

**Excerpt from: MINUTES OF A MEETING OF THE FACULTY SENATE
Wednesday, December 11, 1996**

3. RESOLUTION RE WARD LAB

Assistant Professor Joseph Yavitt, Natural Resources: "I am the chairman of the Committee on Academic Programs and Policies (CAPP). I am not representing the Ward Lab; there are other people here who represent that. I am simply reporting to the faculty on this motion and will lead the discussion of it. What I'm going to do is to read the motion, and I want to provide a bit of history about this motion, especially what led us to include this last statement, which I expect might incite a bit of discussion. After my brief comments, I'll open up the floor for discussion.

WHEREAS, the disbanding of the Program of Nuclear Science and Engineering by the Engineering College leaves the PROGRAM'S TRIGA Mark II nuclear reactor and gamma cell housed in Ward Laboratory without an administrative home in Cornell, and

WHEREAS, the Ward Laboratory Advisory Board, a faculty committee appointed by the Dean of Engineering and the Vice President for Research and Advanced Studies, found that the analytical facilities in Ward Laboratory provide a diverse array of services to the Cornell community and beyond, and

WHEREAS, an explicit goal of the Ward Laboratory Advisory Board is to put the Ward facility on firm financial footing, which would best be carried out as a reorganized Ward Center for Nuclear Sciences, administered through the Office of the Vice President for Research and Advanced Studies, and

WHEREAS, the Committee on Academic Programs and Policies has reviewed the framework for the reorganization,

THEREFORE BE IT RESOLVED, that the Faculty Senate recommends that Cornell operate the nuclear reactor, gamma cell, and associated analytical facilities in Ward Laboratory as the Ward Center for Nuclear Sciences, GIVEN the stipulation that within three years the Center becomes financially self sufficient without using General Purpose funding from Cornell apart from funds specifically appropriated by College Deans.

"This motion came to CAPP as an executive summary from the Ward Laboratory Advisory Board, and we were quite unclear, as to what exactly was entailed in this executive summary. This was several meetings ago of our committee. We had to get more information. We invited several other people to come in to explain what this meant to us. We were not aware, at that time, that the Program of Nuclear Sciences and Engineering had been disbanded. It was an oversight, but we simply did not know that. Thus we learned that the reactor was left without an administrative home. Apparently there was a question at that time about whether the reactor should be de-commissioned. This is an expensive proposition and it would essentially put the reactor out of business forever. We learned that. The Dean of the College, John Hopcroft, and Vice President Scott then organized a faculty committee of users of the Ward Lab, the Ward Laboratory Advisory Board, to determine the fate of that facility. One option was de-commission and another option was to continue running it. That Advisory Board recommended keeping the facility alive as a University Center. This would allow the Center to hire a new director, but would mean that the University would absorb some of the costs of running the reactor that the College of Engineering had previously been responsible for. We had a long discussion that we believed that this set a

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dangerous precedent, to transfer facilities from Colleges to the University. We, through our discussions, came up with this stipulation. If that were to happen, let the College Deans be responsible for appropriating the funds for that, if faculty in their colleges are using the facility. In other words, the power would still lie with the College Deans for funding. We recognize the way our statement is written it may sound like the Deans have to apply for those funds on a year to year basis, to the Vice President, and that's not really what we intended to say. The motion, as written, is that the College Deans are responsible for that power. That is the brief history. I'd like to open it up for discussion."

Professor Frank C. Keil, William R. Kenan Jr. Professor of Psychology: "I guess I don't understand the point of this. Are we being asked to evaluate the merits of the Ward Lab, which I really don't think we should be doing? And if not, I wonder what broad principle we are being asked to address—whether the central administration can be in charge of this unit for how long? It seems to me unclear."

Professor Yavitt: "We were equally unclear. This is a faculty governance issue."

Professor John Abowd, ILR: "As I understand it, you can't create the thing without the approval of the Faculty Senate."

Professor Yavitt: "That's right. You can't create a Center without the approval of the Faculty Senate."

Professor Keil: "But how can we possible create the Center, in any informed way, without the faculty giving some evaluation?"

Professor Yavitt: "That's what our job in CAPP is—to read the entire proposal by the Ward Laboratory Advisory Committee. They put together a proposal, we got a copy of it, we read it, we contemplated it, as faculty we evaluated it, and we felt that it had sufficient merit to be retained as a Center, given the stipulation that it was not in perpetuity to be funded by the University."

Professor Keil: "Have experts in the academic area evaluated it, like a review?"

Professor Yavitt: "I can't answer that."

Assistant Professor Carlo D. Montemagno, Agricultural and Biological Engineering: "I'm on the same committee as Joe. The packet was given to the committee with the understanding that all we had to do was decide whether or not we wanted to make it into a Center or not. It existed already, but they just wanted to put the name in front of it and call it a Center. We looked at what was really required to make it a Center, and the criteria is that it has to have a significant academic component. It just can't be an instrument to be a Center. We also looked at what was going on, what was associated with this whole process, and our initial decision was that the documentation that was given to us did not warrant it to be a Center. Based on the documentation, we decided that it was best to talk to other people. We talked to Norm Scott, personally, when he came to address the committee. We talked to John Hopcroft, and we talked to principal members of the Advisory Board. At the end of this, we decided that there is strong

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potential for it to have a strong academic component. It does not exist yet. The members of the Advisory Board outlined a plan which integrated it and made it into an academic enterprise—more than just being a user facility. For that reason, we decided that it was worth giving it a shot to become a vital center. At the same time, we felt that this center would be highly specialized, and, as such, it should be independent. It wasn't something that we felt that the cost of operating it should go to the whole University. It should go to the people who use it, just like the people in the Center for the Environment or the other self-sufficient organizations (or at least supposed to be self-sufficient). They had a plan, which was that by the end of the three years they would be fiscally self-sufficient and would not rely on any University funds. Given this plan, we felt that there was no real loss allowing this to proceed. However, we also felt that there was a risk in that we set a dangerous precedent, where, if we had an expensive piece of equipment which had a small user base, and we created a Center, with full support of the Senate, that people would say, 'Oh, the Senate supports it, so the University should keep on funding it.' And for that reason, we elected to include the disclaimer that at the end of three years, it comes back to the Senate. That is the crux. They have a plan to make it into an integrated program. It is a unique facility—it is something you can't replace if you decide to shut it down. There is already funding in place to keep it running for three years, so by making a Center with this stipulation, we are giving it a shot to be a vital concern. If we say no, I believe we cut it off prematurely."

Associate Professor Valley J. Stewart, Microbiology: "It seems to me that the issue of the Ward Reactor must have been raised in the College of Engineering process to dissolve this program. It looks to me like the College of Engineering has decided not to continue supporting this facility. I am uncomfortable with the idea that the Faculty Senate is asked to step in here. I would like to learn more about what the College of Engineering thinks about this, and why they no longer support this facility."

Professor Montemagno: "Dean Hopcroft, when he evaluated it, said the following, which I will paraphrase and hope that I don't get anything wrong. They did the evaluation and decided that Nuclear Engineering was not going to be a major thrust of the College of Engineering in the twenty-first century. Based on that, he decided to disband the Nuclear Engineering Program and to shut down the Ward Reactor. But, the Ward Reactor has a broader base. People in Geology use it, people in SCAS use it—there is a broad base of users outside of the College of Engineering, and these users, up until now, have not contributed to the operating costs of it. There are many users outside of Nuclear Engineering, outside of the College of Engineering, who use the facility, so these users expressed dismay that this facility, which was integral to some of their research, was being shut down. For that reason, John took the issue to Norm Scott, as the Vice President for Research, and said, 'This should really be a University facility if you want to keep it alive. The base for a user facility rests throughout the University, not just in the College of Engineering.'"

Professor Gordon Teskey, English: "Do we have a response of any kind from the College Deans? Have they said anything about their willingness to carry this on?"

Professor Yavitt: "That would be difficult to obtain at this time. It would be asking them to commit for three years down the line. Our belief is that no Dean would say

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that three years down the line he would throw money into it. The point is that there are users, and that if those users were sufficiently productive, the Dean would step behind them and be willing to commit some money when that time comes. You are caught in a difficult position. How do you secure that funding for periods of time without having to go piecemeal, year by year, to grovel for the money, and that's not the issue that we wanted to deal with here. We put this statement in here to put the focus on the Deans for the commitment."

Professor Seymour Smidt, Nicholas H. Noyes Professor of Economics and Finance: "I'd like to hear some more about the de-commissioning costs. You mentioned that it was inappropriate for the University to be responsible for the running costs of the Center, but the running costs of a nuclear facility, to my understanding—and I'm not an engineer, but I've done some work in this area—would be a small proportion to the de-commissioning costs. Maybe, if it were a thousand dollars to run it, it would be ten to fifteen thousand dollars to shut it down. A dean might look at this and say, 'It isn't worth a thousand dollars, but I don't want to have to spend fifteen thousand dollars to shut it down, so let's keep the thing going.' This is an important issue, to make sure that decisions are made in a decent way. The University's ordinary budgeting system doesn't provide any very good way for administrative officers below Day Hall level, to look across more than one year."

Professor Montemagno: "The funding for closing the reactor is set aside as part of its licensing agreement. There is already two million dollars plus. I'm not sure of the exact amount, but it is already set aside. This issue is already taken care of, so the question is whether or not we want to keep it going. It is something that we really want to try to do. We want to let this facility be operational to give it a chance to become a full-blown user facility that is integrated into many academic departments. John Hopcroft committed two hundred thousand dollars a year for three years to keep it going. So, he put himself behind it, to give it the seed money to allow the transition to occur. It is the responsibility of the people who will run this facility, who will benefit from this facility, to, after three years, come up with the two hundred thousand dollars a year necessary to keep it going."

Professor Charles Walcott, Neurobiology and Behavior: "Isn't it customary, when establishing a Center to have a slate of faculty who are responsible for this in some fashion? Who, really, in terms of faculty, are behind this thing? I'm eager to see that."

Professor Robert Kay, Geological Sciences: "There is an Advisory Board of ten faculty members and an Executive Committee of that Advisory Board. Those are the faculty members who are in charge of looking after that facility. There is a report of February of this year that outlines that in some detail, and we'd be happy to answer questions about that. So, there's been some work done on that."

Professor Keil: "Does it make sense not to call it a Center until it proves itself more viable? Could we give it transitional status for a few years until it shows that it is viable? It doesn't need the label—can't it go under the auspices of the Provost's office or Norm Scott's office?"

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Professor Yavitt: "That was one of the first issues that came up. We discussed that at length—what are the criteria for a center? We found out that they are fairly loose. We got off the subject, frankly, about what are the roles of Centers at the University and where they get funded and we strayed too far away from the Ward Lab. The Advisory Board specifically wants it labeled a 'Center', and their reasoning for that, I think, is that it allows them to hire the strongest possible director that they can. They've got to go out now and hire a director who is going to take command and forge and move this on for several years, and if it had one or two years of funding, and looked like it was going to go out, how would you ever be able to hire a strong director? It is a non-faculty position. The director will be a non-faculty position, but as a Center it gives it some weight in the University and some permanence in the University."

Professor Montemagno: "Note also that it doesn't say that at the end of three years it is no longer a Center. What it says is that at the end of three years the Senate is going to look at what is going on if it requires external funding. It may be that at the end of three years they have enough money to provide two-thirds of the operating costs, and they are making sufficient progress. It just provides a review."

Professor Teskey: "You sort of mentioned that as a Center it is an academically viable institution, but it sounds like, from what you said, that there is a variety of kinds of research that goes on there. Is it the sort of facility that would also attract people to the University? That is sort of what 'Center' means. Would graduate students want to come to work there? Is it that sort of facility? Or is it just for the work of the people who have projects here now and useful for teaching?"

Professor Emeritus Donald Holcomb, Physics: "I was part of the Executive Committee of the Advisory Board. I have a few comments, stimulated by the question there, that might be useful in understanding what kind of an animal we are talking about. This has been thrown on many people here in the Senate without being really aware of what we are talking about.

"It is an unusual history. As I hope has become clear, it was operated under the umbrella of the College of Engineering since its beginning. In fact, it turns out that most of the people using it, not all, but a substantial fraction, are simply spread around the University in different colleges. These are faculty and graduate students who use the laboratory facilities as an important part of their research and Ph.D. work. These are undergraduates who do undergraduate research projects there, and includes a directed, occasional function. There are several courses, including one that I was involved in, where we took the two hundred students who were taking the course through a kind of a demonstration/lab experiment through the facility, running them through ten students at a time. It has a very strong academic component now. The thing that is unusual is that there are only a couple of faculty whose central professional interests lie in the laboratory. There is a category of Faculty Associate which is put forward in the Charter to take care of such people as Professor David Clark, who has been the director for many years, remains professionally interested in his own research that goes on in the lab, and one or two other people. It is a little bit unusual in the sense that it ended up on the street as an orphan to find its right place in the University, and the Center seemed to us on the Committee to be the natural umbrella. It is a little different than some other Centers, but if you go down through the list of Centers in the

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University, you'll find that, in fact, every one is different from the rest of them. It has a strong academic component. It does not have a nucleus of faculty. So, if your question is whether it would bring faculty from other universities here to be professors of whatever it might be, connected with Ward Lab, the answer is, 'No.' It has a different role. It is a strong supportive entity for graduate student research, undergraduate research, and courses, but it is just different.

"I would like to propose the following amendment to the motion which would replace the last clause beginning 'GIVEN the stipulation...':"

THIS RESOLUTION is subject to the stipulations that

(a) a third-year review of the new Center's activities be carried out during the 1998-99 fiscal year to determine whether it is meeting the goals set forth in the February 20, 1996 report of the Executive Committee of the Ward Lab Advisory Board, and

(b) that any funding for the Center subsequent to July 1999 from the General Purpose Budget be drawn from then-existing appropriations of the several Colleges from which come the faculty and student users of the Center, by agreement with the relevant Deans.

The motion was seconded.

Professor Holcomb: "This amendment is not intended to alter the purpose that, I believe, CAPP intended with this stipulation. It is an attempt to put what I think is better wording for the specific clause that is given there, plus to introduce a specific allusion to a review committee. It was certainly the intent of the Executive Committee of the Advisory Board, who gathered the report, that the Center be evaluated, to see whether it is a viable enterprise. We believe it will be. My amendment includes a specific reference to a review committee at the end of three years. Coming out of the operations of that review committee, one would then presume to make a decision on whether it was doing its work as proposed. The wording here is a little bit different than that. The word 'self-sufficient' you need to be very careful about. I know of no Center or other academic enterprise in this institution which is completely 'self-sufficient', in the sense of an enterprise unit covering all of its expenses. So, in my amendment, the word 'self-sufficient' is missing. On the other hand, I think that it is a more explicit version of the last couple of lines. It is an attempt not to alter the intent of the given clause, but to clarify it.

"One last comment. My experience is that attempts by the faculty to write resolutions to control the financial actions in Day Hall are not good things. I suspect that we might suffer some of the same fate here, but I think that intent is to express the understanding of the Senate on this issue."

Discussion on the amendment was called.

Professor Montemagno: "As a member of the Committee, I can't speak for everyone, but I speak for myself when I say that Don is more eloquent than any of us were, I will offer my support to the amendment."

It was moved to vote on the amendment and the motion passed.

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Further discussion on the main motion was called.

Professor James Burlitch, Chemistry: "I am a member of the Executive Committee and I just wanted to amplify some of Don's comments about the users. As part of the process for developing a plan for Ward Laboratory, we took a survey of all the people we could possibly think of who used or would use, possibly, that facility. I just want to give you a flavor of the extent, over this university, of the potential users. In the middle, particularly, is a list of the departments and colleges. People characterized their potential uses as 'important' or 'very important' and include areas from Textiles to Entomology to Soil/Crops, Geology, and many others. In addition to all these users in-house, what wasn't mentioned, perhaps, was that there are many external users—industries—who use the facility, for example, to calibrate instruments that measure nuclear radioactivity. So, they are, of course, providing some financial support as well. One further point, in terms of attracting people—you may have heard of a medical treatment for some kinds of brain tumors called Boron Neutron Capture Therapy. The idea is to take a compound that may be injected or somehow attached to the tumor, and somehow irradiate that tumor. Because the Boron has a very high cross-section for the absorption of neutrons, that area specifically gets a lot of radiation and so the tumor is destroyed and not the surrounding tissue. Well, there is some indication from the Vet School that this might be a useful thing to institute in the Vet College to use in attracting a person to work in that area. Having the facility would be crucial in attracting someone in that area."

Professor Yavitt: "As the author of the 'GIVEN' clause, I am not offended by the amendment. I think that the amendment captures the spirit of what we were trying to say—to tie the Center into the University review process, and, as it sets off, to continue to be a facility, but with faculty control and something to say about it."

Professor Paul P. Feeny, Ecology and Systematics: "I am wondering if anyone could comment on the Dean of Engineering's decision to shut down the reactor. Was that just a capricious decision by a Dean who has priorities? Or does it reflect the general opinion that, well into the next century, nuclear engineering is something that we're never going to want again as part of the Engineering College."

Speaker: "I recognize that anyone's response to that would be their interpretation, but is there somebody who can address that? I think earlier there were comments made regarding that."

Professor Kay: "Am I correct that you said that he shut down the reactor?"

Professor Feeny: "I meant to say that he shut down the program."

Professor Montemagno: "I think that you have to make a distinction between using a nuclear reactor as a research tool versus studying nuclear engineering. I think that that is where the distinction lies. I believe that John Hopcroft made a management decision that there were other areas that would be more fruitful for the College of Engineering to pursue in study than nuclear engineering. He elected, at that time, not to allocate any more funds towards nuclear engineering. The Ward Laboratory is using a nuclear

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reactor as a research tool, and not using it for the study of nuclear engineering, per se. There might be some people who are working in that area, but principally, the reactor will be a tool for other investigations."

Professor Frederick M. Ahl, Classics: "I am somewhat at a loss as to how we in the Senate can responsibly support this resolution, simply because we have very little in the way of hard facts in front of us, about the amount of money that is going to be involved, or about the faculty involvement. For example, Professor Coleman from my department uses the Center. While this is true, as far as I can imagine, it is only a tiny proportion of the work he is doing. Perhaps it would be interesting to talk to the people in more detail. We're looking at an enormously expensive project, and as the previous speaker noted, we've got the determination of the Engineering College to jettison it and leave it in some nonexistent collective flat. I can't see how, since we have no budgetary control of the university, and so have little sense of what the financial impact of this is going to be, how we can advocate this resolution at the present time. I am not trying to be a humanist philistine against scientific progress and study, but it is a very difficult question to be asked to support given the kind of information that we've been provided."

Professor David Wilson, Biochemistry, Molecular and Cell Biology: "We never have the expertise or the knowledge to evaluate the merits of something—that's done by other people, who, in fact, in the administration, or in this case, the administration and one of our own committees, makes a recommendation. They have said that they recommend that this Center be given a three year chance to see whether it can be viable and continue in the future. It seems to me that we've done this many times in the past. I know that I've voted for Centers and previous things that I am hopeful that the people who have brought this to us have done their job. I don't see why we should deny a number of our colleagues the opportunity to continue their research through a program that has been here for a long time and that has to be here for some people to function. The Dean of Engineering, as I understand it, has, in fact, put up the funding to continue this for another three years, so there is not that much risk, either in principle or in practice. To me it is very reasonable that a Dean would say, 'This is a program I don't want. I don't want to train more nuclear engineers because we haven't built a nuclear plant in this country for fifteen years,' or something like that, and yet the equipment and the research being done with it, might be very valuable for the University as a whole."

The Speaker asked if there was an objection to the question being called and there was.

Professor Ahl: "I would just like to come back to the comment of the previous speaker. I suppose what is bothering me most in the resolution as now amended, is that funding be drawn from the then existing appropriations of colleges. Where are the Deans going to get the money from? Existing appropriations for what purpose? Will the relevant Deans be able to say, 'We need x dollars in order to keep this Center going and therefore we will take it from other areas of the College budget.' I am concerned about the specificity of the amendment, which makes it much easier, thinking back on this, than the motion before amendment, because there is a sense there, in which we are making a good part of the resolution as amended a statement to the relevant Deans that if they make the decision that they want to support the Ward Lab, that they are entitled to look within the range of their given allocations and expect money from that

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taken from other programs. Perhaps no one else shares this anxiety of mine, but I wanted to express it anyway."

Professor Elizabeth D. Earle, Plant Breeding and Biometry: "Did I hear correctly that one of the strong arguments for designating the reactor a Center was that this would make it easier to recruit a strong director, because a Center is a more permanent enterprise? If so, how does that relate to the stipulation for a three-year review, which might, perhaps, cut off funding for the Center?"

Professor Kay: "From the Executive Summary, from Point 4, I will briefly read: 'There are reasonable expectations that aggressive and opportunistic management will result in increased revenues and decreased costs over a four-year phasing period,' which means that we looked at a three-year budget projection and we made an argument for increased revenues and decreased costs and this argument was bought by the Dean of Engineering and the Vice President for Research, at which point the administration was transferred to Norm Scott at this time. So, we did a budget job, as much as one could."

Professor Keil: "One thing that confuses me. There are a number of Deans who oversee Centers in which only a few of their faculty are involved, because they think it is a good idea and the money comes in. I can't believe that Hopcroft signed off on this because he believed that this wouldn't be a growing concern in a few years. Why would he not want to continue to have this Center in his holding if it were to be a vibrant Center, a resource to the University, another thing, another feather in his cap? Is part of what is going on that he doesn't think that it is going to work out, that he doesn't think that it is going to make it in three years? That is what concerns me."

Speaker: "Okay. We're starting to get a lot of people with their hands up. Are there any new comments on that?"

Associate Professor Alan K. McAdams, Johnson Graduate School of Management: "I've heard some interesting numbers. One number is two million dollars, sitting in the bank, earning interest, ready to shut the thing down. If you take the standard rule of thumb, that the interest rate is likely to be ten percent of what the earnings are, you have two hundred thousand dollars. I've heard that it takes two hundred thousand dollars a year to run the thing, so it seems to me that if the shut-down funds are generating enough funds to run it...We do have to take care of inflation, but if the Deans take care of inflation, it seems to me that this thing should be able to run into perpetuity."

The question was called and seconded, and the body voted to cease debate.

The vote was taken and the resolution as amended was adopted as follows:

WHEREAS, the disbanding of the Program of Nuclear Science and Engineering by the Engineering College leaves the Program's TRIGA Mark II nuclear reactor and gamma cell housed in Ward Laboratory without an administrative home in Cornell, and

WHEREAS, the Ward Laboratory Advisory Board, a faculty committee appointed by the Dean of Engineering and the Vice President for Research and Advanced Studies, found that the

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analytical facilities in Ward Laboratory provide a diverse array of services to the Cornell community and beyond, and

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WHEREAS, the Committee on Academic Programs and Policies has reviewed the framework for the reorganization,

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Speaker: "The next item on the agenda is a resolution amending the Code of Academic Integrity from the Educational Policy Committee. Peter Schwartz—"