

**Faculty Senate Committee to Review Faculty Governance**  
**Final Report and Recommendations**

March 7, 2007

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## I. Introduction

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

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

Section II of this report discusses the traditional university “shared governance” model, which is linked to academic freedom in fulfilling the university's public mission in a democratic society. This section also describes the roles and responsibilities of the

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

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

respective elements of the shared governance structure at Cornell. Section III discusses societal changes in the United States that have led to institutional shifts in many universities, including a weakening of shared governance. The discussion analyzes the way these trends in governance are reflected at Cornell, including institutional changes and approaches to governance by the university administration, changes in faculty attitudes toward faculty governance, and the implications of these changes for shared governance at Cornell.

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

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

## II. The Shared Governance Model in the University

Creating and preserving a great university depends, in part, on adopting governance processes that promote the institutional role of the university in serving the public good through teaching, research and service.<sup>3</sup> The model of university governance widely adopted in U.S. universities is "shared governance," which includes faculty participation in university governance as an essential element of promoting and preserving the quality of the university's core educational functions of teaching and research.<sup>4</sup> In the absence of formalized structures for consultation, faculty participation in university decision-making occurs primarily in times of crisis and is, thus, reactive rather than proactive. Shared governance processes provide institutional mechanisms to encourage deliberative,

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

<sup>4</sup>The mutual recognition by faculty and university administrations of the importance of shared governance dates back to the joint effort by the AAUP and the Association of American Colleges to restate the principles of academic freedom, which resulted in the 1940 Statement of Principles on Academic Freedom and Tenure, in AAUP POLICY DOCUMENTS & REPORTS 3 (1995) [hereinafter, 1940 Statement]. The Association of American Colleges is now the Association of American Colleges and Universities. AAUP POLICY DOCUMENTS & REPORTS 1 (B. Robert Kreiser ed., 9th ed. 2001).

rather than crisis-based faculty participation. The shared governance model is linked to the role of academic freedom in preserving collective faculty autonomy over traditional academic matters such as faculty hiring, peer review, curriculum, and student academic standards. The shared governance model also recognizes that meaningful faculty governance over academic matters requires broad faculty participation in other aspects of university governance, such as budgets and administrative appointments, which affect the core academic functions of teaching and research. Making faculty perspectives and expertise an integral part of university governance thus promotes decision-making consistent with the university's core missions.

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

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

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

Cornell policy expresses the view that good leadership by the Trustees and Administration respects the shared governance model. As described in the Organization and Procedures of the University Faculty (OPUF), University leadership "functions best

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<sup>5</sup> <http://www.aaup.org/statements/Redbook/Govern.htm>

<sup>6</sup> University By-Laws, Art. V, §1; Art. VI. §1

<sup>7</sup> University By-Laws, Arts. XII, XIII. <[http://www.cornell.edu/trustees/cornell\\_bylaws.pdf](http://www.cornell.edu/trustees/cornell_bylaws.pdf)>

when it is derived from the consent of the governed and is able to strike the delicate balance between the twin needs for broad consultation and decisive, timely decision-making.”<sup>8</sup> The University includes institutional positions and structures to implement consultative processes between faculty and the Administration/Trustees. At the college and departmental levels, this consultation is carried out between Deans, Department Chairs, and faculty. At the university level, consultation is carried out among the Dean of Faculty, the Faculty Senate, the Administration, and the Trustees.

The Dean of Faculty and Faculty Senate are included in the Cornell University Bylaws. The Dean of Faculty, elected by the University Faculty for a three-year term with possible reappointment by the Senate for two more years, has an important role of representing the faculty’s interests to the Board of Trustees and Administration. In this capacity, the Dean of Faculty meets with the President, Provost, and Board of Trustees, including the Board’s Executive Committee. The OPUF emphasizes the Dean of Faculty’s role as an independent faculty representative, stating that the Dean “is not a member or agent of the University administration.”<sup>9</sup> The Dean of Faculty has the responsibility to “oversee and expedite” Senate committee work and to inform committees of problems that should be addressed. The Associate Dean of Faculty, who is also elected by the University Faculty, has duties that include chairing the Nominations and Elections Committee and *ex officio* membership on each committee of the University Faculty and each committee of the Senate.

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

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

The Faculty Senate Nominations and Elections Committee, which is elected by the University Faculty, presents to the Faculty Senate slates of nominees for Senate standing and *ad hoc* committees. Faculty may also be members of committees created by the central administration to make or advise on policy issues, or carry out searches. Where

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<sup>8</sup> <<http://web.cornell.edu/UniversityFaculty/gov/OPUF.html>>

<sup>9</sup> *Id.* at Section V.B.

<sup>10</sup> OPUF Sections IV, IX, X, XII.

<sup>11</sup> *Id.* at Sections VIII.A.1.; XI.B.

<sup>12</sup> *Id.*

the administration decides to appoint faculty members to such committees, OPUF provides that the administration is expected to choose about half the faculty membership on the committee from Senate nominations.

Faculty hold seven of the 21 seats on the University Assembly (UA). The duties of the UA includes “legislative authority” over the Campus Code of Conduct and the Statement of Student Rights.”<sup>13</sup> The UA may make recommendations on academic matters to the University Faculty.<sup>14</sup>

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

Current issues of faculty governance at Cornell should be understood in the broader context of national trends over the last three decades that have had an impact on the structure and practices in universities throughout the United States. These trends have been characterized in different ways, including the increasing use of a model based on market and financial concerns of the university as a business.<sup>15</sup> While the influence of business on universities is not a new phenomenon, dating as far back as the early 1900s, privatization trends since the 1980s have more recently expanded the use of a business or market model in universities. Various factors have contributed to the use of this market model, including: competition for students and research dollars and resulting pressures on universities to “market” themselves; increasing costs, overall, of operating the university; rising costs of research in the sciences and engineering; the growing media use of competitive rankings in *U.S. News & World Report* and other outlets as indicators of presumed educational quality; and the privatization of public functions, with a decrease in public funding to universities.<sup>16</sup> These increased concerns with market issues are reflected in changes in university institutional structures and practices, including: continuing increases in tuition and student financial aid; increased student debt, which affects students’ career choices; a focus on the “branding” of the university; descriptions of students as “customers” purchasing education as a “product”; the expanding importance in the university of sciences as compared to the humanities; the growth of university technology transfer offices to commercialize science and engineering research through patenting and licensing<sup>17</sup>; widely divergent faculty salaries across disciplines,

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<sup>13</sup> <http://assembly.cornell.edu/UA/Home>

<sup>14</sup> <http://assembly.cornell.edu/UA/About>

<sup>15</sup> See, e.g., Jennifer Washburn, *UNIVERSITY INC.: THE CORRUPTION OF HIGHER EDUCATION* (New York: Basic Books 2005); Risa L. Lieberwitz, *University Science Research Funding: Privatizing Policy and Practice*, in *SCIENCE AND THE UNIVERSITY* (Paula E. Stephan and Ronald G. Ehrenberg, eds., University of Wisconsin Press, forthcoming); Gerber, *supra* note 3.

<sup>16</sup> See MARTIN KENNEY, *BIOTECHNOLOGY: THE UNIVERSITY-INDUSTRIAL COMPLEX* 28-29 (New Haven, Yale University Press 1986); Sara Shipley Hiles, *As Funding Drops, Young Researchers Suffer Most*, *THE BOSTON GLOBE*, Vol. 125, No. 64 (Jan. 25, 2006) (both sources discussing decreasing federal research funds in the 1980s).

<sup>17</sup> See, e.g., David Blumenthal, David, *Academic-Industrial Relationships in the Life Sciences*, 349 *NEW ENGLAND JOURNAL OF MEDICINE* 2452, 2454-55 (2003); Sheldon Krinsky, *The Profit of Scientific Discovery and Its Normative Implications*, 75 *CHICAGO-KENT LAW REVIEW* 15, 22 (1999); Arti K. Rai and Rebecca S. Eisenberg, *Bayh-Dole Reform and the Progress of Biomedicine*, 91 *AMERICAN SCIENTIST* 52, 53 (Jan.-Feb. 2003).

based on the scarcity value of faculty in their respective “markets”; pressures on faculty to provide their own research support; the growth of the ranks of lower paid nontenure-track faculty<sup>18</sup>; and increased emphasis on commercial aspects of university athletic programs. Both private and public universities have been affected by these factors, particularly as shrinking state funds lead public universities to raise tuition and expand relationships with industry.

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

The expanding presence of this market model and the growing importance of “non-academic” concerns to the core academic mission of the university raise concerns about the preservation of traditional academic values of the university. Will the university be able to maintain the institutional goals and values central to its role in a democratic society; that is, will the university preserve a commitment to its public mission and the culture of collegiality, community, openness of communication, and consultation that are part of academic freedom and shared governance? There is widespread concern that the university’s changing identity as a business has been accompanied by institutional and structural changes that alter the unique academic culture of openness, debate, and careful deliberation essential to effective teaching, research, and participatory governance.<sup>19</sup> Many commentators have raised warnings that the shared governance model is eroding in the context of these changes in the university, resulting in more unilateral decision-making by university administrations and trustees and a corresponding decrease of faculty participation in university governance outside of the parameters of undisputed academic issues.

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<sup>18</sup> The AAUP reports that “non-tenure-track positions of all types now account for 65 percent of all faculty appointments in American higher education,” with 35.5 percent growth of full-time nontenure-track faculty between 1998 and 2001. This contrasts with hiring practices in 1969, when only 3.3 percent of full-time faculty appointments were nontenure-track. AAUP, *Background Facts on Contingent Faculty*, available at <http://www.aaup.org/AAUP/issued/contingent/contingentfacts.htm> > See also, John C. Duncan, Jr., *The Indentured Servants of Academia: The Adjunct Faculty Dilemma and Their Limited Legal Remedies*, 74 IND. L.J. 513, 521-28 (1999).

<sup>19</sup> See, e.g., Scott, *supra* note 3; David A. Hollinger, *Faculty Governance, The University of California, and the Future of Academe*, <http://www.aaup.org/publications/Academe/2001/01mj/mj01holl.htm> ; Gerber, *supra* note 3.

The responsibility for the widespread erosion of the faculty governance role rests with the faculty, as well as with the university administration and governing boards. As faculty have increasingly turned their attention to individual concerns with research funding and to relationships and activities outside their own universities, they have reduced their interest and participation in collective faculty governance “at home.”<sup>20</sup> While faculty members are often more concerned with the research and teaching that drew them to the academy in the first place, and because the tenure and merit pay processes typically reflect the value of research and teaching above service, faculty tend to view university service activities, including governance, as less important than other faculty work, too time consuming, and overly burdensome. Yet, without effective faculty governance, the environment for faculty research and teaching may be imperiled. Patterns have emerged of university administrations making decisions without consultation with established faculty governance bodies.<sup>21</sup> Additionally, as university structures have expanded “non-academic” administration, this institutional reorganization limits faculty consultation and participation in decision-making.

These national trends and concerns about the impact on faculty governance are also reflected at Cornell. In interviews with faculty, including Deans of Faculty and Faculty Trustees, and in faculty e-mails, the FGC heard certain repeated concerns, which are discussed below. Appendix C of this report provides a more detailed account of these concerns as they have arisen in the context of the specific events leading to the creation of the FGC.<sup>22</sup>

The concerns expressed by faculty in interviews and e-mails can be summarized as follows<sup>23</sup>:

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

Faculty concerns about this issue arise from a pattern of the Administration and Board of Trustees making unilateral decisions, which have been presented to the faculty as a *fait accompli* or where there has been insufficient faculty

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<sup>20</sup> See Hollinger, *supra* note 19.

<sup>21</sup> See Scott, *supra* note 3.

<sup>22</sup> Appendix C also includes an account of one issue where faculty governance was used quite successfully, in creating the Faculty Advisory Committee on Tenure Appointments (FACTA).

<sup>23</sup> See Appendix C for more detailed descriptions of events cited in the following discussion.

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

The April 2000 Faculty Senate resolution instructed the Dean of Faculty and UFC to draft a written agreement with the President and Provost to ensure early and adequate consultation with the Faculty Senate. Although the parties entered such an agreement, which was adopted by the Faculty Senate in May 2000,<sup>24</sup> the problem of a lack of early and adequate consultation has persisted. The most recent example of this problem, triggering the creation of the FGC, was the resignation of President Lehman, which occurred without any prior consultation by the Board of Trustees with the faculty, including the UFC and the Faculty Senate. After faculty protested the limited extent of faculty participation in the subsequent search for a new president, additional faculty were appointed to the presidential search committee.

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

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<sup>24</sup> See Appendix C, descriptions of eCornell and of the Faculty of Computer and Information Science.

- The growth of “non-academic” administrative offices is structurally exclusionary; that is, defining areas such as student affairs and budgeting as “non-academic” offices excludes an adequate level of faculty consultation and participation on what are actually academic issues. Many financial planning issues, including the setting of tuition levels and commissioning of building projects, directly affect faculty work, as do student housing and other issues dealt with by “non-academic” offices such as Student and Academic Services. Consultation between the administration and faculty should include these issues, which affect core academic matters.
- There have been significant instances where communication by the Administration and Trustees of information to faculty on key university matters has been inadequate, resulting at least in part from an overuse of confidentiality as an information sharing criterion. The prime example of this problem was the Lehman resignation. Faculty were concerned that the Trustees did not provide information to faculty through a consultation process that was also sensitive to the unusual nature of the circumstances.<sup>25</sup> In the case of the forced resignation of Professor Philip Lewis from the position of Dean of Arts and Sciences, the Administration did not provide faculty with reasons for the resignation, despite Professor Lewis’ request that President Rawlings publicly provide such information.<sup>26</sup>
- Some Faculty Senate committees do not have a sufficiently strong influence on decisions made by the Administration and Board of Trustees. The Administration has not responded in a timely way to several Faculty Senate committee recommendations or Faculty Senate resolutions. For example, in March 2005, the Faculty Senate passed two resolutions that adopted two separate recommendations of the Faculty Senate *ad hoc* Committee on Nontenure-Track Faculty Status. The Administration has not yet taken action to respond to these two recommendations to create emeritus titles and professional development opportunities for senior lecturers, senior research associates, and senior extension associates. Another example of an overly long process is the development of a suspension policy covering tenure-track faculty (also referred to as Policy on Sanctions and Job-Related Faculty Misconduct), which has taken almost five years from initial formation of a Faculty Senate task force to final Faculty Senate adoption of the proposed policy. A significant part of the delay was created by two periods of almost one year each, when the policy had left the Senate and was under consideration by the Administration, including the academic deans.

Effective shared governance also requires that faculty recommendations have an adequate influence on the Administration and Trustees’ decisions in appropriate

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<sup>25</sup> See, Philip Lewis, *On Trusting in Secrecy*, at 1-3, available at <http://web.cornell.edu/UniversityFaculty/announce/LewisOpinionPiece.pdf>

<sup>26</sup> *Id.* at 4.

circumstances, such as issues that strongly affect academic matters. For example, the Faculty Senate Committee on Academic Freedom and Professional Status (AFPS) has concluded that the AFPS faculty grievance process does not guarantee sufficient influence on the Administration of AFPS recommendations, which often require many hours of investigation and deliberation. The AFPS has proposed changes in the grievance processes to strengthen the influence of the Committee's recommendations on the Administration's final decisions on faculty grievances.<sup>27</sup>

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

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

#### **IV. Recommendations**

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

The success of any changes depends on active faculty participation in university governance, including the UFC, Faculty Senate, Faculty Senate committees and University Assembly. The Dean of Faculty and University Faculty Committee (UFC) should develop a program to educate new members of the Senate and newly hired faculty about governance processes and procedures. Departments should encourage broad and

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<sup>27</sup> See Discussion of AFPS proposal at the December 14, 2005 Faculty Senate meeting, <[http://web.cornell.edu/UniversityFaculty/FacSen/approved\\_minutes/2005-2006/121405Minutes/Minutes051214.htm](http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/2005-2006/121405Minutes/Minutes051214.htm)> The UFC transferred the AFPS proposed changes to the FGC for consideration. While the FGC does not make a recommendation on the specific proposal, it has concluded that the recommendations of the AFPS and other Faculty Senate committees should be given greater weight in final decisions by the Administration. See FGC recommendation #3.

active participation of faculty in the Faculty Senate, giving such representation weight appropriate to the importance of faculty governance at Cornell, relative to other faculty committee and service duties. Faculty Senators should report to and seek input from the faculty they represent on a regular basis.

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

- **Expanded membership eligibility:** Five members of the UFC shall be current Senate members at the time of their election; four need not be current members of the Senate at the time of their election.
- **Broad consultation:** The President, Provost and Trustees shall use their regular meetings with the Dean of Faculty and the UFC to raise issues for faculty consultation. In addition to meeting regularly with the President and Provost, the Dean of Faculty shall attend the President's weekly meetings with senior administrators. Issues for faculty consultation should cover both academic and non-academic matters that affect faculty and academic life at the university (e.g. capital campaign planning; housing; budget/finance; new construction). These issues shall be raised early enough to provide time for meaningful consideration by appropriate Faculty Senate committees, *ad hoc* faculty committees, or joint faculty/administration committees. In unusual cases where time is of the essence, the President, Provost, or Board of Trustees shall work with the Dean of Faculty and UFC to find ways to act quickly while also providing adequate faculty consultation.
- **Report regularly to the Faculty Senate:** Given the scope and importance of their liaison roles, the Dean of Faculty and UFC shall each make an oral report at every Faculty Senate meeting, with sufficient time for questions. These reports should fully inform the Faculty Senate of the content of the UFC's meetings with the Administration and Trustees. Any restriction of information based on confidentiality shall be defined as narrowly as possible. At least once a semester, the Dean of Faculty and UFC shall report on the progress in implementing specific Senate resolutions. All Dean of Faculty and UFC reports shall be posted on the University Faculty website, in addition to their inclusion in the Faculty Senate meeting minutes.
- **Ensure timely response to and implementation of Faculty Senate resolutions:** The Dean of Faculty and the UFC shall adopt processes to ensure timely response to and implementation of Faculty Senate resolutions, including: encouraging Senate committees to seek responses from the Administration or Deans, where appropriate, to proposals prior to submission to the Faculty Senate; establishing timetables, with the Administration, for the Administration's definitive responses, whether positive or negative, to resolutions adopted by the Faculty Senate<sup>28</sup>; and adopting processes to ensure

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<sup>28</sup> The University of Chicago provides an example of a governance process that places primary responsibility on the University President for implementing the decisions of the Council of the Senate, which is a university-wide governing body consisting of 51 faculty members. The University President,

that Faculty Senate resolutions, when accepted by the administration, are implemented within one to two semesters.<sup>29</sup>

- **Authority during breaks:** During the summer and winter breaks, when the Faculty Senate does not meet, the UFC shall have executive authority to consult, on behalf of the Faculty Senate, with the Administration and Board of Trustees when necessary to deal with crises or other important issues that arise. In dealing with such matters, the UFC shall attempt, whenever possible, to find interim solutions until such time as the Faculty Senate is able to meet and consider the matters.
  - **Special consultation:** Prior to accepting the resignation or considering the discharge of the President or Provost, the Board of Trustees or the President, respectively, shall consult with the UFC.
  - **Initiate reviews of deans, vice presidents, and vice provosts, based on significant faculty concerns:** The UFC shall adopt a procedure for receiving substantive complaints about the functioning of deans, vice presidents, and vice provosts. In consultation with the Provost, the UFC will decide if the substance and number of complaints is significant enough to merit a formal review.
2. **President's biannual meeting with the faculty and university faculty fora:** The President shall hold a meeting with the faculty, as a whole, at least once each semester to report on the state of the University and answer questions. In addition, the Dean of Faculty shall hold university faculty fora on crucial issues, as they arise. The agendas of these meetings shall be publicized, with a general discussion following the particular agenda items.
3. **Effectiveness of Faculty Senate committees:**
- Faculty Senate committees shall review their committee charges to determine if the charge should be amended to provide mechanisms that add weight to committee recommendations to the CU Administration. Committees that seek to change their charge shall bring a resolution to the Faculty Senate.<sup>30</sup> Each Faculty Senate committee shall establish regular meeting times at the start of each academic year.

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who acts as chair of the Council meetings, executes or implements the decisions reached by the Council and reports back to the Council.

<sup>29</sup> Structural changes may require up to two semesters for implementation. Examples include the suspension policy recommended by the AFPS and approved by the Faculty Senate in September 2006, and the Faculty Senate *ad hoc* Committee on the Status of Nontenure-track Faculty recommendations for emeritus status and professional development opportunities for senior level nontenure-track faculty. See Appendix C. Other types of Senate resolutions should, in general, be implemented more quickly. The emeritus status and professional development opportunities recommended by the Faculty Senate *Ad Hoc* Committee on the Status of Nontenure-Track Faculty have still not been implemented, more than one year after Senate approval. See Appendix C.

<sup>30</sup> At the December 2005 Faculty Senate meeting, the Faculty Senate Committee on Academic Freedom and Professional Status (AFPS) proposed amending its charge to strengthen the weight of its recommendations to the Administration concerning faculty grievances. The UFC referred the AFPS resolution to the FGC. The AFPS should consider re-submitting its resolution to the UFC for debate by the Faculty Senate.

- The Administration shall consult regularly with Faculty Senate standing committees on relevant issues of policy. For example, the Faculty Senate Financial Policies Committee (FPC) should have a more consultative role in university budgetary planning. One means to further this goal could be for the chair of the FPC to participate in the Provost's budget committee or to reinstate the practice by Provosts Nesheim and Randel to include faculty members on the Provost's budget committee.<sup>31</sup> Another example is the Executive Committee of the University Diversity Council, which was created in December 2006. A standing appointment of the chair of the Faculty Senate Affirmative Action Committee would create an ongoing liaison with the Diversity Council.
4. **Faculty participation in presidential searches:** In recognition of the importance of the position of the University President, the appointment of the President shall be carried out in as open a manner as possible, including broad faculty input and consultation in search processes. Faculty shall compose at least one-half of any search committee for the President.<sup>32</sup> These faculty appointments shall be made through a process of nominations by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate. The Nominations and Elections Committee shall adopt procedures that ensure its independent role in nominating the slate of faculty search committee members that it presents for the Faculty Senate's approval.
  5. **Faculty participation in searches for the Provost:** While recognizing that the President has the prerogative to appoint the Provost, faculty shall participate actively in the search process for Provost, including consultation by the President with the University Faculty Committee and the Nominations and Elections Committee.
  6. **Faculty participation in searches for college deans:** The Provost's process for selecting faculty membership on Deans' search committees should be amended to clarify the role of the Nominations and Elections Committee. The Provost's current policy for Deans' searches includes the following provisions: After receiving nominations from the faculty of the particular college, "[t]he Provost submits a list of possible search committee members to the Nominations and Elections committee, the members of which suggest revisions to the list or additional names. The Provost makes final decisions about the membership after determining individuals'

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<sup>31</sup> The current Provost's budget committee is made up only of administrators. Adding faculty participation has its roots in the history of an analogous budget committee under Provosts Nesheim and Randel, which included two faculty members; one appointed by the Faculty Senate and another appointed by the Provost.

<sup>32</sup> Examples of faculty representation on presidential search committees at other universities include: University of Wisconsin-Madison (faculty make up a majority of the search committee for Chancellor); University of Chicago (The search committee is made up of the 49 Board of Trustees members, 7 faculty members elected by the faculty, and student representatives. A faculty advisory committee, consisting of one faculty member and one trustee from the search committee, consults extensively with the deans); California Institute of Technology (In its last three searches for president, a trustee selection committee made an offer to a candidate from a short list generated by an all-faculty search committee.)

willingness or ability to serve.”<sup>33</sup> This procedure should be amended in the following ways: The Provost shall consult actively with the Nominations and Elections Committee throughout the process of appointing Deans’ search committees. The Nominations and Elections Committee shall have access to the list of faculty who were nominated from the college to serve on the search committee. This information shall include any supporting statements on behalf of the faculty nominees. After receiving the Nominations and Elections Committee’s suggested revisions to her/his initial list, the Provost shall submit the final faculty list to the Nominations and Elections Committee for their review prior to inviting faculty to serve on the search committee. If any faculty decline to serve, the Provost shall consult with the Nominations and Elections Committee about the names of additional faculty to add to the list.<sup>34</sup>

7. **Faculty participation in searches for senior-level administrators:** Appointments of senior level administrators shall be carried out in as open a manner as possible, including broad faculty input and consultation in search processes. In searches for the Dean of the Graduate School and Dean of Students, the Administration shall follow the Organization and Procedures of the University Faculty (OPUF), which describes the process for Senate nominations of faculty to serve on search committees appointed by the Administration. Section XIII.B of OPUF states: “The central administration will be expected to select about one-half of the faculty membership on each such committee from names presented by the Senate. The Senate will present as many names as are requested, but in no case more than twice the number to be selected.”<sup>35</sup> These faculty nominations shall be made by the Faculty Senate Nominations and Elections Committee, subject to approval by the Faculty Senate.
8. **Reviews of the offices of the President and Provost:** The offices of the President and Provost shall be reviewed periodically, and at least once every five years. The Dean of Faculty and the UFC should be actively involved in scheduling the reviews and developing the review procedures. The Nominations and Elections Committee should be involved in nominating faculty to serve on review committees. Such reviews would provide a systematic faculty evaluation of the offices’ structure and performance and the opportunity for recommended improvements.<sup>36</sup>

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<sup>33</sup> “Policy Statement – Provost Biddy Martin: Deans’ Searches, Reappointments, Mid-term Review,” available at, <http://web.cornell.edu/UniversityFaculty/announce/ProvostStatement021002.html>

<sup>34</sup> The recommended changes in recommendation #6 do not strictly follow the Organization and Procedures of the University Faculty, described in recommendation #7. The FGC interviewed current and past chairs of the Nominations and Elections Committee, current and past Deans of Faculty, and the Provost about the process of appointing faculty to dean search committees. The changes recommended here are based on the view that the current process is generally adequate, but could be improved by enhancing the Nominations and Elections Committee’s participation and access to information.

<sup>35</sup> <http://web.cornell.edu/UniversityFaculty/gov/OPUF.html>

<sup>36</sup> An example of procedures for periodic reviews of central administration offices is found in the University of Iowa policies. See University of Iowa Operations Manual, Chapter 28.4, available at, <http://www.uiowa.edu/~our/opmanual/ii/28.htm#284>

## APPENDIX A

### Resolution to Review Faculty Governance

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

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

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

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

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

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Members of the Committee to Review Faculty Governance:

*Brad Anton, Chemical and Biomolecular Engineering*

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

*Eric Cheyfitz, English, Arts & Sciences*

*William Crepet, Plant Biology, Agriculture & Life Sciences*

*Cornelia Farnum, Biomedical Sciences, Veterinary Medicine*

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

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

## APPENDIX B

### Individuals Interviewed or Consulted by FGC

#### Cornell University Administration and Board of Trustees

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

#### Cornell University Deans of Faculty and Faculty Trustees

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

#### Cornell University Faculty

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

## APPENDIX C

### Relevant Events at Cornell University Concerning Faculty Governance

#### Resignation of President Lehman

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

I am proud of what Cornell has achieved during my tenure as president. Over the past few months, it has become apparent that the board of trustees and I have different approaches to how the university can best realize its long-term vision. In light of our differences, it is best for the university that I step aside. I know that this remarkable university will continue to prosper and move forward under different leadership. As a Cornell graduate, I remain deeply devoted to the university, its faculty and students.

(<http://www.news.cornell.edu/stories/June05/President.steps.down.html>, accessed 09/25/06)

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

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

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

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

dismissed speculation that he and the trustees were at odds over the direction of the university or its academic goals, or that they were unhappy over his handling of contentious local issues. "This was not about an issue, not about people or personalities. It was about a philosophical difference over how Cornell should reach our goals," he stated emphatically. "I think my departure signals an

opportunity for the board to find a new president who is more in tune with their strategies for how to reach those goals.”

([http://www.news.cornell.edu/stories/June05/Lehman\\_interview.lgk.html](http://www.news.cornell.edu/stories/June05/Lehman_interview.lgk.html), accessed 09/25/06)

In the absence of any concrete explanation for the resignation and in the face of a confidentiality agreement signed by the trustees and Lehman, speculation ensued. In an article on June 17, 2005, *The Cornell Daily Sun* reported that the “board...had, by almost all accounts, forced his resignation”; moreover, although “University representatives have consistently characterized the issues as ones between the president and the Board, many members of the Board told *The Sun* they were unaware of the rift until the day of Lehman's announcement.”<sup>37</sup> The article continues:

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

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

Most attribute at least some degree of the relationship's breakdown to the sudden departure of Inge Reichenbach, Cornell's former vice president for alumni affairs and development. Although University representatives were quick to characterize her departure to Yale as her decision to take a more lucrative offer, Reichenbach had made every sign of making Ithaca her permanent home.

(<http://cornellsun.com/node/14929>, accessed 09/25/06).

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

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

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<sup>37</sup> In a Faculty Senate meeting of October 12, 2005, Provost Biddy Martin offered the following explanation for what part of the Board participated in the resignation: “It’s my understanding that when the Executive Committee worked with Jeff on his resignation, that it was a bit bigger than usual because it included the older members of the Executive Committee and the people who in June were about to rotate on to the Executive Committee. So it was a total of about nineteen people.”

development." Lehman denied this allegation, telling the Ithaca Journal that the disagreements were not over "a personnel matter."

(<http://cornellalumnmagazine.com/Archive/2005julaug/depts/FTH.html>, accessed 09/25/06)

Because Lehman's resignation occurred in the summer, the faculty was not able to respond to the event in any formal or unified way until the fall semester of 2005. But on August 30<sup>th</sup>, answering an invitation from the presidential search committee to meet with it, faculty filled Hollis Cornell auditorium and turned the meeting from one about the search for a new president into one about the lack of information afforded the Cornell community concerning the reasons for the resignation and the lack of consultation with the faculty in making such an important decision in the first place. The faculty expressed its dismay and anger to Meinig at the absence of communication between the Board of Trustees and the faculty in the Lehman matter. The sense of the faculty on that occasion is captured by Professor Abby Cohn in the minutes of the October 12, 2005 meeting of the Faculty Senate, the meeting in which the Senate voted to create the Faculty Committee on Governance:

I guess the biggest concern for me ... is seeing multiple situations where it seems that there is a serious lack of two-way communication. I don't think we have overcome that yet.... Despite the fact that we filled this room on August 30 and expressed our concerns, despite the fact that we did get two additional faculty members on the [Search] Committee, which I am grateful for, we have yet to start to get this two-way thing going. I really hope that you [the UFC] will carry that to the Board. Part of it is a question of common courtesy, but part of it is a question of how we establish a genuine conversation in this way.

([http://web.cornell.edu/UniversityFaculty/FacSen/approved\\_minutes/2005-2006/101205Minutes/101205.htm](http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/2005-2006/101205Minutes/101205.htm) (11 of 27)9/8/2006 2:14:22 AM)

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

In the wake of the August 30<sup>th</sup> meeting two faculty initiatives took place. One, to constitute a faculty body to review governance at Cornell, was initiated by an independent group of faculty affiliated with the Cornell University Faculty for Justice and Peace (CUFJP), many of whom had been involved in the action to save Redbud Woods. This eventuated in the Senate resolution to create the Faculty Committee on Governance. The other initiative was generated by the Senate itself and took the form of the *Resolution Urging the Administration and the Board of Trustees to Engage in a Frank and Open Dialogue with the Faculty Regarding the Resignation of President Jeffrey Lehman* (<http://web.cornell.edu/UniversityFaculty/FacSen/050914SenateMtg/OpenDialogueRes.pdf>, accessed 09/27/06). The resolution, which was passed at the September 14<sup>th</sup> meeting of the Senate, notes how "very seriously [the faculty takes] its obligation to advise the Administration of the University on the conduct of the University's business" but that it "cannot perform this function in a climate of secrecy." Further, the resolution notes "the

abruptness of the resignation of President Lehman and the lack of any meaningful explanation for it have, to our knowledge, no precedent at Cornell or at other prestigious American universities.” Registering the “distress[...]

of the Senate that the faculty had to turn to journalistic speculation “rather than to an official University source” for its information on the resignation, the resolution states: “the Senate is deeply concerned that the non-specific generalities of the official explanation for the resignation are broad enough to mask a major shift in the traditional locus of decision making at Cornell from the President to the Board of Trustees,” thus expressing its anxieties about the state of governance at the university. In view of the situation, the resolution resolved that “the Senate strongly urges the Board of Trustees to find a way to engage in a frank and open dialogue with the faculty regarding” the specifics of the Lehman resignation and further that “the Senate requests the Dean of the Faculty and the Faculty Trustees to present this resolution personally to the leadership of the Board of Trustees and report back to the Senate at its next meeting.”

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

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

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

## Reorganization of the Division of Biological Sciences

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

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

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

while the second was characterized by a more balanced debate. In any event, it was clear that a substantial number of faculty members opposed the recommendations found in the Task Force report. Professor Howland organized a faculty response to the Task Force report on the Division Structural Review that was released on March 2, 1998, ten days before the final Task Force report was released. On May 13, 1998, the Faculty Senate considered the issue for the first time,<sup>38</sup> passing the following resolution:

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

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

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

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

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

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

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<sup>38</sup> Prior to the May 1998 meeting, the issue of the reorganization of the Division of Biological Sciences was raised in the Faculty Senate only through a question by Professor Howland during Provost Randel's regularly scheduled question and answer period (March 1998 meeting) and by Professor Howland during the "Good and Welfare" period in the April 1998 meeting, stating his intention to propose the resolution eventually adopted at the May 1998 Senate meeting.

*External Review Committee for the Biological Sciences (September 1998) and will affect a high proportion of Cornell's faculty directly or indirectly, and*

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

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

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

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

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

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

“The majority of faculty within the Division favor that option.” This opinion was based on sentiments expressed by the faculty at previous meetings. As it was not clear whether biologists outside of the Division were in favor of retaining the Division structure, it was uncertain how the entire population of biologists would have voted on reorganization.

Rumors spread throughout the Faculty that Vice Provost Garza had advised Provost Randel against eliminating the division structure and that Provost Randel was also disposed to retain the Division. Thus, there was some surprise when President Rawlings sent a letter on November 17 in which he revealed his decision to “*implement the primary recommendations of the Task Force on the Future of the Division of Biological Sciences.*”

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

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

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

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

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

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

between Financial Policies Committee and the Provost once again stalled. The Chair of the Financial Policies Committee resigned, and was replaced.

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

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

## **Creation of Faculty Advisory Committee on Tenure Appointments (FACTA)**

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

### **Background to formation of FACTA**

The steps for review of a faculty member for indefinite tenure at Cornell University include review by the department, by an *ad hoc* College committee, by the dean of the College, by the Provost, and by the Board of Trustees. Prior to the formation of FACTA, there was no codified procedure through which the Provost would receive advice by individuals in a position to evaluate the final dossier, other than through personal requests from the Provost for advice from academic associates of his/her choosing, such as associate provosts. FACTA was established as the primary source of advice to the Provost prior to making a recommendation to the Board of Trustees. An excellent review of the history of FACTA prepared by J. Robert Cooke, former dean of the Faculty, can be found at: <http://web.cornell.edu/UniversityFaculty/dean/FACTAReviewtoFS0091.pdf>

The current description of FACTA can be found at:

[web.cornell.edu/UniversityFaculty/committees/CommLegislation/FACTAlegislatioRev.pdf](http://web.cornell.edu/UniversityFaculty/committees/CommLegislation/FACTAlegislatioRev.pdf)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dean for CIS Constable continues to have administrative control of CS, which remains housed in Engineering but hopes to acquire funds for a building of its own. The size of the CS faculty grew. The FCIS remained a small structure in its first year of operation in AY2000-2001 and acted as the Executive Committee advising the Dean. Since then the Dean for CIS gained sway over a number of units, including the Department of Statistical Science and the Cornell Theory Center. The CIS website informs us that, “The mission of CIS is to integrate computing and information science---its ideas, technology, and modes of thought---into every academic field.” The mission of the FCIS is that it “engages with

every college at Cornell and shares the information revolution with every Cornell student to invent the fields of tomorrow.” There have been a number of appointments of current and new faculty, all with primary memberships in pre-existing departments, with partial support from the FCIS and its Dean. Association with FCIS has been helpful in attracting some of these new faculty, although such an association could have been achieved through graduate field memberships and part-time appointments in CS.

## eCornell

eCornell was a contentious issue, in large part due to the administration's failure to engage in early and active consultation with the Faculty Senate. Although a joint administration-faculty committee was eventually created to make recommendations on distance learning models, this action came only after significant conflict between the administration and the Faculty Senate. The conflict was precipitated by the administration's notice to the UFC, in January 2000, of its plans for eCornell as a *fait accompli*. At that time, the administration told the UFC that it intended to seek Board of Trustees approval, in March 2000, to create eCornell as a for-profit distance learning corporation. The Faculty Senate acted quickly, and within two months broadly debated the issue and passed a resolution at the March 8, 2000 Senate meeting asserting the Senate's entitlement to active consultation and participation prior to the creation of eCornell.<sup>39</sup> The resolution, which was resoundingly passed by a vote of 65 in favor, 1 opposed, and 2 abstentions stated:

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

One week later, however, the Cornell Board of Trustees voted to create eCornell as a for-profit corporation. The Board's action, in the face of the Faculty Senate's resolution, created significant frustration in the Senate. Following a series of discussions with the UFC, President Rawlings agreed to appoint a joint administration-faculty committee to study all types of distance learning models. This action avoided further conflict over eCornell, as the joint committee completed a report that was circulated to the Faculty Senate in July 2000, endorsed by the UFC on August 10, 2000 on behalf of the Faculty Senate, and discussed at the September 13, 2000 Faculty Senate meeting.<sup>40</sup> The joint committee report supported the creation of eCornell to deliver distance education only for nondegree programs, on the condition that faculty retain autonomy over course content.<sup>41</sup>

At its April 12, 2000 meeting, the Faculty Senate passed a resolution (by a vote of 64-4-3) instructing the UFC "to draft a written agreement between the Faculty Senate and the President, covering the process by which decisions of the central administration on academic matters will be handled."<sup>42</sup> This resolution was prompted by the Administration's inadequate consultation with the faculty on issues of eCornell and the reorganization of the Division of Biological Sciences and the Department of Computer

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<sup>39</sup> [http://web.cornell.edu/UniversityFaculty/FacSen/approved\\_minutes/1999-2000/000308.html](http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000308.html)

<sup>40</sup> [http://web.cornell.edu/UniversityFaculty/FacSen/approved\\_minutes/1999-2000/000412minutes.html](http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000412minutes.html)

<sup>41</sup> The committee did not take a position on whether eCornell should be a nonprofit or for-profit corporation, based on the committee's view that it lacked sufficient expertise on that issue.

<sup>42</sup> [http://web.cornell.edu/UniversityFaculty/FacSen/approved\\_minutes/1999-2000/000412minutes.html](http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000412minutes.html)

Science. President Rawlings and Provost Martin entered a written agreement, “*Principles of Cooperation and Consultation between the President and Faculty Senate*,” to engage in early consultation with the Faculty Senate on issues of concern to the faculty.<sup>43</sup> While these Principles were ratified by the Senate at its May 10, 2000 meeting, it is unclear whether this document is still active, as most current members of the Faculty Senate are not aware of its existence.

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<sup>43</sup> [http://web.cornell.edu/UniversityFaculty/FacSen/approved\\_minutes/1999-2000/000510minutes.html](http://web.cornell.edu/UniversityFaculty/FacSen/approved_minutes/1999-2000/000510minutes.html)  
<http://web.cornell.edu/UniversityFaculty/FacSen/Pres/FSCooperation.pdf>

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

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

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

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

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

### **Background**

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

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

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

### **Time line of actions by the Faculty Senate concerning NTTF**

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

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

December 2004      Discussion of final report of Committee on Non-Tenure-Track Faculty

March 2005      Resolutions:  
That the Provost and Board of Trustees create emeritus titles for Senior Lecturers, Senior Research Associates and Senior Extension Associates  
That the Provost and officers of Schools, Colleges and administrative units employing non-tenure-track faculty create professional development opportunities (specified as non-paid study leaves every ten years)

### **Follow-up on specific recommendations**

#### **a. Research titles: Research Scientist and Principal Research Scientist**

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

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

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

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

#### **c. Creation of professional development opportunities**

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

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

**Summary of where we stand now**

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

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

## **Resolution to Establish a Suspension Policy for Tenure Track Faculty**

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

- November 2001      **Senate Resolution to create a Task Force on Appeals and Grievance Procedures**
- This Task Force consisted of a subgroup of members of the Senate Committee on Academic Freedom and Professional Status of the Faculty (AFPS), as well as non-tenure-track faculty and graduate student representatives.
- During the next two years the committee met on a regular basis. It turned out that tracking current suspension procedures was difficult due to the presence of conflicting policies, a high degree of autonomy by deans within individual colleges for making the decision, and difficulty in getting accurate information about how often suspension had occurred, under what circumstances, and for what duration. The committee met twice during this period with different subsets of deans for the purpose of discussing initial draft reports and specifics of the current procedures. The committee also met with other individuals such as current and former deans of the faculty and the ombudsman.
- The committee early on decided to restrict its recommendations to tenure track faculty.
- March 2004      **Senate: Initial discussion of the Suspension policy, brought by the AFPS**
- April 2004      **Report to the Faculty Senate from the Chair of the Task Force**  
The Dean of the faculty said he had discussed the policy with the President and the Provost, and the deans had some reservations; the deans formed a group to meet with the AFPS.
- May 2004      **Announcement that the Suspension Policy would be reported on again in the fall.**  
However, there was no further discussion of the Suspension Policy by the Faculty Senate in the fall of 2004.
- May 2005      **Adoption of the Policy on Sanctions and Job-Related Misconduct (Suspension Policy)**  
The policy was brought to the Faculty Senate and passed.
- April 2006      **Senate: Update on the Suspension Policy**  
The Dean of the Faculty said that the policy had gone back to the deans, and then to the Provost where it now resided; it will then go back to the AFPS and then back to the Senate.

The issue of grounds for an “emergency suspension” became an area of some disagreement. Initially clinical faculty at the Veterinary College were not to be covered in the same way as other faculty of the University under the emergency suspension provision (specifically as it related to their clinical duties). This issue was resolved within the Veterinary College following the bringing of a resolution by the General Committee and a vote by faculty at the Veterinary College affirming their desire to be covered under the University’s emergency suspension procedure in the same way as other university faculty.

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

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

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

## **Redbud Woods**

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

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

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