS, the General Committee of the Graduate School has reviewed and approved the proposal to create a new Master of Professional Studies/Real Estate-Master in Business Administration (MPS/RE-MBA) dual degree program in the Program in Real Estate, Department of City and Regional Planning, and the Johnson Graduate School of Management.

WHEREAS, the Committee on Academic Programs and Policies has reviewed and recommends creation of this Master of Professional Studies/Real Estate-Master in Business Administration (MPS/RE-MBA) degree.

THEREFORE, BE IT RESOLVED that the Faculty Senate approves the establishment of a new Master of Professional Studies/Real Estate-Master in Business Administration (MPS/RE-MBA) degree program in the Program in Real Estate, Department of City and Regional Planning, and the Johnson Graduate School of Management.

CAPP APPROVAL
November 28, 2006

Senate Approval
December 13, 2006