MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, May 12, 1999

The Speaker, Professor John Pollak, Animal Science, called the meeting to order at 4:30 p.m. He reminded the Senate that guests are allowed to attend the meeting but that no one may record the proceeding except for the Secretary of the University Faculty. He then called on Dean Cooke for his remarks.

1. REMARKS FROM THE DEAN

J. Robert Cooke, Dean of the University Faculty: "Since this is the last meeting, I wanted to publicly thank the members of the Senate. We’ve had a pretty good year. Those that are going off, thank you much for your participation in this effort on behalf of the University Faculty.

"Professor Earle will present a resolution from the Faculty Advisory Committee on Tenure. I chair that group as impartial moderator and because their deliberations are confidential I would like to share a personal comment about them for the record. This was a committee that was started in November of 1997 and my sense is that it is working exceedingly well. We will give you a detailed report after the current batch of folders have been considered by the Provost and the Trustees; it would be premature for us to try to report on that at this point. These are the members of the committee who will be completing their terms; some others will be added later:

*Gary Bergstrom, CALS

*Jonathan Culler, A&S

Cathy Enz, Hotel

Sidney Leibovich, Engr.

Vithala Rao, JGSM

Steve Shiffrin, Law

Ben Widom, A&S

*Appointed by Faculty Senate

"The Committee has read about 27 or 28 folders this term, which requires an enormous amount of time. You are not permitted to observe their deliberations, but I have had the honor and pleasure of observing their work that has been discharged with great care, diligence, and good judgment. Their deliberations epitomize for me precisely what one
would hope for a faculty committee entrusted with such great responsibility. Despite the arduous nature of their task, I leave their meetings feeling that these folks set the gold standard for responsible and productive faculty meetings. They have done their task with great distinction and I just wanted to publicly acknowledge that because you couldn’t otherwise know what was going on behind closed doors. So thank you to the FACTA members and to those who are retiring. (Applause.)

2. APPROVAL OF MINUTES OF APRIL 14 AND 21, 1999

Speaker Pollak: "I don't see the Provost, so we'll skip over that for the moment and go to the approval of the meeting minutes from April 14 and April 21. They were on the Web and you've had a chance to look at them. Are there any comments or questions regarding those minutes? Seeing none, I'll pass a unanimous vote before you to accept those and I will call on Kathleen Rasmussen from the Nominations and Elections Committee."

3. REPORT FROM NOMINATIONS AND ELECTIONS COMMITTEE

Professor Kathleen Rasmussen, Nutritional Sciences, and Associate Dean and Secretary of the University Faculty: "In the elections for the University Faculty Committee, the Nominations and Elections Committee, and the At-Large seats for the Senate the votes have been received and are being counted. I don’t have the tally to report to you yet.

"The Committee has been vigorous in the last couple of weeks in coming up with names. We’re about a third of the way through calling and we will be calling you, so please say ‘yes’ when we call. What we have so far are the ones shown on the overhead:

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

Elizabeth Regan, A&S

**Academic Programs and Policies Committee**

Jennifer Gerner, CHE

**Affirmative Action Committee**

Josephine Allen, CHE

Alfred Phillips, Engr.

**Committee on Memorials and Named Facilities**

Barry Adams, A&S
Michael Latham, CALS

Minority Education Committee

Ronald Booker, A&S, Chair

"These are general committee replacements. I do wish to note that Ronald Booker has agreed to serve an additional year on the Minority Education Committee. He is the last person from the old version of that committee and will serve as its chair. In addition, I received a special request that when we call you to serve on the University Assemblies that you give that extra consideration in terms of saying 'yes.' The University Assembly has an important agenda coming up this year, particularly in the area of diversity and some of the initiatives that are important to all of us. We hope that you will say 'yes'. Jennie Farley will be doing the calling for that, so you'll know what it's about when she calls. Are there any questions?"

Speaker Pollak: "No questions or comments on the nominations? Then we’ll approve the committee’s report.

4. RESOLUTIONS ON DISSECTION POLICY

Speaker Pollak: "Let's move onto the first resolution. We'll reserve time for the Provost if he is able to make it. You all have received an amendment circulated to you to the resolution that is coming up. We're going to call that amendment a substitute motion since it is quite comprehensive. What we'll do is hear from Peter Schwartz on the resolution regarding dissection, and when he's done, we'll hear the substitute motion that is being put on the floor. We'll vote between the two motions and the one that is selected will be the pending motion and we'll go on and discuss that. Peter?"

Professor Peter Schwartz, Textiles and Apparel: "At the last meeting, this body took the compromise resolution and sent it to the University Faculty Committee to bring a resolution to the Faculty Senate at this meeting. After much discussion, the University Faculty Committee proposed a two-part resolution:

BE IT RESOLVED, that the Faculty Senate affirms the right and responsibility of instructors to determine the content and conduct of their courses and scholarly activities, and

BE IT FURTHER RESOLVED, that the Faculty Senate applauds the practice of offering alternatives to dissection in all instances where the instructors determine it is consistent with the educational goals of the course and commends the efforts of biology instructors to evaluate the relevant innovations in educational technology as these are brought to their attention."
"In drafting the resolution, we put forth the rationale that in no way does the resolution abrogate that agreement between the faculty and the students, and we also indicate that in drafting this, we did consider the entire resolution that was remanded to us. Speaking for myself, my own position on the stripping out, I know there is some controversy over stripping out the values, I argued that it must not be included in this resolution for two reasons. One, I agree with Professor Fine's comments in the last meeting that the Faculty Senate should not be in the business of affirming strongly held values. And there are, in fact, strongly held personal values, such as racial supremacy, that I don’t think one is under any obligation to take under consideration. Secondly, I also oppose doing this in this particular issue because I do not want it thought that by acknowledging the strongly held values that we are affirming some of the tactics of intimidation that have been used by a small number of supporters of this particular issue."

Speaker Pollak: "Okay, we’ll now see the substitute motion."

Professor Richard Baer, Natural Resources: "Just a bit of background on why I suggested the substitute motion. I believe that freedom of conscience is a very important value in a democratic, pluralistic society. We do go out of our way in terms of religious holidays to accommodate the students' beliefs and commitments, sometimes in ways that are disruptive to courses. These students' commitments may be religious or secular, but they are deeply held convictions that encumber their consciences at a profound level. I happen to disagree with their beliefs on animal dissection and animal usage. I don't think that they are right, but I do want to speak in favor of the way we treat dissent and freedom of conscience.

"At least some of the colleges are statutory, public colleges. That is important because public colleges have a high standard of fairness to which they ought to be committed in a pluralistic society. Also, students do not freely choose to come to public universities. They come, in large part, because the tuition is low and because we subsidize these institutions differently. Some are here partly under economic coercion. It seems to me that in that kind of situation it is very important to accommodate ourselves where we can. I have heard no arguments that persuade me that in the introductory biology courses, animal dissection and animal usage is essential to achieve the basic goals of the course. If that view is held, I think we need to debate that as a faculty. Given that reality, it seems to me that it is entirely appropriate for us to defer to the consciences of those who are deeply troubled by that kind of practice, particularly considering that they’re here partly under economic coercion and, furthermore, they are required, at least in CALS, to do some basic biology.

"Given that, I’ve tried to incorporate this into what I originally thought of as an amendment. Bob and John persuaded me that it might better be seen as a substitute motion. I tried to argue the case that in a liberal society, this one, we ought generally try
not to force the consciences of individuals more than is necessary to maintain a just public order and workable institutions. I added the words that 'faculty have not made a strong case that it is necessary for students to use or dissect animals in required introductory biology courses in order to master the basic content of these courses', and so on. I'm trying to strike a balance between academic freedom of individual faculty and what I consider mistaken but important, beliefs of individual students. It seems to me that it is much in the spirit of a liberal society to approach this in the way that I have. I think that I mentioned in a previous faculty meeting that I grew up in a context where relatives spent years in Leavenworth Penitentiary and were persecuted by the State because they were pacifists. I'm very sensitive to what it means to be an ideological or religious minority in a society that holds very different beliefs.

"I think that we can go a step further too. I've talked with the students involved, two major groups who totally repudiate violence towards people and animals, and also repudiate damage to property and facilities. One of the groups on campus, a more radical group, does believe that it is permissible to damage property. I totally disagree with them and I think that they ought to be prosecuted when they do that. But I believe that it will partly diffuse the issue, as far as the students are concerned, to vote for the substitute motion. I think it would not hurt the biology courses and their basic goals and I have not heard any convincing reasons why this would be so. I think that we can afford to do this in a way that is thoroughly consistent with what ought to be some of the practices, attitudes, and goals of a liberal, pluralistic, democratic society."

The substitute motion follows:

WHEREAS, Cornell University includes students, faculty, and staff of diverse religious and ideological beliefs, and whereas liberal societies generally try not to coerce the consciences of individuals more than is necessary to maintain a just public order and workable institutions, and

WHEREAS, faculty have made no strong case that it is necessary for students to use or dissect animals in required introductory biology courses in order to master the basic content of these courses, but nonetheless AFFIRMING the right and responsibility of instructors to determine the content and conduct of their courses and scholarly activities, therefore

BE IT RESOLVED, that the Faculty Senate urges instructors to offer students alternatives to dissection and animal use in all instances where the instructors determine that such alternatives are consistent with the basic educational goals of the course, and
BE IT FURTHER RESOLVED, that the Faculty Senate commends the efforts of biology instructors to evaluate relevant innovations in educational technology pertaining to animal usage as these are brought to their attention.

Speaker Pollak: "So you're moving for the substitute motion?"

Professor Baer: "That's right."

Speaker Pollak: "Do I have a second? (Someone seconded.) Okay, I would like to confine the discussion to the two motions and we'll debate the merits of individual ones when we choose."

Associate Professor Carol Rosen, Modern Languages: "The Faculty Senate has been called upon to declare itself -- not against dissection and not for civil disobedience -- but for the question of how we want minority students in this community to be treated. My hope is that we'll pass something today that will be reasonably gentle, showing respect for diversity in the community, and that the choice of wording will be a credit to the Faculty Senate, and not an embarrassment.

"Today I have to speak against the first paragraph of the UFC resolution because it is an embarrassment. We can't present this to the public as a sample of how Cornell's Faculty Senate wants to state the principle of academic freedom. It is open to multiple interpretations. One of the problems is that this word 'instructors' bears a plural and is complicated and ambiguous. This word can have a collective reading or a distributive, singular reading, which is different. So, 'Danuta and I can lift this podium' is not the same as saying that 'Danuta can lift this podium and I can lift this podium.' In the distributive interpretation, this comes out to mean that the curriculum is just the sum total of what each instructor feels like teaching. In reality, planning a curriculum means making decisions at the institutional level, above the individual, and then assigning appropriate personnel who are willing to implement this policy. This is how we work in reality. Thus, if the institutional units that design the biology curriculum do recognize the need for a special strand within the curriculum to meet the needs of the minority students, as seems to be the case, and if they have personnel who are willing to implement those plans, as also seems to be the case, then fine, we do not have a major problem here. We are simply asked to endorse this policy in order to provide a systematic, semi-institutionalized reassurance to the students who have asked us. In this I'm referring to the resolution passed by the Student Assembly which was strongly worded; the Student Assembly represents all constituencies on the campus.

"Academic freedom, I believe, is a huge red herring here. It has only been raised by some angry voices whose real subtext is that we've got to show these students who's boss. Now that does not reflect the collective personality of this body, I'm sure. In short, I think our best bet would be to delete the top paragraph, which is a crude stick figure
drawing of what we might think academic freedom means. It's irrelevant here and does not speak well for our ability, collectively, to reason or to write. Let's cast today, a vote for the amended resolution with a few modifications, which best captures the views shared by all of the stakeholders and the Senate as well. I hope to see that."

Speaker Pollak: "Any comments on the two motions?"

Professor Barry Carpenter, Chemistry and Chemical Biology: "First of all, I disagree with the characterization of how curricula are constructed as presented by Professor Rosen. I happen to be the chair of the departmental curriculum committee and am very aware that those forces over which I nominally have purview are run by individuals, and they should be run by individuals. After all, if all of these decisions are going to made collectively, why do we need tenure? The purpose of tenure was to protect the individual points of view of individual professors even when they are unpopular. As far as the substitute motion by Professor Baer is concerned, I wonder if he would be as strongly supportive of minority points of view of students no matter what they were objecting to. Should it be that strongly held opinions on the parts of students, no matter what the subject, be given the same consideration that he is proposing for dissection? That if there is a content to a course that a student finds objectionable that there should be an alternative section offered and that, perhaps, the topic should be debated before the Faculty Senate to see if the Senate approves the material in that course? I don't think so. If he does espouse that point of view, I would like to hear him say so, but if he doesn't, then I would like to know what is special about this section?"

Professor Baer: "Well, let me speak to that. I actually offered an amendment the last time because I was worried of exactly that problem. I've had students who have objected to taking exams and said that they had moral scruples against writing term papers. I think that you have to look at each case and see how essential these particular practices are to exams, labs, term papers, and the basic educational goals of the course. It seems to me that to some extent, we have to proceed like rabbinical scholars and handle each case on its own merits. The facts are very different. My point is rather different. These are not just personal values. That is a very unfortunate way of characterizing the beliefs of these students. They would not accept that as an accurate description. They experience this as a deeply encumbered conscience just as profoundly important to those who objected strongly to Vietnam and so on. I think that you have to make judgements in each individual case. I've offered, over the years, four or five seminars on animal rights and animal welfare. I've had a lot of experience with students like this and I know that most of them are not just being difficult or frivolous. These beliefs encumber their consciences very deeply and are part of deeply held, albeit I think mistaken, world views. I think that we can accommodate these students without compromising the basic goals of these courses. Should we do this in all courses? Of course not! The place would be incoherent, but I think that we have to make
judgments for each case and take into consideration how these students experience the force of their convictions in their own lives."

Professor Richard Galik, Physics: "I wanted to point out that both resolutions use the words instructors and say that I have a preference for the UFC resolution. I really think that the second 'Whereas' and the first 'Be it resolved' in Professor Baer's resolution are inconsistent. He goes on that there should be particular consideration for students with dissection but then again, in the first 'Whereas', that it is the instructor's responsibility to determine that such alternatives are consistent with basic educational goals. So I think that wipes out any impact of the second 'Whereas.' I see nothing wrong with the UFC resolution. I would have preferred it to be more general and not so specific to dissection so that it would be a better precedent to use in other areas, but I'm going to stick with the UFC resolution."

Professor Gordon Teskey, English: "I intend to speak against Professor Baer's resolution and for the UFC resolution but the previous speaker took the same position so I would yield to someone who wishes to say something for the other side."

Speaker Pollak: "Well, yours was the only hand."

Professor Teskey: "Well, I said I'm going to speak against Professor Baer's resolution and for the UFC one. I can't say that I'm wild about either of them. The discussion reminds me a bit of the Protagonist, which I happened to be reading this morning. When I came across the passage where Socrates says, 'When we are discussing something in the Assembly, we are concerned whenever a technical issue comes up, such as ship building. We don't let just anybody speak about the building of ships; we send for people who know how to build ships and we hear their views. But when we discuss something political, then somebody who knows political knowledge speaks.' There is a distinction between political and technical knowledge. On this issue, I feel that we are dealing with an issue of technical knowledge and that we need to have a certain respect for the people who are the technical experts in the discipline. I would find it, and I'm sure that you would find it, laughable for the Faculty Senate to be discussing the merits of animal dissection or alternatives to animal dissection in introductory biology courses. I'm a Professor of English, I have no intention of debating this matter. I do have the intention of listening to biology professors should they wish to bring it to us and speak about it. I do agree with what Professor Fine said last time that this really is a matter that needs to be resolved by the biology department. Of course, if you are teaching something and there are students who have concerns about something, you need to listen to them. But in the end, I think we need to respect the people who have the technical training in that discipline and respect their ability to decide what's appropriate."

Speaker Pollak: "Are you ready for the question? (Some people call out 'No.')"
Professor Henry Shue, Wyn and William Y. Hutchinson Professor in Ethics and Public Life: "I'd like to speak in support of the Baer substitute motion. Perhaps I could also respond to the two comments from the other side. One question was, 'What's missing from the committee resolution?' What's missing is the acknowledgement that students have consciences as well as faculty. That's a valuable part of the Baer substitute motion. As far as biology professors having technical knowledge, of course they have technical knowledge in biology, but they don't have technical knowledge of values and consciences, and what this is about is a provision for what amounts to a conscientious objection. It seems to me that Professor Baer made the crucial arguments in the beginning and I would like to read from them. 'The reason that academic freedom matters is because it respects the consciences of professors.' What the Baer substitute motion does is respect the consciences of students. There is absolutely no reason why respect for technical science is incompatible with respect for conscientious objections of students. As Professor Baer pointed out, what's being done here is exactly like the acknowledgement of religious holidays. When a Jewish student says to me, 'I can't come to class on Thursday because of Passover,' she doesn't say, 'So I want you to cancel your class.' She just says, 'Don't penalize me.' These students are not saying, 'You can't dissect animals.' They are saying, 'I can't dissect animals and I ask you to respect my conscience.' It seems to me that the Baer substitute motion is an extremely moderate position and I don't understand the enormous anxiety about faculty prerogatives. Nothing is done to faculty prerogatives in the Baer amendment whatsoever. What it does do is acknowledge that our students have consciences and that it is as important as the fact that we have consciences."

Speaker Pollak: "We're going to be going over time if we continue the discussion, which is okay. But, in doing so, we are committing ourselves to extending the meeting. Is that acceptable? Are you ready for the question? They're not ready for the question but they're not going to stay later."

Professor Mary Beth Norton, Mary Donlon Alger Professor of American History: "Mr. Speaker, I move the previous question."

Speaker Pollak: "Okay, the question has been moved. Is there a second? (People call out 'second.!) This means that we're going to be voting on whether to cease discussion and vote between the two motions. It needs a two-thirds vote. All of those in favor signify by raising your hand. All of those opposed? Okay, we will proceed to vote on the motions. What we are voting for is to replace the motion from the University Faculty Committee with the Baer substitute motion. All of those in favor of substitution raise you hand. All of those opposed to the replacement. The proposed substitution fails and we will now discuss the motion pending from the UFC. Is there any discussion on this motion?"
Associate Professor Jonathan Ochshorn, Architecture: "I'd like to speak against the motion. I think that the motion is inherently meddlesome and it may be true that there are times for the Faculty Senate to work in meddlesome ways in terms of course content. I asked myself in terms of looking at this, what I would do had the faculty who had a stake in this reached the opposite conclusion. Would we be prepared to make a motion that condemns the existing potential practice of not offering alternatives? I would say that I am not prepared to condemn the opposite, which tells me that the motion does not rise high enough in some overarching principle that it would justify meddling in course content. I don't absolutely say that we can't meddle in course content, but for me, this is just not that important an issue and therefore I will vote against it."

Speaker Pollak: "Any more comments on the motion? Seeing none, are you ready for the question? All of those in favor of the resolution raise your hand. All of those opposed."

The resolution carried as follows:

BE IT RESOLVED, that the Faculty Senate affirms the right and responsibility of instructors to determine the content and conduct of their courses and scholarly activities, and

BE IT FURTHER RESOLVED, that the Faculty Senate applauds the practice of offering alternatives to dissection in all instances where the instructors determine it is consistent with the educational goals of the course and commends the efforts of biology instructors to evaluate the relevant innovations in educational technology as these are brought to their attention.

Speaker Pollak: "We'll now go to the next item on the agenda which is the Resolution on TIAA Withdrawals and Transfers. Each of the speakers will have about two minutes to comment. David Wilson?"

5. RESOLUTION ON TIAA WITHDRAWALS AND TRANSFERS

Professor David Wilson, Biochemistry, Molecular, and Cell Biology: "I hope all of you have a copy of the resolution. We're trying to ask Cornell to ask TIAA to make it a little easier for people with money in the TIAA bond fund to withdraw. Currently, it requires a ten-year period and we would like to be able to do this more immediately. When we met with people from TIAA, they were not able to say that there was a problem. The question was whether there was enough money coming in, both in terms of new money and returns on investments, to meet the demand of those who would like to withdraw money. If there is, then there is no problem. So this resolution is very straightforward in that they make it easier unless this particular problem arises of not having enough cash on hand to do it."

Professor Emeritus Scott Maynes, Policy Analysis and Management: "I'm on the University Benefits Committee and I wanted to ask for a showing of hands for people in
this room who have money in TIAA. Almost everybody, so this is a big problem. Let me ask you for a showing of hands of how many people knew before this motion that it would take you ten years to get your money out. I’m curious as a social scientist. Well, very good, many of you know. We think that there are many people out there unlike you. The question is how can we move a giant organization to change. The first step is to ask you and the Employee Assembly to pass this motion. Then, how else do you get going? Well first, we are working to make sure that we have all of Cornell behind us. I’m sure that this can be accomplished. The next question is how to get TIAA to change because their letters say that they are strongly resistant. Sy Smidt says that you construct a small political earthquake. And so I consulted with Dean Cooke on how one might do this. One way one might do this is to get a set of major universities to join Cornell in asking TIAA to change their ways. Bob said to talk to Tom Jones. (Laughter). Why Tom Jones? Not because of 1969 but because Tom Jones put in five years or so as President and Chief Operating Officer of TIAA. So I buttonholed Tom Jones and said, 'Supposing we got Cornell, Princeton, Harvard, and Chicago, what would be the reaction of Chairman Biggs?' and he said that Chairman Biggs would consider change. So that’s what we’re out to do is to get that or some other group that will command respect and induce them to act on our behalf. It may not be all that we want or immediate, but it will be better than what we have. So I ask your support to push this forward, not only for Cornell, but I take it as a cache that we, at Cornell, would like to be leaders in getting TIAA to change. Thank you."

Professor Seymour Smidt, Nicholas H. Noyes professor of Economics and Finance: "I'll try to be very brief. I completely support this resolution but my guess is that it will take four or five years for TIAA to change; even if today it became a top priority, because they have to get laws changed in a lot of different states. There are things that we can do. The first thing is to think about stopping putting in the TIAA account. If you’re unhappy that you might not be able to take it out for ten years, stop putting it in the first place. There are many good substitutes in CREF and Fidelity. The second thing is to think about taking money out now. If you do that it will take ten years until you can get all of it out, but if I’m right that they’ll change, you might be able to take it out instantly in five years but I wouldn’t bet on it too much. There are forms up in front that you can use or you can call TIAA and they will send you a form. Start to move the money out to Fidelity or CREF."

Speaker Pollak: "Okay, discussion on the resolution? Seeing none all of those in favor of the resolution raise you hands. All of those opposed. Motion carries."

The adopted motion is as follows:

*The Faculty Senate urges TIAA to permit Immediate Withdrawals and Transfers of Funds from TIAA.*
Speaker Pollak: "I want to take one second to back up to see if the Provost has a report. No, okay then we’ll continue down the agenda. We'll go to the next resolution from Elizabeth Earle."

6. RESOLUTION ON AMENDING THE FACULTY COMMITTEE TO ADVISE THE PROVOST ON ALL TENURE DECISIONS

Professor Elizabeth Earle, Plant Breeding: "I'm here to present a motion making some minor amendments in the legislation of the Faculty Advisory Committee on Tenure Appointments, known as FACTA. In the second paragraph of the legislation, it is suggested that the words 'very brief' be deleted because those words are very redundant with the rest of the sentence which calls for a report not to exceed one page. (Laughter). The rationale for deleting the last sentence of the second paragraph is that most members of FACTA really don't want to receive copies of all of the positive reports. It's true that committee members should have access to this information if they feel it would be useful to them, either positive or negative recommendations, but availability of access is sufficient for the members in most cases and we are not eager to get a big flow of paper or extra e-mail with these evaluations.

"Now, in the third paragraph, the original legislation stated that if any of the four initial readers of the tenure dossier had a reservation about recommending it to the Provost, then the entire committee would read the file, provide evaluations and discuss it in a group. The amendment here states that the nature of the reservation, pointed out by the initial readers, be communicated to the whole committee prior to them doing their preliminary evaluations and prior to the discussions. The argument here is that it allows the other readers to know in advance what the concerns were. This is helpful because sometimes one of the initial readers picks up something that is not evident to the others. This prior notice allows for more efficient reading of the file and more informed discussion when FACTA gets together as a group.

"Finally, the fourth paragraph is added to ensure that the committee would have access to all of the positive recommendations since, in the second paragraph, the automatic distribution of those recommendations is deleted. So, the whole motion to be voted on is presented here and I commend it to your consideration."

Speaker Pollak: "Questions or comments?"

Professor Joseph Ballantyne, Electrical Engineering, At-Large: "I'm a little confused by the resolution because when I read the 'Whereas' because it appears that the readers were considering, at this time, that this committee was to be re-evaluated for its effectiveness and procedures at the end of the first year of operation. I presume that this
motion is a result of that re-evaluation of the effectiveness of the procedure, but I have received no information on which I can evaluate the effectiveness of this committee except that I know that in our own department, promotions have been delayed and have missed the Trustee Committee meeting for approval and have had to wait for the next meeting. I’m also aware that in our college, at least, the college ad hoc committee is doing a very energetic job of reviewing the cases that are brought to it by departments. I'm also aware that when this motion was passed, it was a controversial motion and I'm very uncomfortable with the idea of a change in the procedures that might substitute for a substantive evaluation of the effectiveness and need for this committee. If that's the intention of this, I strongly oppose it."

Dean Cooke: "That is not the intention. There will be a full review, but we decided that we shouldn't bring it now until after the committee has acted on a bunch of folders that have not yet gotten to the Trustees. For us to disclose the outcome would not be appropriate. So this, in no way, overrides the mandate to review."

Professor Galik: "I can imagine that some people on the committee, when they realize that they have to look at the dossier after the four initial readings, would not want to know the nature of the problem but would like to read it and not have that as a bias. I would think that the word ‘communicated’ be replaced by ‘shall be made available.’ So that if people want to see what the reservation was, they can, but if they want to see it blind they can also do that."

Professor Earle: "Can we change that? Is that an option?"

Dean Cooke: "With unanimous consent."

Speaker Pollak: "Is there unanimous consent for that substitution? Anybody opposed? There is not unanimous consent for that substitution.

"Are you ready for the question? All of those who are in favor of the resolution raise your hand. All of those opposed. Motion carries."

The motion follows:

WHEREAS, the Faculty Committee on Tenure was legislated by the Faculty Senate on November 12, 1997, and

WHEREAS, the legislation directed that, after its first full year of operation, the Faculty Senate re-evaluate the effectiveness and procedures of the Committee, and

WHEREAS, the Tenure Committee concluded that the legislation should be amended in order to streamline the tenure review process at the University level,
THEREFORE, BE IT RESOLVED, that amendments to the second and third paragraphs in the section on Procedures be adopted as follows: (additions appear in BOLD and CAPS, deletions are in brackets)

**Procedures:**

Paragraph 2.

Each file will be read by four members of the committee chosen at random. Each member will independently prepare a [very brief] written evaluation of the case not to exceed one page in length. If all four members are positive with no concerns or reservations, a positive recommendation will be sent to the Provost with copies of the four reviews. [Copies will also be circulated to the 11 other members of the full committee.]

Paragraph 3.

If any one of the four has reservations, **THE NATURE OF THE RESERVATION SHALL BE COMMUNICATED TO THE FULL COMMITTEE.** [e]Each member of the full committee will THEN write a brief, preliminary evaluation which in no case can exceed one page in length. After these have been circulated, the full committee will meet for discussion and a vote. The committee’s decision, including the vote tally and the final individual evaluations, revised on the basis of the discussion as each committee member sees fit, will be sent to the Provost. Committee members who are unable to attend a particular meeting may cast an absentee vote as long as they submit an evaluation. The committee will make its recommendations within four to six weeks of receiving a file.

Paragraph 4.

**ALL MEMBERS OF THE FULL COMMITTEE SHALL HAVE ACCESS TO ALL RECOMMENDATIONS SENT TO THE PROVOST.**

Speaker Pollak: "We'll move on to the Resolution on the Election of the Speaker and Speaker pro tem. Sally?"

7. RESOLUTION ON ELECTION OF SPEAKER AND SPEAKER PRO TEM

Professor Sally McConnell-Ginet, Linguistics: "I'm sorry I don't have a transparency but this is very straightforward. I assume that you all have the resolution on the Senate Speaker election. I'll read it to you:

*Whereas, the Organization and Procedures of the University Faculty (XI.A.2) specifies*

"2. The Speaker, who will serve as an impartial moderator of Senate meetings. The Speaker shall be selected by the Senate, which may also select an alternate Speaker to serve in the absence of the Speaker."
Therefore Be It Resolved That, effective July 1, 1999

1. The Speaker's term of office shall be two years.

2. A Speaker Pro-Tem, an alternate speaker, shall be elected to a two-year term.

3. If the person elected to serve as Speaker is a voting member of the Senate, that person's constituency shall elect a replacement voting member.

4. The Nominations and Elections Committee shall prepare an initial slate of nominees, but additional nominations may be made by members of the Senate.

5. The election shall be conducted by mail ballot prior to the first meeting of the academic year; the Hare system method of vote tally shall be used.

"What is happening today is that we select alternates on an ad hoc basis. What this resolution does is systematize that so the idea is to have an elected Pro Tem speaker who would serve in the absence of the Speaker. There would be a two-year term for both the Speaker and the Speaker Pro Tem."

Speaker Pollak: "Any questions on the resolution? Yes?"

Professor Judith Reppy, Science and Technology Studies: "Will this vote be a vote for the Speaker and a vote for the Speaker Pro Tem?"

Professor McConnell-Ginet: "Yes, each name will be on the ballot; there will be candidates for both positions."

Speaker Pollak: "Yes."

Professor Rosen: "I was just curious about the origins of the motion and the sponsors."

Professor McConnell-Ginet: "I'm presenting this on behalf of the University Faculty Committee."

Speaker Pollak: "Other questions or comments?"

Professor Philip Nicholson, Astronomy: "This is a technical thing but when I was reading this it was confusing to me as to whether four or five referred to the election for the Speaker or for the replacement of a voting member."

Professor McConnell-Ginet: "It refers to the election of the Speaker not for a replacement. Sorry."
Professor P.C.T. de Boer, Mechanical and Aerospace Engineering: "Can you comment on the feasibility of this? The first meeting of the year is in early September and by that time we may not know who is a member of the Senate."

Professor McConnell-Ginet: "I think that the members of the Senate are by that time already in place and this would be conducted by mail right at the very beginning, after July 1, at which time members of the Senate will have already been elected."

Speaker Pollak: "Any more questions? If not then I'll ask the question. All of those in favor of the resolution signify by raising your hand. All of those opposed? The resolution carries.

"We'll now move on to a report from the Financial Policies Committee. Peter Harriott?"

8. REPORT FROM THE FINANCIAL POLICIES COMMITTEE

Professor Peter Harriott, Chemical Engineering: "I want to give just a brief report on the status of the faculty salaries at Cornell, information that many of you may have seen in the Ithaca Journal or the latest issue of Academe. As far as the statutory colleges are concerned, the salaries of professor went up on the average of a little over 6%. Assistant professor salaries went up 6.2%, associate professor salaries went up 7.4%, and full professor salaries went up 6.1%. While this may seem encouraging, it was also pointed out in Academe that the number of faculty members in the statutory colleges declined by about 4%, so the actual amount of money spent in those categories went up only about 2%. That means that it may be difficult to match that kind of performance in the coming years if the number of faculty stayed the same or even increased. I would also point out that after that change, if you correct to the 9-month basis, the average salaries of full professors is 80% of the average salaries of full professors in the endowed colleges. However, the endowed college average includes our colleagues in the Business School and the Law School and if you exclude that then the full professors in statutory colleges are receiving about 85% of those in the endowed. As far as the endowed colleges are concerned, the raises were not as much in spite of the 5% increase in the salary pool provided by the administration. Average salaries for assistant professors did go up 5%. For associate professors, the increase was 4.8%; but for full professors, the increase was only 4% and the average for all groups was about 4.3%. For the associate and the assistant professors, the increases keep them at about the same places with their peers whereas for full professors, the 4% increase merely cancels the increase from the previous years and leaves the average salaries for full professors in the endowed schools at 16% below that of a group of 8 universities that are considered our peers.

"I tried to see if I could find out why when there’s 5% allocated in the pool, the average increase for full professors was only 4% and in looking at individual colleges, there was a range of 2.7% increase up to 4.3% increase but in none of these schools that the
university controls was the increase anywhere near 5%. We may be looking at the figures further to try to see what the significance of this is. We will meet with the Provost next week to discuss this and other salary issues."

Speaker Pollak: "Questions on the report? Okay, seeing none, we'll move to the next item which is a report on the Proposed Policy for Time Reporting of Faculty Effort by Carlo Montemagno."

9. REPORT FROM CAPP ON PROPOSED POLICY FOR TIME REPORTING OF FACULTY EFFORT

Assistant Professor Carlo Montemagno, Agricultural and Biological Engineering: "I'd like to give a report on a piece of work that has been being done in the last five months by the Committee on Academic Programs and Policies. We've been tasked with trying to establish a policy for reporting faculty time. We're being mandated to do this by the federal government and, for those of you in CALS, you know that this occurs periodically, but in other colleges people don't report their time. We're trying to establish a policy that meets the requirements and has a minimal impact on the reporting of your effort. To try to describe, so that we can allay the issue of why we're doing this because we have to do this, we have Jack Lowe here from Day Hall who will explain the mandate that requires us to do this."

Jack Lowe, Executive Vice President for Research and Director of Sponsored Programs: "Very briefly, because I don't want to go into indirect costs and cost recovery, Cornell, as you all know, is very dependent on federal funds, grants, and contracts. As such, we have an accounting system that is designed to comply with those needs. The federal regulations require that the University show an audit trail for the amount of effort that is put in as charges to those grants and contracts and to other activities that wind up going into the indirect cost pool and are recovered by the University in indirect costs. About three plus years ago, the defense contract audit agency, which Cornell was subject to at that time, started a campaign across the country with those institutions that were under its jurisdiction and went around various universities and found that many universities, including Cornell, were not very active in keeping track of the effort. In fact, usually what effort was reported was reported by departmental administrative managers, not by faculty members. It was not reviewable or auditable and, worst of all, it showed a complete disconnection between what was being reported as effort on specific projects and another reporting system that the University is required to maintain -- that is on space use and space allocations. When the auditors went around the University and asked people how much time they spent on research, the rather typical answer was about 50% of their time. Then they would go to the University books and they would find zero attributable to research or maybe 5%, very small numbers. What they said then was that something was wrong. Obviously, if we're putting in for all of these grants and contracts and have all of the statements for work
and for effort, they were saying that zero is not an acceptable answer. So they said, ‘We're going to tell you what to put in your calculations for the indirect costs’ and they essentially took 50% of the total faculty salaries on the endowed side and wanted to put it in. That would have cost something on the order of 10 million dollars in recovery in the general purpose income fund or something of that sort. Well, again, to make a long story short, after about 9 months of negotiations by a lot of people, the hit was 2 or 3 million dollars three years ago and each year it has grown. So basically what has happened is that we've had an effort reporting system for years. What we're trying to do is put together a policy that is straightforward, meets the minimum requirements, is as simple as we can get, make it mesh with the reporting system for space utilization, and have it so that it is completely understandable. That is what this is all about. This is a requirement; we don’t have much of a choice about it. We do have a choice about how we do it and how we explain it, and it is certainly my effort in the Vice Provost for Research office to work with Carlo’s committee to find some way to put this down in a very straightforward way that meets the minimum test so that we can get on with the business at hand."

Speaker Pollak: "Any questions?"

Associate Professor Randy Wayne, Plant Biology: "I’m always curious about how many hours a week is 100% of my time?"

Director Lowe: "It's one of the things that needs to be stated in this policy. The government rules say that the policy that you record for the university is related to the effort for which the University is compensating. So it doesn't include consulting. It’s just the time for which the University is compensating an individual. It also says that the percentage of effort must equal 100%. It doesn’t make a difference for this purpose if you put in your effort as 80 hours a week. That constitutes 100%. If you put in for your effort for the University, for which you’re compensated, that’s 100%. It is a percentage of effort for the University commitment that is important, not a percentage of the time that you spend."

Professor Wilson: "Why is it that if Cornell's faculty spends 50% of their time on research you get less money than if we put no time in research. Did I misunderstand that?"

Director Lowe: "No, you understood it very well. There's a simple equation for indirect costs. The numerator of the equation are all of the research-related costs from all of the schools. The denominator of the equation is the modified total of direct costs of organized research. That must include both dollars that are charged to the sponsor, the direct costs that you see on your grant, and the costs that are contributed. It's related to that project if it's contributed. If you say that you worked on a project 50% of the time, and if every faculty member said that, then literally 50% of all faculty salaries would
have to go in that denominator and, obviously, the bigger the denominator, the smaller the indirect cost rate, the lower the recovery for the University. It's a 'Catch-22' for the University that we all face. In fact, we sort of get double jeopardy. The government comes along and says, 'We really want you to contribute all of this effort; we want to have cost sharing and all this kind to pour in to be competitive, but we'll penalize the institution when you do that if you do it in excess because we're going to pay you less on the indirect cost recovery side.' Now remember that this institution, especially on the endowed side, is 70% dependent on tuition revenue and about 20% dependent on the indirect cost recovery. That's the general purpose fund from which all of the faculty and a lot of other costs are paid. So it's a very important calculation. We try to walk a line; we don't want to maximize the recovery and make the projects less competitive, but we also don't want to undermine that revenue tree to where we can't be competitive with faculty salaries. It's a delicate balance and we try to optimize that and so the policy that is put out would, I hope, suggest that you, the individual investigator, have to determine what to put in. Nobody can tell you to put in this amount or that amount. We ask to consider the reality of things. The simple answer that I spend 50% of my time on research and 50% of my time on teaching is really not correct. Out of which half do you take the time that you’re spending here today or other committee assignments as a faculty member? Does that always come out of the teaching half and not out of the research half? Are you aware that the same regulation that requires all of this basically says that writing and preparing a research proposal is not an allowable charge? It's not part of organized research by that definition. I won't argue about whether it should be or shouldn't be, but the fact is that that definition is there. It isn't organized research, it's administrative. So if you dump all of that into the research and water the overhead down, it puts the institution in jeopardy. Thank you."

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "But this research may not always be funded research. I could be doing my own research that is not funded. If I do research half the time, some of it may be my own research."

Director Lowe: "That's something else that needs to be clarified in the policy. That's known, in the language of this regulation, as University research or departmental research. There's a category of costs called 'Instruction and Departmental Research' and there's something called 'Organized research.' Now don't get on the defense, I'm the messenger (laughter) &emdash; research is not research. Organized research which is what counts here is research that is separately identified, budgeted, and accounted for. Other research that is not funded, not separately budgeted or accounted for, is called department research and goes into the 'Instruction and Department Research' account. We have to make that distinction."

Professor Wayne: "Would it be possible for Cornell to multiply the denominator by .85 or so to better reflect the hours we’re compensated for?" (Laughter)
Professor Reppy: "Is there any hope that in the great hope to reinvent government and streamline the defense department that all of this will go away?" (Laughter)

Director Lowe: "Well, it's interesting that you ask that. I guess that I don’t expect in my lifetime, my active lifetime at Cornell, to see this requirement go away. But there is something afoot on the federal scene that you should be aware of. President Clinton put a committee to work about a year ago, referred to as the President's Research Initiative or something like that. That group, operating out of the President's Science and Technology Council, has just come out last week with a whole set of recommendations on a variety of subjects. The bottom line of what they’re recommending is that over the years there has been an erosion of the relationship between the federal government and academia. What used to be thought of as a partnership became more of a procurement process. What this committee is now saying is that we need to redefine the relationship between the federal sector and the university community. Then it goes into a series of recommendations. For example, one critical recommendation is that we all think of the graduate students on a research project as both an employee producing research results and a student. In effect, that's what we encourage. The audit circle says that the only basis for compensating a graduate student on a research grant is in lieu of salary and wages for compensation. That student is an employee and not recognized as a student. This has caused a lot of stipend limitations, stipend caps, and a comparison between those salaries and the salaries of postdocs. Post-docs are full-time, more productive in research. Why should we allow student costs to exceed postdoc costs? So they cap it. There are all kinds of ramifications. The committee recommends that it needs to be re-evaluated and restated that they are one and the same thing and that’s good &emdash; it’s in the national interest. They've also taken a strong stand on cost-sharing, and the cost-sharing business is partly what is driving this effort reporting. So indirectly maybe with this whole new initiative if there is a new policy coming out recognizing the different relationship, then we might start to see some turnaround in the audit. I am modestly hopeful but it's a long road."

Speaker Pollak: "Okay, well, thank you for the report and if there are any more questions, you'll be here afterwards, right? I'm glad to see that we enjoy talking about all of these costs. (Laughter.) Now we'll move on to Paul Bursic and questions regarding health plans."

10. RESPONSES TO QUESTIONS ON ENDOURED HEALTH PLAN CHOICES

Paul Bursic, Director of Benefit Services: "We have been working reasonably hard over the last year to address your questions -- some of which have been expressed by this body -- about the efficiency and effectiveness of Aetna/US Healthcare running our endowed plans. There have been a lot of concerns about it. The report was posted on the web with the help of Dean Cooke, whom I want to thank for giving me the opportunity to take questions on the report. I would also like to thank the executive
committee of this body for giving me the opportunity to do that. The report is there and there is an executive summary on the report as well. Are there any questions about the report or the summary? We are now going through the tail end of the approval process on this interim set of recommendations from Towers Perrin, a national employee benefits consulting firm that has been working closely with us and Ithaca College. Ithaca College also has Aetna, and it has been a problem for both of us. We’ve been trying to work together to reach a resolution of our problem with Aetna and to reach a resolution with our conflict with the local doctor and hospital monopoly that we have to deal with here. My e-mail address is jpb22 if you haven’t had a chance to look the report over but would like to and would like to give me your comments within the next couple of days. I'd be more than glad to take them that way. I'll be quiet now and wait to see if there are any questions."

Speaker Pollak: "Are there any questions? Okay, you have the e-mail address. Yes?"

Professor Maynes: "I would just like to say that the University Benefits Committee has gone over this and we think that it is being well-managed."

Speaker Pollak: "We have a full schedule for the Good and Welfare, so I would ask each person to take just a couple of minutes. Barry Carpenter?"

11. GOOD AND WELFARE

A. Local Advisory Council. Professor Carpenter: "I'm the chair of the Local Advisory Council and if you don't know what that is, it is part of the body that you set up to advise the Provost, or more specifically the Vice Provost for Research, on expenditure of University resources in support of research in the natural sciences. The enabling legislation says that there should be a formal report from the Local Advisory Council after two years, so this does not constitute that formal report. I thought I would just informally let you know how things are going. You may have reason to question my objectivity since I was part of the group that created the committee and I’m chair of the committee, so if I tell you that it’s going very well, you can take that for what it’s worth, but it’s going very well. (Laughter.) I think that the thing that has been most striking is how open the Vice Provosts have been in sharing information with this committee and how diligently my colleagues on the committee have been working to evaluate proposals for support by the University. I think that is all going very well. I did want to alert you to the fact that probably early in the fall semester we will be bringing a resolution asking for a modification of the second half of the Advisory Council, that is the External Advisory Council. The intention is really just to sharpen the focus of the External Advisory Council. And the third and final thing I wanted to show was something on the web which is a memorandum for which I've put only the bullets that came about as a result of the Local Advisory Council receiving information from people in other colleges who are responsible for college support of research. We discovered
that things are handled very differently in different colleges. We thought that there were some practices that deserved wider advertising because they looked like good ideas and weren't carried out across the University. So we put together a memorandum that was circulated to Dean, Department Chairs, and Center Directors summarizing what we had heard and letting people know what was going on elsewhere in the University. We thought it might be nice for you to see that memorandum also and to take from it what you will. That can be read in its entirety on the Web. Thank you."

Speaker Pollak: "Thank you. Is there a question? Terry Fine? I don't think Terry is back. He was traveling and he asked for some time but he's not here so we'll skip to Robert Johnson, who is also not here. Keith Dennis asked for some time."

B. Faculty Salary Comparisons. Professor Keith Dennis, Mathematics: "I have some slides (Appendix A) from Peter Stein, who couldn't be here today otherwise he would be presenting this. This is just a slide we've all see before continued by one more year of data. It's a comparison of the statutory colleges within a peer group. I'm not going to go through a list of all of the colleges involved, but, as you can see, there is a significant improvement at the end. This is the good news. The bad news is that in the endowed colleges it looks like we're on our way back down again. I could give you more information, but I'm sure that everybody wants to leave. The graphs speak for themselves. Again, this was a comparison among a peer group; colleges that were considered comparable to Cornell."

C. Speaker's Comments. Speaker Pollak: "Okay, the last item on Good and Welfare is that I want to take the liberty to spend a moment myself. My three years are up and I want to say that it has been a very enjoyable three years listening to you deliberate. You do it well and I mean that in all honesty. I've enjoyed very much being up here in front of you, pointing when appropriate to try to get us out on time. I don't think that I will be running again because other commitments have come up within the College, but I signed my copy of the Roberts' Rules and in July I'll go ahead or the Dean can go ahead and give it to the next Speaker. Thanks for making it such an easy job. (Applause.) Can I adjourn the meeting? No, there is one burning question for the Provost."

D. Reactions to Demonstrations. Professor Baer: "I do not have enough information to form a settled opinion on the matter, but it does seem to me that there is at least a possibility that the University overreacted to the animal rights students in the way that was handled. They've been charged with criminal trespass, reckless endangerment by the police, criminal tampering and criminal mischief, and conspiracy to commit a crime, among other things. My concern is this: I think it will produce an extraordinarily cynical attitude among many of our students if the impression gets abroad that we treat white students differently from minority students. I think what we have seen in the last five years or so in terms of occupation of Day Hall and other activities have been at least as serious perhaps considerably more serious than what happened with the animal
Don Randel, Provost: "The University certainly does not have a double standard, to my knowledge. I personally have not been involved in any of the issues to which you refer. There is a Campus Code of Conduct. When someone is accused of violating it, there is a judicial administrator and a rather elaborate hearing process for that, which is not in any sense managed by the University administration. The Campus Code was voted on by the community and the panels that judge that are elected groups of students, and so forth. So, in point of fact, such a thing is not really managed by the central administration. There is not a point at which the President or I decide we're going to go after these and not after those."

Speaker Pollak: "Okay, one last question and then we’ll adjourn."

E. Interchange Between Day Hall and the Faculty. Professor Wayne: "Last week in the question-and-answer period, you spoke a lot about how there's been so much interchange between Day Hall and the faculty. From my position, I see this started when you denied tenure to a number of faculty, joking to us that it was a ‘ruthless usurpation of faculty prerogatives by Day Hall.’ Then you went on to dissolve the Division of Biological Sciences, against the wishes of the majority of the faculty. You're putting together a biology major now secretly, without any of the biology faculty involved. There's been a merger of departments done from above and four job descriptions just went out from our department where the faculty in that department, as a whole, never got to see those job descriptions until they were published in the outside world."

Provost Randel: "The question?"

Professor Wayne: "Is this the kind of interchange that you think is terrific between Day Hall and the faculty?"

Provost Randel: "I suppose I would have to begin by denying most everything that you asserted. I certainly can’t speak for when you saw four faculty position descriptions because I did not compose those four position descriptions nor anything else having to do with that, so I suggest you take that up with your department chair or you dean. The biology major is certainly not being constructed in secret. I don't know if Professor Walcott is here, but he, along with many other people, can testify to the amount of work they have been doing in putting together that major. The people who are taking the lead in that are the people who have managed the biology major until now. What else did we do in secret?"
Professor Wayne: "You dissolved the Division of Biological Sciences against the wishes of the majority of the faculty."

Provost Randel: "I’m not sure that that can be true either. . ."

Professor Wayne: "We would know if there was a vote."

Speaker Pollak: "Let's not get into a dialog, we're about to adjourn."

Provost Randel: "There was a recommendation to dissolve the Division produced by a Task Force which labored for a long time. The membership of that was open and included people who were thought to have a stake in that. It was their recommendation that the Division be dissolved and this was supported by the deans. The question of merging of Plant Science departments was certainly not mandated from on high &emdash; central administration. That was a decision taken entirely within CALS and if you have questions you ought to ask the dean of that college."

Speaker Pollak: "Thank you, Provost. The meeting is now adjourned."

The meeting was adjourned at 6:00 p.m.

Respectfully submitted,

Kathleen Rasmussen, Associate Dean and Secretary of the University Faculty