MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, December 8, 1999

Speaker Howard Howland, Professor, Neurobiology and Behavior: "Okay, the meeting is called to order and I now call on Dean Cooke for his remarks."

1. REMARKS BY THE DEAN

J. Robert Cooke, Dean of the University Faculty: "We have a very full agenda so I'm going to keep my remarks brief. I can answer questions now or later. I'm also informed that the Provost sends his apologies, but he's in New York City for the Trustee meeting. I have two more things.

"We have a resolution before us concerning diversity. It has been approved by three other governing bodies on campus and my plea is that we adopt it and have a common statement from all four, otherwise it will require many months of negotiation.

"Here is some court action that has a bearing on the character of the University. This is the Maas case (Appendix A, attached).

This Court's case law reflects the policy that the administrative decisions of educational institutions involve the exercise of highly specialized professional judgment and these institutions are, for the most part, better suited to make relatively final decisions concerning wholly internal matters . . . This jurisprudential guidepost stems from the belief that these institutions are 'peculiarly capable of making the decisions which are appropriate and necessary to their continued existence' . . .

"So, they are conferring to the University a strong degree of discretion. There was a companion case that had to do with whether the University is subject to freedom of information and, in fact, to determine whether the statutory and endowed colleges are public institutions and subject to these conditions. Their answer is that:

Several aspects of the administration of the colleges have been committed by the Legislature to Cornell's private discretion. Cornell, for example, is specifically charged with creating the academic curriculum, hiring faculty, maintaining discipline and formulating educational policies for the statutory colleges . . . The SUNY Board of Trustees does not have direct operational authority over the statutory colleges, as it does of SUNY generally.

[T]he law is settled that, for a number of other purposes, the statutory colleges are not State agencies, including: tort law . . .

Cornell has implemented a single system for administering discipline in the statutory colleges and in its private colleges.

The Court's decision confirms that the private status of Cornell University is not compromised by its management of the contract colleges while recognizing their 'hybrid' public and private characteristics. The Court concludes that with respect to actions or matters within the legislative grant of 'private discretion' to Cornell FOIL would not apply. (Examples cited by the Court are curriculum matters, hiring of faculty, maintenance of discipline, formulation of education policy and employee matters.) We believe this principle covers the vast majority of matters involving administration of the statutory colleges. Since the Court does, however, hold out the possibility, without deciding the matter, that other more public aspects of the statutory colleges may be subject to FOIL, we ask that you seek the advice of University Counsel should you receive a FOIL request.

"In the same connection, you may recall that we adopted a resolution on sexual harassment and I have not previously reported to you that there was a piece in that resolution that was adopted by this body that calls for the right of the accused to be able to face the accuser but the Provost has not chosen to implement that segment of the resolution. Thank you."

Speaker Howland: "Thank you very much. The Secretary informs me that we do not yet have a quorum so I will now call on her for a Nomination and Elections Committee Report."

2. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE

Professor Kathleen Rasmussen, Nutritional Sciences, Associate Dean and Secretary of the University Faculty: "We have made two appointments to the Financial Policies Committee, both to replace members who have resigned. This committee is comprised of both statutory and endowed members by legislation and these appointments maintain the balance. We finally have filled all of the remaining Assemblies committees, thank goodness. We appreciate those who have agreed to serve.

Financial Policies Committee

William Schulze, CALS

Deborah Streeter, CALS

Assemblies

University Assembly

Andy Ruina, Engr

Campus Store Admin. Board

Robert Lucey, CALS

Codes and Judicial Committee

Martin Hatch, A&S

Financial Aid Review Committee

Robert Smith, ILR

Speaker Howland: "Thank you very much. We'll wait for the approval of the minutes until we have quorum. We'll pass now to the Statement on Diversity. I'm going to ask for unanimous consent to have a revised Statement on diversity, which you have before you, as modified by the Campus Climate Committee since the November meeting. Hearing no objections, that is the motion on the floor and I'll call on Professor Harris to lead the discussion on that motion."

3. DIVERSITY AND INCLUSION STATEMENT

Associate Professor Robert Harris, Africana Studies and Research Center: "I'd just like to say, very briefly, that this statement has gone before the Student Assembly, the Employee Assembly, and the University Assembly. We listened to recommendations that came from this group at the last meeting. Some questions were raised by members of the Faculty Senate at the last meeting and we went back and looked anew at the statement and made modifications based on suggestions that were made. I think you can see those modifications reflected in the revised statement. We tried to keep the statement brief, but one thing that we added calls attention to University policy. So it's something that we do not have to repeat in the statement itself. I'd be happy to answer any questions."

Speaker Howland: "Yes?"

Professor Subrata Mukherjee, Theoretical and Applied Mechanics: "There is some doubt as to whether that part was actually a part of the document or not."

Professor Harris: "Well, it basically calls attention to the existing University policy. It's not the statement. Because there were questions about existing University policy raised at various meetings, we called attention to that, but we don't see it as part of the statement."

Speaker Howland: "Further questions or discussion? We have a quorum, so can we proceed to a vote? All right, we'll proceed. All of those in favor of the motion, raise your hands. All opposed? Seeing none opposed, it passes unanimously."

WHEREAS, "It is the policy of Cornell University actively to support equality of educational and employment of opportunity," and

WHEREAS, a commitment to diversity and inclusiveness is a commitment to all students and employees, and

WHEREAS, the Campus Climate Committee has prepared a statement to proudly highlight Cornell's identity as a richly diverse and inclusive land grant university, striving for excellence in a framework of academic freedom and respect,

THEREFORE BE IT RESOLVED, that the Faculty Senate approves the Statement on Diversity and Inclusiveness, and

BE IT FURTHER RESOLVED, that the adoption of the statement be widely publicized to all segments of the community including the Assemblies, the Board of Trustees, as well as included in University publications where appropriate.

Open Doors, Open Hearts, and Open Minds: Cornell's Statement on Diversity and Inclusiveness

Open Doors

"I would found an institution where any person can find instruction in any study." This statement, made by Ezra Cornell in 1865, proclaims Cornell University's enduring commitment to inclusion and opportunity which is rooted in the shared democratic values envisioned by its founders. We honor this legacy of diversity and inclusion and welcome all individuals, including those from groups that have been historically marginalized and previously excluded from equal access to opportunity.

Open Hearts

Cornell's mission is to foster personal discovery and growth, nurture scholarship and creativity across a broad range of common knowledge and affirm the value to individuals and society of the cultivation of the human mind and spirit. Our legacy is reflected to in the diverse composition of our community, the breadth of our curriculum, the strength of our public service, and the depth of our commitment to freedom, equality, and reason. Each member of the Cornell community has a responsibility to honor this legacy and to support a more diverse and inclusive campus in which to work, study, teach, research, and serve.

Open Minds

Free expression is essential to this mission, and provocative ideas lawfully presented are an expected result. An enlightened academic community, however, connects freedom with responsibility. Cornell stands for civil discourse, reasoned thought, sustained discussion and constructive engagement without degrading, abusing, harassing or silencing others. Cornell is

committed to act responsibly and forthrightly to maintain an environment that opens doors, opens hearts, and opens minds.

4. APPROVAL OF MINUTES

Speaker Howland: "Could I now ask for approval of the minutes of November 10? Are there any additions or suggestions? Hearing none, the minutes are approved by unanimous consent."

"I now call on Professor Terrence Fine, Chair of the Committee on Academic Programs and Policies, for a resolution on the final report of the Provost's Task Force on Computing and Information Sciences, and I'm going to recognize Professor Fine again at the end of debate."

5. RESOLUTION ON THE FINAL REPORT OF THE PROVOST'S TASK FORCE ON COMPUTING AND INFORMATION SCIENCES

Professor Terrence Fine, Electrical Engineering: "Well, you've all had the motion distributed to you. There are the 'Whereases' and there are the 'Be it Resolveds'. Then there is the rationale, but the rationale is not up for a vote. Now, the Whereas states that the final Task Force Report was expected in November and it appeared on November 16. CAPP brought forth motions before that were passed by the Senate by a strong majority, so we responded to that. An important point that we felt should be addressed was that the FCI was assuming more of the characteristics of a college. It's not exactly a college, but had characteristics. Because of that report, we have five resolutions. We also felt that the final Task Force Report was similar to the initial one. You will hear an opinion later that holds that there are distinct differences between the two, but the CAPP Committee felt that they were essentially similar except for the appearance of the Advisory Committee, which did not exist in the initial report. It came to my attention, however, that the Advisory Committee was being formed somewhere before the September 15 Faculty Forum and that the Dean of CIS was on his own reconnaissance kind of mission, asking people to be on the Advisory Committee. To me, however, there is a written tradition and an oral tradition and it seems that this pattern carries over here as well. There is a quadrilateral of players here: the Task Force, the Computer Science Department, the Dean for CIS, the Provost and the President. There is interaction here every time we've spoken about the matter. The other issue has to do with the role of the FCI. When we debated this in October, we did not reject it. We were actually not proposing to reject, we were proposing an alternative. In motions 2 and 3 we supported the creation of a Dean for CIS, we indicated that there should also be an independent board that should advise and support the dean, and here is the key phrase, and 'they should provide policy for action.' There is some resistance to this, but acceptance of the rest. The important thing is that it did not appear in the report. The Executive Committee would have some strength. It would be able to define policy and

we don't see that in the Final Task Force Report. That is what the first part of our motion says. It says that we are not committed to the FCI; it may be a good idea, but it was a provisional idea, made in haste in the dead of the summer. There is obviously support for it in the Task Force, the Computer Science Department and the Dean of CIS. That also comes up in motion 3.

"The CAPP Committee has a broad membership, there are members from all colleges, but we were always of one mind of what we were doing. We debated the specifics of what we were saying, but we were not at odds with each other over which motions to adopt. It was very important to us that the faculty have a say, not just an opinion that one can listen to and ignore without consequence, but a say in a matter like this, because the FCI was being given the responsibilities of a college. It would control a department, it would do hiring and promotions along faculty lines, it would offer courses, minors, and majors. Once it did all that, it would be a college. I know I've gone back and forth with the junior senator from Physics over this on whether it was a college or not. At this point, however, I think that we have to consider it a college. To do something like this by administrative action, in the dead of the night, is somewhat equivalent to an academic mugging. Just because things cannot be achieved persuasively, it seems improper to just decide them at the top. When I think about faculty salaries, and I don't think about them nearly as much as the junior senator from Physics, I'm puzzled because the Provost considers this to be just as complicated as Computer Science. He gave us matrices and formed committees that he sent in deep space to come back with long-range plans. When it came to Computer Science, to me it required judgement and thought and hard consideration, but to him it was simple arithmetic. He just dashed it off in the middle of the year without telling anybody about it. There is no algorithm in our University guidelines for how to create a college, not in my reading of it. Nevertheless, the guidelines have very clearly assigned to the University Faculty, of whom we are representatives, power to consider programs that cut across colleges that affect general educational policy. If there's anything that cuts across colleges and will affect the general education policy, it is this issue. I don't question the role of the University Faculty here, it needs to be given the right thing to chew on. The plan given in the Task Force Report is not a sufficient description for the plan of the FCI. It needs more plan, then faculty scrutiny, and then Senate approval. I think that the disapproval of the Senate is something to be taken seriously. I think that the administration needs to wait to hear from us on this matter.

"The next part had to do with the requirement. I did a straw poll and will send the results out to you, but needless to say, there was little support for a strict requirement, university-wide. There's a question regarding the Knight Writing Program, but clearly it is not compulsory throughout the University. The Hotel School does not participate in the program. What was said here was not that the idea be dropped, but that it not be pursued on a significant scale. There was the feeling that it might be done at the departmental or college level, but not that massive amounts of resources be put into

this. Finally, we would like to instruct the Dean of the Faculty to inform the Trustees about what transpires here, as well as the President and Provost. You can interpret that as you will. In my own view, they have acted with undue haste and undue regard for the views of the faculty. This occurred with the Division of Biological Sciences, the Department of Modern Languages, and other causes. They have acted with undue haste in this matter."

Speaker Howland: "Okay, the motion is before you and open for discussion."

WHEREAS, the Provost's Task Force produced a Final Report on Computing and Information Science that was made available on 16 November, and

WHEREAS, the Final Report contains positive elements but does not adequately reflect the motions of the Faculty Senate that expressed deep reservations about essential elements of the Initial Report and that were passed by strong majorities on 13 and 20 October, and

WHEREAS, the proposed FCI would have powers and resources characteristic of a college,

BE IT RESOLVED that,

1. The Faculty Senate reaffirms that its Motions 2 and 3 are a sound basis for initiating an adaptation to the needs for computing and information science and technology in instruction and research that arise out of the Information Age. The Provost is urged to adopt the suggestions made by the Faculty Senate, to consider other organizational alternatives such as the 'virtual college' suggested by Dean Cooke, and to report to the faculty as his deliberations progress.

2. The Faculty Senate reaffirms the importance of its recommendation to create an independently selected, broadly based Executive Board that will assist the Dean for CIS and will be empowered to set policy for that office.

3. The Faculty Senate's strong opposition to the creation of an FCI (Faculty of Computing and Information) expressed by the adoption of Motion 4 has not been allayed in the Final Report. It is imperative that an entity, such as the proposed FCI, not be created unless a much more detailed proposal is available and has been given deliberate faculty scrutiny and explicit approval by the Faculty Senate.

4. The Faculty Senate maintains that there is little faculty support for the proposed creation of a university-wide undergraduate computing instruction program modeled on the Knight Writing Program. Thus the Senate recommends that this proposal by the Task Force not be pursued on a significant scale.

5. The Faculty Senate instructs the Dean of the Faculty to advise the Board of Trustees, in addition to the President and Provost, of this resolution adopted by the Faculty Senate.

Associate Professor Stephen Vavasis, Computer Science: "I don't mind, but when will I be up?"

Speaker Howland: "Your turn will come right after Professor Bowers."

Professor John Bowers, Linguistics: "I've asked for two minutes to give a report to you on a resolution that was passed by the faculty of Arts & Sciences a week ago. I sense a certain danger here that the dialogue will be decreased to a minimum by introducing this new information, but nevertheless, I wanted to inform you about it. This was introduced by my colleague, Abby Cohn, who became concerned with all of this discussion of the FCI and its relationship to other departments and their faculty. Another essential part of the equation had been left out, mainly the administration of the Arts College and how the administration of all the other colleges would be expected to interact. So, she introduced the resolution at the last Arts & Sciences meeting and there was some discussion on the last part of the resolution and it was eventually added as an amendment during the course of discussion. It basically expresses the concern that resources will be transferred or taken away from the College of Arts and Sciences in order to fund the operations of the new FCI. Second, it reaffirmed what the Senate asked for, which was the creation of the advisory board with certain powers. Third, the amendment that was added asked explicitly that the Arts College budget not be cut for the new initiative of the FCI. We were not only concerned about the financial aspects of this, we were also concerned that the function of the Arts College administration to decide what programs should be supported not be usurped by the FCI, who might be in a position to deal independently. So, what this calls for is that the Dean of Arts and Sciences and other affected colleges be actively involved in the process. I'd be happy to answer any questions that I can, but otherwise this was just for your information."

Speaker Howland: "Thank you. I'll call now on Professor Vavasis for amendments. Now, although we're considering the motion as a whole, we're going to consider the amendments one at a time."

Professor Vavasis: "I have four amendments and a transparency on each one."

Speaker Howland: "I have transparencies of the amended text, if anyone wants to see it this way."

Professor Vavasis: "Oh, okay. So, the current text of clause 2 reads:

"2. The Faculty Senate reaffirms the importance of its recommendation to create an independently selected, broadly based Executive Board that will assist the Dean for CIS and will be empowered to set policy for that office.

"It essentially says that we reiterate our previous motion. My proposed substitute text takes into account that the final Task Force Report was different than the initial one regarding the Advisory Board. So the Task Force heard what people said at the Forum and here at the Senate meeting and added a new section about an advisory board. I'm not a member of CAPP, but I do know that they were not happy with the level of detail on the advisory board, and that's okay. But the point is that now there is a detailed proposal of the advisory board on the table, so the Task Force has taken this to another level. In my opinion, instead of reiterating our previous motion, we should say that the previous motion is a basis for CAPP to propose a counter-proposal or changes to the Task Force proposal so that we could move forward. My motion still affirms motions 2b and 2c, but puts them in a more positive light."

Speaker Howland: "Can everyone read the amendment? Is there a second? Maybe you could read it."

Professor Vavasis: "Okay, the proposed amendment reads:

"2. The Senate recognizes that the Task Force substantially altered its recommendations in response to campus discussions about the need for an Advisory or Executive Board. The Senate affirms that Motions 2(b)-2(c) of October 13 should be the basis for further discussions between CAPP, the Board itself and the Dean of CIS to clarify the duties and powers of Board members."

Speaker Howland: "Is there a second? Okay, discussion on the motion. Professor Stein?"

Professor Peter Stein, Physics: "The junior senator from Physics has a question. (Laughter.) Is it my understanding from the nature of the amendment that this amendment has the same affect as the amendment that was made in the beginning? As the original wording? I'm asking Professor Vavasis. I heard you say that the motion took note of some change but that the force of the complaint is still there in the amendment. Is that correct?"

Professor Vavasis: "Yes, CAPP is complaining that the Task Force did not take into account the Senate's motions 2b and 2c and this is saying, more or less, that same thing in a more polite and progressive kind of way."

Speaker Howland: "Are there any more questions?"

Professor Fine: "To be more precise about this, in 2c it says 'provide policy for actions taken,' so when you are incorporating 2c in there you are accepting that part of the motion that the committee would set policy not just be advisory. Is that your intent?"

Professor Vavasis: "My intent, as the senator from CS, is that 2b and 2c should be the basis of discussion between CAPP and the Task Force. If you're asking me should the advisory board set policy, the answer is yes and no. I mean, this is a complicated matter. Who sets policies? Even for the course I teach, is it me or not? Some policies I set and some I don't. I think that the advisory board should set some of the policies."

Speaker Howland: "Further discussion? Are we ready for a vote? Hearing no objections, we will vote on this amendment. All in favor, say 'aye.' All opposed, say 'nay.' I think we need to see a show of hands. All in favor, please raise your hands while Professor Rasmussen counts. All opposed, please raise your hands. It clearly fails."

Professor Vavasis: "The second amendment is essentially correcting something that I think is an error in the CAPP motion. The resolution says:

"3. The Faculty Senate's strong opposition to the creation of an FCI (Faculty of Computing and Information) expressed by the adoption of Motion 4 has not been allayed in the Final Report.

"In fact, if you read Motion 4 that we passed on October 13, it doesn't say that the Faculty Senate opposes the creation of the FCI. What it says is that the Senate opposes the creation of a large FCI because it could interfere with smaller, more coherent groups within the University. The amended language is:

"The Task Force report does not go far enough to allay the Faculty Senate's strong opposition to a large and uncohesive FCI (Faculty of Computing and Information)."

Speaker Howland: "Discussion? Is there any discussion?"

Professor Stein: "Can we hear a response from the committee if they oppose the resolution?"

Speaker Howland: "Professor Fine?"

Professor Fine: "There is some truth to what he's saying here. Actually, in my role as director of Applied Math, Stephen and I work together very closely, as he is one of the major members of the faculty of Applied Math, and here we are standing shoulder against shoulder, instead of shoulder to shoulder. CAPP did not reject the FCI, we were not committed to it. So, I think it is correct in stating that we were not opposed to the FCI, just a large FCI. But, there was also no real support for the creation. I'm not going to argue this, though."

Professor Jery Stedinger, Civil and Environmental Engineering: "I am a member of CAPP and the problem with the amendment is that we didn't criticize an uncohesive FCI. That is something that you added that is not in the original motion. We only referred to a large FC1 and talked about how smaller, more coherent groups would be affected. So this amendment implicitly adds something that we didn't say and therefore is in error."

Speaker Howland: "Yes?"

Professor Peter Bruns, Molecular Biology and Genetics: "I'm disturbed by this because I felt that the original motion was not so much aimed at the product, but at the process. The process must include faculty discussion, and understanding. This is aimed at the product and I don't think that we're aiming at it here."

Professor Vavasis: "Here's the motion that was passed on October 13, it reads: 'The Senate finds that the creation of a large Faculty of Computing and Information Sciences (FCI) is unlikely to accomplish the aims announced for it and may obstruct the evolution of more useful mechanisms for smaller, more coherent faculty groups to engage with the information age.'"

Speaker Howland: "Further discussion. Yes?"

Professor David Rosen, Music: "Would you consider changing 'uncohesive' to 'less coherent'?"

Professor Vavasis: "Sure, that was just my best attempt at summing up the motion. So, can we change 'uncohesive' to 'less coherent.'"

Professor Rosen: "I think that a main part of the opposition to a large FCI that we talked about was that it would be a large FCI."

Speaker Howland: "I'm going to have to rule these motions out of order because they are changing the substance of the motion and according to the rules of the Senate they have to be submitted ahead of time. So, this is going to go up or down unless you appeal the rule of the Speaker."

Professor Stein: "Point of order."

Speaker Howland: "Yes?"

Professor Stein: "One could always ask for unanimous consent.

Speaker Howland: "Yes he can."

Professor Vavasis: "Okay, so I ask for unanimous consent to change 'uncohesive' to 'less coherent.'

Speaker Howland: "Are there any objections? None, so it's done. Are we ready for the question? Okay, all in favor of the amendment, say 'aye.' All opposed, say 'nay.' The 'ayes' have it."

Professor Vavasis: "The next amendment is for the other sentence of the same clause. The original sentence reads:

"It is imperative that an entity, such as the proposed FCI, not be created unless a much more detailed proposal is available and has been given deliberate scrutiny and explicit approval by the Faculty Senate.

"The proposed rewording is as follows:

"The Provost and CIS Dean should bring detailed plans for the proposed FCI before the Faculty Senate, and that the Faculty Senate should have the opportunity to review the plans and advise the Provost, CIS Dean, and CIS Advisory Board.

"I made three changes, essentially, to the original wording. The first change is that I struck the phrase 'it is imperative' because it wasn't clear to whom the motion was addressed. I tried to clarify this by addressing it to the Provost and the CIS Dean. The second clarification I made was that the original wording 'the proposed FCI not be created' is inaccurate because there is an FCI right now; it's rudimentary, essentially just the CS department's administration. So it does exist. I adjusted the wording to remove the indication that it doesn't exist at all. The third change, probably the most controversial of all, is that in the original wording, the phrase 'explicit approval' seems to say that the Faculty Senate has a final say on the charter of this organizational structure of the FCI and that seems to be not in keeping with the way things are here. For example, the Faculty Senate does not interfere in the administrative role of the Engineering College. The Faculty Senate in general does not get involved in setting detailed policies for individual colleges, so it's not clear to me why the Senate should assert its role as the authority over the proposed structure of the FCI rather than be one partner in the discussion."

Speaker Howland: "Is there a second to the motion? Okay, discussion."

Professor Stedinger: "This is a great amendment because it really asks you to address the question. I think we know who the imperative is addressed to. It talks about the proposed FCI that should not be created, the one that is discussed in the Task Force Report, not this arrangement that happened when CS was moved, so this is not the issue. So the real issue is whether or not we could create something that a lot of people

view as soon becoming a complete college and at the moment is almost a college. Certainly, that affects University programs and the structure of the University. Do we want the faculty to look at that and be able to say 'yes' or 'no' before you do something as important as create a new college, or do we just want the chance to review it and advise the Provost with which he could do what you do with free advice? I think it is wonderful that you have the opportunity to say whether you want to be involved in something as important as starting down the road to create a new college."

Associate Professor Alan McAdams, Johnson Graduate School of Management: "That last comment seems to suggest what was supposedly being removed from the current wording and that is that the Senate has the absolute power to require its explicit approval and it is also my understanding that we do not have that power and that by voting it to ourselves we do not achieve it. So that creates ambiguity. My perception is that we could allow the current language to stand if we could get unanimous consent to change the 'explicit approval' to 'explicit recommendation by the Faculty Senate.' That would put us in a position that we are representatives of the Faculty with the power to recommend but not the power to explicitly block as appears to be the case in amendment 3."

Speaker Howland: "Yes, Professor Fine."

Professor Fine: "If I could speak against this amendment, the other one I was inclined to move in favor of, but the Arts College shares this sentiment with us in a letter that was circulated yesterday. I brought only excerpts of it, but I found it particularly interesting that the word 'imperative' appears in the letter. This is convergent evolution because we didn't see this letter before we wrote the motion and they didn't see ours because they wrote this before we wrote ours. The important point here is that it is an imperative issue. We don't have absolute power. The only people who have absolute power are the Trustees, and they were given that by the State of New York. Our powers are of delegation and we certainly have the power to insist that we be given the explicit approval and consideration. That is why we say, 'Be it Resolved that you, President and Provost, don't do anything until you've heard from us.' We absolutely have the right to say that and we're saying it in forceful terms. If you don't like the wording, then you don't have to support it, but we think it is very important that we be given explicit consideration. This is not something that should be done with the back of the hand. There is a lot of self-interest and conflict of interest that arose out of discussions with the Provost. We need to have something that the faculty can trust and we don't specify what that is. Can the faculty insist on having a say on this issue? Yes, I think it's imperative and I think it should be explicit. What we then do with it is something we deal with later."

Speaker Howland: "Would anybody like to speak for the amendment?"

Professor William Arms, Computer Science: "In my one semester on the faculty, I've noticed that there is not always a good relationship between the Faculty Senate and the administration. Sometimes the administration deserves this, but sometimes we deserve it too. If we pass resolutions that make it difficult for the University to do sensible things, if we are deliberately divisive, then we don't deserve the administration to pay us any respect. I believe that the amended resolution is a strong resolution but also a strong resolution in helping us move ahead whereas the original unamended resolution is essentially saying that we are going to be obstructive and that we don't like the administration."

Professor Stein: "May we see it while we're debating it?"

Speaker Howland: "Yes. Professor McAdams?"

Professor McAdams: "Terry's comments do not meet my point. I wasn't saying remove the point 'imperative' and I was not saying to remove the word 'explicit.' I was saying to exchange the word 'approval,' which arrogates to us powers we do not have, with the word 'recommendation.' That, in my mind, is totally consistent with what Terry said. To get to that point would require two actions: (1) vote down the amendment and (2) have unanimous consent to exchange the word 'approval' for 'recommendation.' Now, I don't know which order is technically correct."

Speaker Howland: "Well, I technically have to rule these out of order, but you can appeal the ruling. If you wish to make the motion to substitute 'recommendation' for 'approval' I'll rule it out of order. Someone can then appeal the ruling of the chair and if it passes, that's the amendment."

Professor McAdams: "Well, you see, we have an amendment before us and my understanding of the rules is that we have to deal with the amendment and we can't get back the original wording to do that and only with unanimous approval will my idea work."

Speaker Howland: "I stand corrected. Any more discussion?"

Professor Rosen: "Your recommendation is ambiguous, isn't it? Do you want that ambiguity?"

Professor McAdams: "Yes, absolutely, because we don't have the power to approve or disapprove."

Professor Rosen: "Well, that could mean giving a positive recommendation or giving a recommendation of yes or no. I don't like that ambiguity."

Professor McAdams: "I don't understand the question. All I'm saying is to use the power we have."

Speaker Howland: "Are there any more comments on this amendment? Seeing none, let's move to a vote. We're voting on the amendment before us. All in favor, say 'aye.' All opposed, say 'nay.' The amendment fails."

Professor McAdams: "Now, it's my turn." (Laughter.)

Speaker Howland: "Let's finish the sequence of amendments and then come back to you."

Professor McAdams: "I don't understand. I thought that after it was voted down, I could make an amendment."

Speaker Howland: "The chair rules that after we have finished the sequence of these amendments, we will move on to your amendment."

Professor Vavasis: "Okay, so my last amendment is also correcting what I believe is a mistake in the original motion, which reads:

"The Faculty Senate maintains that there is little faculty support for the proposed creation of a university-wide undergraduate computing instruction program modeled on the Knight Writing Program. Thus the Senate recommends that this proposal by the Task Force not be pursued on a significant scale.

"And my revised wording is that:

"The Faculty Senate maintains that there is little faculty support for the creation of a university-wide undergraduate computing requirement. Thus the Senate recommends that no campus-wide computing requirement be instituted."

Speaker Howland: "Is there a second? Okay."

Professor Vavasis: "The rationale here is that the discussion that took place on October 13 on the motion that didn't pass was about the matter of setting computing requirements. The recommendation from the Task Force is that there should be a program set up that would not only help teach computing, but also help improve the quality of teaching computing, just as the Knight Writing Program not only teaches English, but also improves the teaching of English across campus. I think that it's a great idea and you may disagree, but the point is that we never discussed the program at the meeting; we discussed computing requirements, and I'm trying to address that to accurately reflect what we talked about on October 13."

Speaker Howland: "Thank you. Is there any discussion on this?"

Professor Fine: "The October 13 vote defeated the motion, but a number of us felt that people voted against it for opposite reasons. They would vote against each other if they had the opportunity to do so. I took a straw poll after discussing it at the October 20th meeting that I shared with you. The feeling that came back from the straw poll was that the feelings of the body were that they did not want to see a great deal of centralization of the process. They wanted to deal with this on their own as they saw fit. That was what came back from those responses. Notice, however, that this does not shut the door. It just says that it should not be pursued on a significant scale. It encourages a trial program, to get people's feet wet, but not a massive large-scale program like the Knight Writing Program, which has 60 courses going at the same time. This leaves the opportunity to start something and it reflects the views that came back from the faculty straw poll better than the substitute amendment. And it doesn't close any doors."

Speaker Howland: "Does someone wish to speak for the amendment? Yes."

Professor Michael Todd, Leon C. Welch Professor of Engineering: "I was confused by the discussion at that meeting and I was confused by the straw poll. I think a number of other people were as well. I think that the language may detract from the overall message that the motion is trying to send to the administration. Getting into this minutia seems to be a little premature. I think that if we set policy for the faculty, they will deal with the matter."

Speaker Howland: "Further discussion?"

Professor Stedinger: "The Task Force Report says that, 'The Faculty shall develop and oversee a new University-wide, University computing program modeled after the Knight Writing Program' and my understanding that the majority of the undergraduates at Cornell have to take at least one course in the program and all of the courses have to meet specific requirements. So I think that we know what the Knight Writing Program is about and this is what is in the Task Force Report. The motion that CAPP proposed addressed the Task Force Report, the proposed alternative does not address what is in the Task Force Report and has nothing to do with the issue before the Senate."

Speaker Howland: "Further discussion? Good, may we proceed to a vote? Evidently we can. All of those in favor of the amendment, say 'aye.' All of those opposed, say 'nay.' The motion fails. The chair is pleased to recognize Professor McAdams."

Professor McAdams: "I would like to propose an amendment to the matter dealt with in Amendment 3, specifically to exchange 'explicit approval' with 'explicit recommendation.'"

Speaker Howland: "Do I hear a second?"

Professor Rosen: "You need an 'an' before 'explicit.'

Speaker Howland: "Yes, 'an explicit recommendation.' Do I hear a second?"

Dean Cooke: "Point of order. I thought you were going to rule this out of order." (Laughter.)

Professor McAdams: "I appeal."

Speaker Howland: "Well, you can't appeal until I rule this out of order. (Laughter.) I am compelled to rule this out of order."

Professor McAdams: "Okay, I appeal."

Speaker Howland: "Okay, ruling of the chair has been appealed. Will the ruling of the chair be sustained by the body?"

Professor Stein: "Surely this is a debatable item, appealing the ruling of the chair?"

Speaker Howland: "Would you like to debate?"

Professor Stein: "Yes. (Laughter.) The whole notion of distributing things in advance is to give people time to think about it. I think that this is a substantial recommendation that may or may not change the meaning. I don't know what it means. I'm not sure I understand this, and the procedures of this body were to avoid this situation. So, I belief that irrespective of if it's good or not, I think that it should not be considered at this meeting because it will cloud the issue."

Speaker Howland: "Professor McAdams?"

Professor McAdams: "If this change is not made, and we approve the whole thing, then the Senate will be, in effect, going forward and arrogating powers to ourselves which we do not have and that is not ambiguous. What it says is that the matter should be given deliberate faculty scrutiny and approval before anything can happen. The Senate does not have that power; at best we can recommend."

Dean Cooke: "I would join Professor Stein in saying that we put these procedures in place so that changes would be out for your consideration before they come out on the floor. It is a dangerous practice to modify a thing of consequence on the spot. So, I would vote with the chair."

Speaker Howland: "Okay, questions? Okay, should the ruling of the Chair be supported? All in favor, say 'aye.' All opposed, say 'nay.' I think the 'ayes' have it. Now we will proceed to a vote on the entire motion unless there is further discussion. Are you ready for the vote on the motion? We are approaching the end of the allotted time for this, so I would ask for unanimous consent to take the time allotted for 'Good and Welfare' and add it to this consideration. Is there any objection to that? Okay, Professor Stein."

Professor Stein: "I find myself feeling a bit like Alice in Wonderland. We sit here and make a lot of motions, and Professor McAdams was concerned that we arrogated powers to ourselves that we don't have, and I hope that everyone knows that everything we do pass is only recommendatory. My question is, how have the people who make decisions treated the recommendations we have made thus far? If I remember properly, two months ago we passed a motion asking for a discussion between the Dean of Engineering, the Dean of CIS, and some other bodies. Can someone inform me if those discussions ever took place? Dean Cooke or Professor Fine, do you know?"

Professor Fine: "I believe that the Provost was waiting for the Final Task Force Report."

Professor Stein: "But didn't we ask for a discussion between these people, and several Deans."

Professor Fine: "Yes, but I thought the Provost was awaiting the Final Task Force Report before doing that."

Dean Cooke: "That's my interpretation also. Dean Constable is present and he was one of the parties to that so he may know more."

Professor Robert Constable, Dean for Computing and Information Sciences: "No, I was not a party to that."

Dean Cooke: "Well, as far as I know, that discussion has not happened in the sense that we asked."

Professor Stein: I would just like to point out, as an old Day Hall ham, that it is usual that at the January meeting of the Board of Trustees, an important initiative is announced. There are a lot of people on the campus who believe that before the Senate meets again, this change will be made at the January meeting of the Board. I have no insider information, but I find myself a bit disturbed at the pace at which things are taking place and the amount of influence that the faculty actually has on the process that is going on. So, I would like to ask the Dean of the Faculty that if at the January meeting of the Board this proposal is put together to make it official that there is an FCI,

that he publicly state that the Senate has made very strong and nearly unanimous recommendations against the proposal in its current form."

Dean Cooke: "I did have a very pointed conversation with the President and the Provost about this issue in which I stated that we were headed for a train wreck, and I urged them to be involved in the conversations before we reach a point where there are strongly held positions that are not reconcilable. His response was that the Dean's Council would discuss this in December, I think the 13th, and that after that input from a large number of parties would be taken into account. I do not know if that will be taken up at the January Trustee meeting, but the University Faculty Committee will act on behalf of the full Senate if there's a need for that or if there's a need to pull this body together. At the moment, there is nothing to justify our declaring that we will have a meeting."

Professor Arms: "I'd like to move that we vote on this resolution in separate parts since there are five separate quotes and maybe we should give these a second look."

Speaker Howland: "So, this is a motion to divide. Is this debatable? Okay it is. Is there a second to this motion? There is a second."

Professor Arms: "My reason is quite simple. I find myself in the position that there are some parts of this that I think will be agreed upon unanimously and I think that there are others that will be debatable. I want to look differently at different parts and I think others may want to as well. The Dean of the Faculty just talked about a danger of heading for a train wreck, and I think that if we affirm very vigorously where we stand we will not move towards a positive resolution."

Speaker Howland: "Debates?"

Professor Stedinger: "I think that the earlier amendments gave the opportunity to address each issue separately and having done that, and given the hour, it seems appropriate to go with the package."

Speaker Howland: "May I call the question now on the motion to divide? Okay, all in favor of the motion to divide the main motion please say 'aye.' All opposed please say 'nay.' The motion fails.

"May I now pass on to the vote on the main motion? I will put the transparency up of the motion with amendments. Can we vote on the motion? Hearing no objections, we will vote on the motion. All in favor of the motion, please raise your hand. All opposed to the motion, please raise your hand. Abstentions? The motion carries with a vote of 49-3-4.

WHEREAS, the Provost's Task Force produced a Final Report on Computing and Information Science that was made available on 16 November, and

WHEREAS, the Final Report contains positive elements but does not adequately reflect the motions of the Faculty Senate that expressed deep reservations about essential elements of the Initial Report and that were passed by strong majorities on 13 and 20 October, and

WHEREAS, the proposed FCI would have powers and resources characteristic of a college,

BE IT RESOLVED that,

1. The Faculty Senate reaffirms that its Motions 2 and 3 are a sound basis for initiating an adaptation to the needs for computing and information science and technology in instruction and research that arise out of the Information Age. The Provost is urged to adopt the suggestions made by the Faculty Senate, to consider other organizational alternatives such as the "virtual college" suggested by Dean Cooke, and to report to the faculty as his deliberations progress.

2. The Faculty Senate reaffirms the importance of its recommendation to create an independently selected, broadly based Executive Board that will assist the Dean for CIS and will be empowered to set policy for that office.

3. The Task Force report does not go far enough to allay the Faculty Senate's strong opposition to a large and less coherent FCI (Faculty of Computing and Information). It is imperative that an entity, such as the proposed FCI, not be created unless a much more detailed proposal is available and has been given deliberate faculty scrutiny and explicit approval by the Faculty Senate.

4. The Faculty Senate maintains that there is little faculty support for the proposed creation of a university-wide undergraduate computing instruction program modeled on the Knight Writing Program. Thus the Senate recommends that this proposal by the Task Force not be pursued on a significant scale.

5. The Faculty Senate instructs the Dean of the Faculty to advise the Board of Trustees, in addition to the President and Provost, of this resolution adopted by the Faculty Senate.

Speaker Howland: "Okay, we'll pass now to Professor Robert Kay for a motion on note taking from the Educational Policy Committee."

6. RESOLUTION FROM THE EDUCATIONAL POLICY COMMITTEE ON NOTE TAKING

Professor Robert Kay, Geological Sciences: "I'm standing in for the senior senator from my department and he's done a considerable amount of work on this. He's talked to a number of different people and consulted with the Academic Integrity Hearing Board

as well as responded to a number of inquiries by list serve. This is all since November. This resolution is the second version of another one, but it has some differences from the one you saw in November. Here is what we had formerly called the 'Note Taking for Profit' Resolution (Appendix B, attached.) The impetus for this comes from the activity of various note taking firms on the Web although this is a more general resolution than that. That's why it came about. The rationale and comments that accompanied the Call to the Meeting are fairly extensive &emdash; three pages long &emdash; and I'm not going to go over that, but you should be aware that there is considerable division of opinion about the activity of posting class notes on the Web without consultation of faculty members and about the resolution itself. I think these differences in opinion are reflected in the rationale and comments.

"On the one hand, you could say that the dissemination of knowledge is a goal of education and so, therefore, any notes that are put on the Web are disseminating knowledge and that's great. On the other hand, the unauthorized dissemination of course materials may not be commendable and all of the issues revolving around copyright, intellectual property, violation of the Academic Integrity Code, classroom trust, structure and accuracy, all come up in this. I've tried to cut through this to some extent, but just to let you know, this stuff was in the air in the last couple of months. The resolution itself addresses the most commonly held concerns in reference to some of the Internet providers."

Dean Cooke: "This is the one that came from the committee (Appendix B, attached), but it has an amendment that has yet to be proposed."

Speaker Howland: "Fine. The resolution is open for discussion and I'd like to call on Professor Jonathan Ochshorn."

Associate Professor Jonathan Ochshorn, Architecture: "I am offering an amendment. Should I ask that it be seconded before I go on?"

Speaker Howland: "Well, let's put it up so we can see it. The amendment is to strike some of the wording and replace it with 'academic staff.' I think that there are just a couple of additions on the second page and that the bulk of the changes are on the first page. Is there a second? Okay."

Professor Ochshorn: "The gist of the amendment (Appendix C, attached) is in the Whereases. The first Whereas deals with trust and is left intact. The second Whereas I think is just wrong. It says that 'the faculty member in charge of a course is responsible for the accuracy of the materials disseminated,' and I don't believe that's true. A faculty member is not responsible, especially for unauthorized dissemination of materials. So, my proposal is to change it to say, 'Whereas, control over the accuracy of available

course material may be compromised by the dissemination of unauthorized material,' which I think is more to the point of the resolution.

"Next, I propose to delete the third Whereas, which deals with copyright law, intellectual property. I've had some conversations with the University Counsel on this, although he may not necessarily support what I'm saying, and it is my impression that you cannot make the case on the basis of copyright law for this resolution. In fact, you have to make the case based on the educational environment and educational policy. I think that we could potentially get ourselves into trouble by putting in legal statements about intellectual property that have not been supported by the courts, as I understand it. It could give someone a way to challenge this resolution if it ever went to court. I would prefer to just eliminate that Whereas altogether.

"The final change is that the resolution generalizes faculty to academic staff, which is the more general term that includes instructors, lecturers and so forth, who are not faculty but deal with course material."

Speaker Howland: "Discussion is open on the amendment. (Someone asked if the amendments could be considered separately and the speaker asked for unanimous consent). Since we will consider these separately, the first amendment is to replace 'faculty' with 'academic staff.' Discussion?"

Professor Stephen Hamilton, Human Development: "I have a question of fact. In the University Appointments Manual, instructors and lecturers are listed as 'types of faculty.' That implies to me that they occupy faculty positions and that this is unnecessary."

Professor Graeme Bailey, Computer Science: "Would teaching assistants and graduate students who prepare materials be classed as faculty? I suspect not and, therefore, would they be included under academic staff?"

Dean Cooke: "The University Bylaws specify University Faculty, which is the tenure-track and some others. There are also College faculty members, which includes people who are not members of the University Faculty, and there are others who are not considered part of the College faculty."

Speaker Howland: "Further discussion on Academic Staff? Professor Stein?"

Professor Stein: "It seems like a good idea, maybe it's not necessary, but I can't see that it would hurt to get that in there."

Speaker Howland: "Can we move to the question?"

Professor Fine: "Was that really Professor Stein?" (Laughter.)

Speaker Howland: "Can we move to the question? All those in favor of inserting 'Academic Staff,' say 'aye.' All of those opposed, say 'nay.' The amendment passes. The next amendment strikes the part about a faculty member's responsibility over material. Is there any discussion on this?"

Professor Kay: "I would just say that Professor Galik and I discussed this in committee and both of us feel responsible for the accuracy of the material attributed to the course, attributed to Cornell, no matter where it appears. This certainly does change the nature of the statement considerably."

Professor Ochshorn: "To that I would say that we may feel responsible, but that's not what it says. It says, 'Is responsible,' which is quite different."

Speaker Howland: "Further discussion? May we vote on the substitution? All in favor, say 'aye.' All opposed, say 'nay.' It passes. The next is to move to strike the third 'Whereas' paragraph. Is there any discussion?"

Associate Professor Tony Simons, Hotel Administration: "As I understand it, the copyright position on these things is still up for debate, it's not a clear issue. I'd recommend that we should assert that it should be considered intellectual property."

Speaker Howland: "Professor Stein?"

Professor Stein: "I thought that Professor Ochshorn made an interesting point. I think Tony's wrong in saying that the amendment asserts that the material is intellectual property. It just says that it should be. The point that Jonathan made that caught my attention and to which I'd ask Mike Kimberly to comment on was that he felt that this 'Whereas' may weaken our stance and create a way to attack this in a court of law if we put this in. God forbid a 'Whereas' should weaken a resolution. Would Counsel comment on that?"

Speaker Howland: "Would the University Counsel like to comment on that?"

Michael Kimberly, University Counsel: "If you read this carefully, it does say 'should.' It doesn't mean that you're taking the authority. However, if I'm representing a student and I look at this and I see a reference to copyright I can try to make something of that and introduce copyright to muddy the waters. Whether that would survive or be a winning argument, I don't know. I don't think that's necessary for what we're doing."

Speaker Howland: "Further discussion? Seeing none can we move to the question? All of those in favor of striking this paragraph, say 'aye.' All of those opposed, say 'nay.' Striking carries. (Someone called for a show of hands). Okay, show of hands. All of those in favor of striking the paragraph, raise your hand. 35 for. All of those opposed,

raise your hands. 14 opposed. Motion to strikes passes. I think that finishes it up. Oh, no, we need to vote on the whole motion. (Laughter.) Discussion on the motion? Yes?"

Professor Joseph Hotchkiss, Food Science: "I am a victim of this process, and my question is that in my experience the person taking the notes was not a student in the course and may not have been a student in the University. This amendment seems only to apply to students in the course. Is that true? As a follow-up comment to that, for individual faculty members there seems to be a very simple solution to this, which is to put your own notes on a website and password it for your students. So, does this resolution only apply to students in the course?"

Professor Kay: "Yes it does. But perhaps you should have kicked that other student out as he doesn't belong in your room."

Professor Hotchkiss: "Something similar to that has come up in department discussions on this issue, which is does the instructor of a course have the authority to exclude people from classes? Can you selectively exclude those people while allowing others who are not enrolled in the course, such as visiting faculty, to attend?"

Professor Kay: "I think that the answer to that is yes and we proceeded under that assumption."

Speaker Howland: "We are approaching the hour, so we'll just have a few more comments. Yes?"

Associate Professor William Carlsen, Education: "We've now struck the explicit language about the intellectual property issue and I think that it is fundamentally the heart of this resolution. Although we've taken it out of the motion, I think that the interest in approving this as policy is fueled by intellectual property concerns. I think that the concern needs to balanced against the concern to make sure that we promote truth in our classrooms and that we hold the faculty accountable for what happens in classrooms. I would urge my colleagues to vote this resolution down because I don't think that it adequately protects students' rights while it certainly does provide faculty rights."

Associate Professor Michael Shapiro, Communication: "My department was clearly divided on this and I'm a little divided myself, but the part that bothers me the most is the decision to make this academic misconduct. We already have enough difficulty in addressing more serious breaches of misconduct, like cheating, and to add something like this muddies the waters of student understanding of academic misconduct and academic integrity. My second point is that this is unenforceable and what will rapidly happen is the people who are running these websites will make students anonymous and we will be nowhere. I see this as unenforceable and I agree with Bill that the thrust

here should be that this is our property and I don't see how punishing students will be productive."

Speaker Howland: "Speaker for the motion?"

Associate Professor David Stipanuk, Hotel Administration: "I'm also a member of the Educational Policy Committee, and I really don't understand the arguments that have been made against this motion. The committee, in looking at these issues and making up the motion, has been flexible. The statement does not require students to be prosecuted. What is set forth here is a circumstance of when a faculty member does not wish to have notes used on websites or in other ways, does not want to participate in a quality assurance process related to those services, as is done with Take Note. Some faculty find that a valuable service and they provide assistance to ensure that the notes are proper. What is set forth here is the ability for faculty to decide that they do not wish to participate in this form and in this mode. There's no requirement here that a student be charged under the Code of Academic Integrity if they participate in this. There is a statement that this is the purvey of the faculty member to work out this agreement and to state whether they wish or do not wish to have these things out there. I don't think it's coercive."

Speaker Howland: "In the hopes that we can finish this, I'm going to ask unanimous consent to continue this discussion."

Professor Nicholas Sturgeon, Philosophy: "I have some knowledge of this because one of my colleagues who was unable to be here has had her notes put on the Web and after she complained several times she was told that it wasn't a 'permission-based' operation. I have three things to say about this. The first is that this was certainly felt by her to be a serious breach of trust and referring to it as a minor problem seems to me to not take seriously what's happening when someone's notes are put on the Web. She also heard about it from colleagues at other universities who had seen her notes on the Web. The second thing is about this being unenforceable. The student doing it in her case was not enrolled, but it wasn't too hard to find out who it was. It could have been handled without this legislation, since the student wasn't enrolled, but it makes a statement to those who are enrolled that there is this policy. Third, in fact, the organization that was running this website is now running to change its policy. I just got some stuff in the mail that indicates that they are suddenly, in response I think to motions of this kind by university faculties, approaching faculty and offering copyrights if the faculty member agrees to have notes posted. They want to make all sorts of arrangements to be friendly to faculty. That's in response to motions like this one and it seems to be very important to let them know that we pass motions like this one."

Speaker Howland: "Can I have one more question or do I hear a call for the question? Okay, one more and then we must concede to the question."

Associate Professor Walter Mebane, Government: "I have just a couple of points. I'm happy to be a member of the Academic Integrity Board of the Arts College so I'm a little disturbed to hear a couple of these things. The first is that the plain language of the motion seems to apply to all students, not merely students who are in the course. In point, students are now authorized to replicate and to produce and it seems manifest that there are no overt limitations to those enrolled and it clearly would apply to anyone who was a student. The other comment that disturbs me is the one that it would not be necessary for someone to prosecute a student. That is, begin an academic integrity review process if they were to find a student in violation of this. It's somewhat like saying that it's not necessary to prosecute someone for plagiarism should one find that it has happened in one's course. There are, at least in the Arts College, explicit procedures including a primary hearing, and then the process starts. The provision that would put this in the Code of Academic Integrity would, I assume, be taken seriously and so one would, if one is compelled to follow procedures at all as a faculty member, be equally compelled to proceed according to one's judgement with respect to this action. I guess I have one question for the composer and that is that I'm really concerned about the words 'written consent' in the second point of this. The part that says that general distribution to others requires the written consent of the faculty member or class participant. This would imply that a student could not give their own notes to a friend of theirs without written consent (some murmuring in the room) &emdash; Okay, to a bunch of friends of theirs. So I would ask if the proposer would be willing to strike the word 'written' and just leave 'consent.'"

(Someone called the question.)

Speaker Howland: "The question has been called. All in favor of moving to the vote, say 'aye.' All opposed, say 'nay.' No oppositions. We'll move to the vote then on the main motion as offered."

Professor Mebane: "Wait, what just happened?"

Unidentified: "We moved the question and now we're going to vote on the motion."

Professor Mebane: "But I objected."

Unidentified: "That's not enough."

Professor Mebane: "Orders of the Day."

Speaker Howland: "Orders of the day are to move to the question."

Professor Mebane: "No, Order of the Day means that we adjourn at six."

Unidentified: "But it isn't six."

Professor Mebane: "Yes it is."

Speaker Howland: "All in favor of the main motion, as amended, say 'aye.' All opposed? The motion passes."

WHERAS, an effective educational environment requires an atmosphere of trust among the participating students, faculty, and academic staff, and

WHEREAS, control over the accuracy of available course material may be compromised by the dissemination of unauthorized material,

THEREFORE, BE IT RESOLVED that it be Cornell policy that

lectures and course materials presented, transmitted, or distributed by Cornell faculty and academic staff and/or class participants are intended exclusively for use by students enrolled in the subject class in furtherance of their academic pursuits; and that

students are not authorized to replicate, reproduce, copy or transmit such materials, or "derivative" materials, including class notes, for sale or general distribution to others without the written consent of the faculty or academic staff member of class participant who is the original source of such materials; and that

violations of the above constitute academic misconduct as described in the Code of Academic Integrity and may result in withdrawal from the course in question and appropriate disciplinary action, as prescribed in that Code; and that

the Dean of the Faculty see that this policy is clearly brought to the attention of faculty, academic staff and students through publication in the Courses of Study, in the Policy Notebook for the Cornell Community, in student, faculty and staff handbooks, and in registration materials such as the Course/Room rosters and further that the see that the Code of Academic Integrity be modified to specifically include these actions as an example of academic misconduct.

Dean Cooke: "Can I just have ten seconds for announcements? Here are some programs from the Corson Symposium and I urge you to get one of them if this sounds of interest to you."

Meeting was adjourned at 6:00 p.m.

Respectfully Submitted,

Kathleen Rasmussen, Associate Dean and Secretary of the University Faculty