

**MINUTES OF A MEETING OF THE FACULTY SENATE**  
**Wednesday, February 12, 2003**

Professor Howard Howland, Neurobiology and Behavior and Speaker: "Since we do not have a quorum yet we will adjust the agenda order unless you have any objections. If not, by unanimous consent, I will move to the second page of the agenda. However I think we can do one thing. Unfortunately, I think illness has taken a toll. Provost Martin is ill and cannot be here today. We have the tape recorder running, so if anyone would like to make some comments into the record, which the Provost will read, you are welcome to do so. It's not time to take advantage of the fact that she's not in the room. It's perfectly reasonable to bring things of concern to her attention. Does anybody wish to say anything into the record to the Provost?"

Unknown: "We hope she gets well soon."

Speaker Howland: "Evidently, nobody has that great urge, so I think we should pass to the item scheduled for 5:25 p.m. I'll call now on Professor Jennifer Gerner, Chair of the Committee on Academic Programs and Policies for a closure report on the College of Architecture, Art and Planning."

**1. CLOSURE REPORT ON COLLEGE OF ARCHITECTURE, ART AND PLANNING REALIGNMENT REVIEW**

Professor Jennifer Gerner, Policy Analysis and Management and Chair of Committee on Academic Programs and Policies: "I think that this was actually sent out. The Committee on Academic Programs and Policies spent most of the fall working with, talking to and doing a variety of investigations with the College of Architecture, Art and Planning and ultimately, just before Christmas, the Provost met with the College and announced that the College would stay together and that there would be a series of committees appointed to look at governance and curriculum matters. The Committee on Academic Programs and Policies thinks we don't really have anything further to recommend at this time. If there are questions, Porus is here to answer some."

***CAPP Report to the Faculty Senate Concerning AAP***  
***January 2003***

*Just before Christmas Provost Martin and Vice Provost Cohen met with the members of the Faculty of the College of Architecture, Art, and Planning to respond to the AAP Realignment Committee report of Dec. 3. At that meeting the Provost announced that the College of Architecture, Art, and Planning*

*would not be disbanded nor would specific departments be dissolved nor made into independent Schools. However, there will be a faculty committee appointed, with faculty from both inside and outside the College, charged with developing a strategic intellectual plan for the College. There will also be a faculty committee, also with members from both inside and outside the College, charged with developing proposals for shared curricular requirements and/or joint course offerings. This decision appears to remove the need for Senate action at this time.*

Speaker Howland: "Questions for Professor Gerner?"

Professor Joseph Laquatra, Design and Environmental Analysis: "What are the follow-up plans when the committees do their work? Are they going to report and then be reviewed again?"

Professor Gerner: "Do you know the answer to that, Porus?"

Professor Porus Olpadwala, Dean, College of Architecture, Art and Planning: "Somewhat. There are two committees. The one on specific directions will be reporting to the Provost. The one on curriculum will be reporting to Vice Provost Walter Cohen and myself. There will be developments, but I'm afraid I don't know in which direction they will go. I don't think that the direction of attempting to dismantle the College again is one of the directions that will be pursued, unless everything comes unraveled."

Speaker Howland: "Further questions? Apparently not. Thank you very much, Professor Gerner. We now have a quorum. We will begin the meeting. I would like to remind everybody that no photos or tape recorders allowed during the meeting. I ask you to identify yourselves and the department you are in when you speak. Please turn off your cell phones, if they are turned on. I will also tell you that there are three Good and Welfare speakers who will speak for approximately three minutes apiece. So we have taken care of the first item. I've told everybody that Provost Martin is ill. We will go now to Dean Cooke for remarks."

## **2. REMARKS BY DEAN J. ROBERT COOKE.**

Professor J. Robert Cooke, Dean of the University Faculty: "My report is very brief. I want to report that we have put in place two committees and want you to be aware of it in case you want to communicate with them. This is a committee to look at the status of non-tenure track faculty. Here are the members.

Committee on the Status of Non-tenure-track Faculty

Lynne Abel  
Nancy Burton-Wurster  
Stuart Davis, A&S  
Don Holcomb, *Co-chair*  
Mary Opperman  
Don Rutz  
Norm Scott, *Co-Chair*  
Steve Shiffrin  
Susan Steward  
Maria Terrell  
Pamela Tolbert  
Linda Van Buskirk

There are two co-chairs and the expectation is that they will give us some reports during this semester. The second committee is the Task Force on Suspension Policies and Procedures.

**Task Force on Suspension Policies and Procedures**

A Subcommittee of the Committee on Academic Freedom and Professional Status of the Faculty

Members of AFPS:

- Jonathan Ochshorn, Chair of AFPS & this subcommittee
- Nelly Farnum
- Shahar Ziv, Student-Undergrad
- Shaffique Adam, Student-Grad

Others:

- Joe Calvo, Molecular Biology and Genetics
- W. Donald Cooke, Emeritus
- Cynthia Farina, Law
- Martha Fineman Law
- Melissa Hines, Chemistry
- Rick Johnson ECE
- Mary Opperman HR

Consultants:

- Faust Rossi, Law
- Michael Gold, ILR
- Susan Steward, Academic Personnel Office
- Walter Lynn, University Ombudsman

The *Faculty Handbook* has a large number of due process procedures for tenure-track faculty. Much to my dismay, the record is vacuous on the issue of suspension of tenure-track faculty, including suspension without pay. I'm forming this committee; it will be treated as a sub-committee of the Academic Freedom and Professional Status Committee but supplemented with some additional people, the University Ombudsman and someone from the Law School, as well as two students. I asked them to examine the procedures that are here for dismissal and to see which ones should be transferred over to cover the case of suspension and bring back some recommendations for you to hear. I wanted you to know that it was in process, but I confess that it was something of a surprise to find that the legislative record is empty.

"There is a "Meet the Candidates" Faculty Forum a week from today in this room, and in a moment I will give you the slate, but I want you to make note and urge you to attend and take this opportunity to meet with the candidates. It's a week from today at 4:30 p.m."

Speaker Howland: "Thank you, Dean Cooke. I would like now to call for approval of the minutes of the Faculty Senate Meeting on November 13, 2002. Are there any corrections, additions, or changes? I ask for unanimous consent. Hearing no objections, the minutes are approved. I would like to call now on Associate Dean and Secretary, Charles Walcott for a Nominations and Elections Committee report."

### **3. REPORT FROM THE NOMINATIONS AND ELECTIONS COMMITTEE**

Professor Charles Walcott, Associate Dean and Secretary of the University Faculty: "Here is my report from the Nominations and Elections Committee, and I ask for your unanimous approval."

#### **Report from Nominations & Elections Committee February 12, 2003**

Faculty Advisory Committee on Athletics and Physical Education  
Francis Kallfelz, Vet.

Faculty Committee on Program Review  
Thomas Dyckman, JGSM  
Thomas Kern, Vet.  
James Liebherr, CALS  
H. Christian Wien, CALS  
Joanne Fortune, Vet., Chair

Financial Policies Committee

R. Laurence Moore, A&S

Nominations and Elections Committee (spring)

Ileen DeVault, ILR

John Hopcroft, Engr.

Geoffrey Sharp, Vet.

Public Safety Advisory Committee

Paul Bowser, Vet.

University-ROTC Relationships Committee (spring)

Peter Loucks, Engr.

University Assembly

Jonathan Macey, Law

Unknown: "So moved."

Speaker Howland: "Thank you. No objections? You have unanimous approval. I would like now to call on Dean Cooke to present the slate of candidates for the Dean of the Faculty."

**4. SLATE OF CANDIDATES FOR DEAN OF FACULTY |**

Dean Cooke: "On behalf of the Nominations and Elections Committee, which prepared this slate for your approval, I ask unanimous consent of this slate so the balloting can begin."

**SLATE OF CANDIDATES**

Dean of Faculty

(Term: July 1, 2003 – June 30, 2006)

Terrence L. Fine, Professor, Electrical & Computer Engineering, College of Engineering

Danuta R. Shanzer, Professor, Classics, College of Arts and Sciences

Charles Walcott, Professor, Neurobiology & Behavior, College of Agriculture and Life Sciences

Speaker Howland: "Any objections or additions to the slate? Good. You have unanimous approval. I would like now to call on Professor and Associate Dean,

Jennifer Gerner, Chair of the Committee on Academic Programs and Policies for a resolution to recommend approval of the Cornell Johnson School/Queen's EMBA Program. She is going to ask for unanimous consent to fix the name of the program, and immediately after the presentation, we will have an amendment. I'll call on Professor Steven Shiffrin for that amendment."

## **5. RESOLUTION TO RECOMMEND APPROVAL OF THE CORNELL JOHNSON SCHOOL/QUEEN'S EMBA PROGRAM**

Professor Gerner: "This is the resolution that you received with the modification that it should read 'Whereas the Johnson Graduate School of Management' not 'Business'. It was brought to our attention that we had written business not management, but other than that, it is the same resolution that you got.

### **Resolution to Recommend Approval of the Cornell Johnson School/Queen's EMBA Program**

Whereas the Johnson Graduate School of Management has a well developed proposal for the Cornell Johnson School/Queen's EMBA Program.

Be It Resolved that the Faculty Senate recommend approval to the Board of Trustees for JGSM to proceed with the introduction of the distance degree program "Cornell Johnson School/Queen's EMBA Program" as an experiment, while reserving the right to establish standards and guidelines for other degree granting graduate and undergraduate programs offered using distance technologies of various sorts. The Faculty Senate requests a progress report at the end of the first year of operation.

Further Be It Resolved that the Faculty Senate establishes an ad hoc committee to establish standards and guidelines for other degree granting graduate and undergraduate programs offered using distance technologies of various sorts.

CAPP  
2/4/03

"The Committee on Academic Programs and Policies has been in discussions with the Johnson Graduate School of Management about their Cornell/Queen's EMBA program during the fall. We met with them several times and talked

them about what their plans were. They have a proposal (Appendix 1), which I think was sent out to all of you, and there are some additional copies available. Our resolution is to approve this program, but also to ask the Faculty Senate to establish an ad hoc committee to establish standards and guidelines for other degree-granting graduate and undergraduate programs offered using distance technology of various sorts. One of the things that we realized in the committee is that this is a fairly large issue that we haven't really fully explored. While we think it's OK to do some experimentation, and this program is an example of one that might be viewed that way, on the other hand it would be valuable to think through at least what the issues are in distance education and in granting credit for distance delivered courses and perhaps establish some criteria that one might want to use. So we are also asking that the Senate do that."

Speaker Howland: "Would you go over what change was made in the wording?"

Professor Gerner: "'Whereas the Johnson Graduate School of Management' as opposed to 'Business'."

Speaker Howland: "Right. So we have unanimous consent for that change? Hearing no objection, we do. Thank you very much. I would like now to call on Professor Steven Shiffrin, Law and member of the University Faculty Committee for an amendment to delete three words."

Professor Alan McAdams, Johnson School: "Mr. Speaker?"

Speaker Howland: "Yes."

Professor McAdams: "Point of order. I think that the discussion of the amendment would be greatly informed if people knew what the proposal is before they vote on the amendment, because the amendment will affect the delivery of the program. The program is intended to be an experiment; it would report back and so forth, so in internal discussions we hope that . . ."

Speaker Howland: "Your point of order is that we should not go forward? Is that right?"

Professor McAdams: "With this particular amendment now but later. Present the case and then discuss the amendment."

Professor Shiffrin: "As one of the authors of the amendment, I have no objection to proceeding in that fashion."

Speaker Howland: "We will call on Professor Thomas to present the case."

Speaker Howland: "I think I will just in fairness put this up, particularly since it's in larger type. If you look very carefully you will see the three words— other, offered and other— which the amendment proposes."

**Amended Resolution** Proposed by Steve Shiffrin, Professor, Law and UFC member and Vicki Meyers-Wallen, Associate Professor, Biomedical Sciences and UFC member 2/4/03

Strikethrough – deleting 3 words

Whereas the Johnson Graduate School of Management has a well developed proposal for the Cornell Johnson School/Queen's EMBA Program.

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Further Be It Resolved that the Faculty Senate establishes an ad hoc committee to establish standards and guidelines for ~~other~~ degree granting graduate and undergraduate programs offered using distance technologies of various sorts.

Professor L. Joseph Thomas, Johnson Graduate School of Management: "I'm Joe Thomas. I have recently been demoted to Associate Dean in the Business School from Professor, and I'm the Associate Dean of Academic Affairs. Mike Hostetler is with me; he is the Associate Dean of Executive Education, by which we mean non-degree programs. The Executive MBA Program that we currently have reports through me as the Associate Dean of Academic Affairs. I would like to talk for just a couple of minutes and give some information on the process, key program features and concluding comments.

"First, process. As Professor Gerner said, we have worked with CAPP for a long time. We did initial steps going back as far as 2001, forming the committee and talking with our school. Inside the Johnson School we had discussion in March 2002, basically a year ago, and a vote in June. We had several meetings with the



University Senate CAPP Committee, Jennifer Gerner, Rosemary Avery, Bob Cooke and several other CAPP members. We met with some Cornell Trustees. Peter Meinig was around seeing several of your colleges, in fact, and he put us in touch with Bob Blakely and Irene Rosenfeld. We met with the University Counsel, Johnson School Policy Committee, Johnson School Long-Range Planning and had final Johnson School approval in December of 2002, thirty-five to five. We worked with CAPP regarding the motion.

“Now, about the program itself. Very importantly this distance-learning program is a synchronous program. That’s the reason we like to do it. People are in other locations, but we are talking with them. It’s a technology that allows groups of six or eight people in six or eight locations to constitute the class. I think that we can run a very high quality program this way. Queen’s already does. They are an excellent university with a high quality business school, and they have eight years of delivering this program very effectively, drawing high-quality students.

“The details of curriculum and some other things are in the proposal, but the key is that they will have the same requirements as our current EMBA Program, which we run in Palisades, New York. It has the same number of hours in class, the same requirements, same graduation requirements, academic standards and so on. Cornell has veto power over all of these; so does Queen’s, by the way. The idea is that we both have veto power, and only when a student is accepted or given grades by both schools does that person get a degree.

“A couple of other key program features – we will, inside the United States, advertise it as a Cornell program in association with Queen’s, written small. We intend to have a joint committee that will evaluate syllabi, a joint committee to look at academic issues and have faculty teaching from both schools. We have a financial plan. We intend to fund the start-up cost and expect to break even.

“Program benefits – there are several reasons that we really want to do this. One is that we want to reach business audiences in other locations. Ithaca is not the center of the universe. We do that in many ways right now, but this we really see as a way to reach out to some other audiences that we can’t reach currently. We need to gain reputation among more practitioners. We work on that of course, but that’s one of the ways in which a business school generates a reputation for us and for the University. We want to use it to really learn how (it’s an experiment, as Jenny said) to engage remote audiences, because we see that this would be the way that we could have a joint class with students in China, for example. I’m sure many of your schools do, too. We must get a call a month from a Chinese university that would like to do something with us. We, of course, don’t want to do them all, but we would like to have the option of

reaching out to them. We also see this, after a couple years of start-up, as a way to generate funds that will allow us to hire some research faculty and support research inside the school. So it is not only a teaching program, it is intended to give us contacts and funds to support research.

“Concluding comments. What we want to do is develop an innovative, high-quality program. We want a very high-quality education. We have modified it based on lots of input from lots of people. We will appreciate any suggestions that you have, as well. The program is planned to start in summer of 2004. Lots of things have to happen between now and then, including approval by Queen’s Trustees, Cornell Trustees and New York State Board of Education and hiring directors. That’s one argument why we really would like approval today if possible. I was asked the question would the world end if we don’t get approval today? Of course not, but it is possible that it would extend it a year, even as far off as we are from the start of education. We are at the point where we may need to get things moving in order to keep that schedule.

“We hope to learn from this experience, and we look forward to reporting back to the Senate committee and improving the program as the motion says. The reason that I would prefer not to have ‘other’ is not again that the world would end. We certainly don’t mind working with any group; we enjoyed working with CAPP, but we would like to have some breathing room to have a couple of years in which this program develops. We have done a lot of thinking about it. It is not idle; it’s pretty well developed, and I think that we would like to have the motion approved the way that it is written. I would be glad to respond to questions, but, of course, first Steve ought to be allowed to make his motion.”

Speaker Howland: “Any questions right now?”

Professor Andrew Galloway, English: “I just have a particular question about the start-up period and the resources for faculty. I don’t know if it’s appropriate to ask a kind of detailed question about how you are going to manage that at this point. It sounds like a very important venture, but I’m curious about how the resources will come out of faculty before you have hired new faculty. It seems to me that in your opportunity costs you raise the possibility of adjunct faculty perhaps covering some of this, and you leave it open for yourselves quite appropriately. I’m just curious how your thinking is on that?”

Professor Thomas: “First, we do not intend to have adjunct faculty doing most of the teaching, but we currently, as do many other departments, use adjunct faculty in all of our programs—not the Ph.D. program actually, as far as I know—but other than that we do use some. Our intention would be to—first, we are hiring this year; we intend to hire next year. The program the first year

doesn't have that big a need for lots of people. We would intend to try to staff it the first year, where we would teach five courses with our current faculty, find a way to shift things around and then see that it's going and hire in that same year, so that as it gears up to teaching ten courses the next year when both classes are there and then we have hired to do that. Does that answer your question?"

Professor Galloway: "Yes, the ratio would be similar to the adjunct and tenure-track ratio that you more or less now have. It wouldn't be some different ratio."

Professor Thomas: "We don't have in mind a different ratio."

Professor Risa Lieberwitz, ILR: "Could you describe briefly the difference between the EMBA and the regular MBA?"

Professor Thomas: "The question is the difference between the EMBA and the MBA. The difference is not so much in the education. In fact, part of the way we sell our EMBA is that we tell them, 'You are going to get a Cornell MBA.' You are going to get the same faculty; you are going to get the same curriculum, except that the students are ten years older and have more experience, which is an advantage and a disadvantage, mostly an advantage for the sorts of things that we teach. We have to teach in concentrated form, instead of two classes a week and several classes, we have maybe ten classes a weekend. So that they have to do two weeks of work for two different classes. That is a difference. We try to make them as similar as we can."

Professor Lieberwitz: "So basically, they are both degree programs and your position is that they are as rigorous as any degree program."

Professor Thomas: "Yes, we try to do that. By the way, I am glad no tape recorders are on, but I believe that our program is more rigorous than many of the competitors in this regard. We put a lot of stuff . . ."

Speaker Howland: "The transcript is public."

LAUGHTER.

Professor Thomas: "So anybody who sells that transcript to Wharton, we are going to have words. That wasn't that damaging."

Speaker Howland: "More informational questions?"

Professor Jeremy Rabkin, Government: "Is it a university in Queens, New York?"

Professor Thomas: "No, no, I'm sorry. It's Queen's University in Kingston, Ontario. They are a full-scale university with business, medicine, and law. They are highly rated."

Professor Rabkin: "Is the idea that we want to have an international appeal or just because it's relatively nearby? What's the appeal about Queen's?"

Professor Thomas: "The appeal about Queen's is that they have a distance learning model that we believe that we can emulate. Whereas, I looked at the other distance learning things that many of us have seen coming past us and thought, 'I can't do that. We can't run a program that way.' This one we can do. It is more than just technology. They know how to do this. I mean team management and some other soft skills that we don't go into as much in the documents that you have. They have learned how to do this through a period of time."

Professor Rabkin: "Would people be going back and forth between Ithaca and wherever this is in Ontario?"

Professor Thomas: "They have been to design the program but not the residence periods. They [students] would be both there and here."

Professor Steven Beer, Plant Pathology: "Does this have anything to do whatsoever with eCornell?"

Professor Thomas: "No."

Michael Hostetler, Associate Dean of Executive Education, JGSM: "We have been sharing information with them and exchanging ideas, but it does not connect with eCornell. They like it that way. They are not interested in getting into degree programs. Their model right now is really web-based education, and this being synchronous is not consistent with their model at this time. So they are very happy for us to move forward and keep them informed, but they are not interested in being involved."

Professor McAdams: "Joe, are you open to reporting back on the experience of the first year and reviewing our learning at the end of the first year of this experiment?"

Professor Thomas: "The question was—are we open to reporting back? The answer is absolutely, because every time we have talked with people, we have learned something new that helps us improve the program."

Dean Hostetler: "We have already agreed, as you know, Alan, to report back at the end of the first year to our own faculty as well. So that is certainly something we are anticipating."

Professor Lieberwitz: "Your answer to the question about eCornell triggers another question from me. You didn't mention one of the major differences that I see between eCornell and what you are doing, which is that eCornell is a for-profit corporation, and their function is primarily to deliver programs in order to make a profit in that kind of structure. I am assuming that you are not doing this as a for-profit, corporate structure; you are doing it as a non-profit."

Dean Hostetler: "That's clearly true. Of course, we are not interested in losing money. Our friends here in our own faculty would be after us with very sharp knives if that were to happen, but as Joe talked about earlier, there are some very important strategic reasons why we want to do this and to do it within the structure of the Johnson School as part of our other non-profit activities."

Professor Lieberwitz: "So there are two questions for me then in terms of what this raises. One is I don't see why eCornell is part of this at all."

Professor Thomas and Dean Hostetler: "They're not."

Professor Lieberwitz: "Well, you are keeping them informed, and they are interested in finding out what you are doing. So it seems to me that one issue to emphasize is that this is actually not related to eCornell, and I wish you would emphasize that."

Speaker Howland: "Is this a question?"

Professor Lieberwitz: "So that raises concerns which I actually had. My other question is about why the Johnson School should do this; the first piece under your rationale was to increase revenue. So what is the primary reason for doing this? Is that number one on the list because it is to increase revenue or does that not reflect priorities?"

Professor Thomas: "The question is whether increasing revenue is priority one. It is one of several goals. I see them as intertwined, personally. I think that we want to support the research that is going on in the school. Our Ph.D. program loses a lot of money. Our MBA program loses a little money, and we find other sources including gifts. We see these as intertwined; we want to generate some revenue, at least to cover the cost, but no, I don't think that is the main reason we

are doing it. We see it as reaching out to other parts of the world and eventually supporting research."

Professor Nicholas Calderone, Entomology: "If someone gets a degree from this program, will it say EMBA or will it say MBA?"

Professor Thomas: "It will say MBA. In fact, we have made a point of that in our current EMBA program, as in response to the other question, that we make this program, to the extent that we possibly can, the same as our MBA. There are differences in age and hours and things like that. It will say Cornell MBA, and we like it like that way. We want to make it as good as the current Cornell MBA."

Professor Calderone: "I guess the reason I asked that is because this model doesn't have the same potential for interaction between students and faculty. The experience is going to be quite different."

Professor Thomas: "My opinion is that the experience is quite similar. It is certainly similar to our current Executive MBA, and it really is a synchronous model. It is, in my opinion, just a much better educational experience than most of the distance learning methodologies."

Speaker Howland: "I think we have reached the limit of our presentation time, so I will now call on Professor Shiffrin for his amendment."

Professor Steven Shiffrin, Law: "I am concerned with the proposal as worded. The current proposal reserves, for the Senate, the right to establish standards and guidelines for other degree granting programs. The negative inference being it doesn't reserve the right for this program. I don't have any particular agenda to change the particulars of this program, but I don't see why the Senate should foreclose itself from the possibility doing so. The way this is worded forecloses the Senate from doing so now and forever. Even if the Business School comes back in a year or two years (nothing in the legislation provides that it must), when it comes back, the Senate according to this won't have the power. The negative inference will be that it doesn't have the power. I trust the Senate to operate in a mature way, not to impose within the first year unless it is absolutely necessary, or in two years unless it's really an overriding reason, and it seems to me that the Senate should therefore strike the words 'other' in both places where they appear, and the other strikeout is just to kind of conform the language."

Speaker Howland: "Is there a second to this amendment?"

SECOND.

Speaker Howland: "The amendment is on the floor, and we are now debating the amendment. Any further comments?"

Professor Rabkin: "I can't understand what it is you are worried about. I am trying to envision the situation, in which the Senate will say a year from now, 'Wait a minute. We don't like what's being done here with Queen's University, and we want to intervene.' It seems to me that we would never want to do that, and if there is any way in which it complicates this program, I don't see why we would want it out on the table that well, we have a loaded gun here, and we might just pick it up. Why would we?"

Professor Shiffrin: "You will notice that the last paragraph says that 'the Faculty Senate establishes an ad hoc committee to establish standards and guidelines for degree granting graduate and undergraduate programs offered using distance technologies of various sorts.' I don't know what the committee is going to discover, but it may be that whatever standards they come up with ought to apply to this program as well, that this program will not be unique and that uniformity would be desirable. Again, I don't have an agenda. I would also point out that the Business School looks forward to reporting back to us to improve the program. I want to make sure that when they report back to us, we still reserve the power to establish standards and guidelines to help the Business School when it goes to the Trustees if necessary."

Professor McAdams: "In some ways, I think that striking the word 'other' increases the risk as perceived by the program. If we are marching down the road and we are trying to do as good a job as possible and someone comes up with things that could undermine the approval of Queen's or our own Trustees, that would be very difficult. Leaving the 'other' in there does not mean that when there are standards they would not apply to us. Of course they would. We are just saying, 'Let us get out there and give it a try. Let's get information and learning, and when everybody has more information, that's an appropriate time to make changes.' But let's not interrupt what we are trying to do to have a reasonable experiment. At least that's the way I look at it."

Professor Kay Obendorf, Textile and Apparel: "It says in the resolution that you should proceed. That's the first part of the resolution."

Speaker Howland: "Additional comments?"

Professor Lieberwitz: "I would just add that it seems to me this is sensible way to enable the Business School to go ahead and do their program and develop it

while recognizing that this also raises larger issues about standards and guidelines, and as those are developed over time, all university programs that engage in this kind of distance learning will need to conform to them. It seems to me that this is logical and as a policy matter desirable, and it also enables the Business School to go forward."

Professor Calderone: "If you leave the word 'other' in there, then you really put together two proposals that have no relationship to each other, and they should be torn apart. On the one hand, you are talking about the EMBA program and after that you are talking about establishing guidelines for distance learning. If you are not establishing guidelines for the EMBA as well as every other distance learning, why put them together in the same proposal?"

Speaker Howland: "Additional comments? Seeing none, I take it you are ready for the vote. All those in favor of voting say aye."

AYE.

Speaker Howland: "Opposed? Good, we move to a vote on the amendment as it stands before you with these words crossed out. All in favor of the amendment, say aye."

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "The amendment passes.

We are now ready to go back to the main motion, and the main motion is the amended motion. Further discussion on the motion?"

Professor Harold Bierman, Johnson School: "In the first place, you want to recognize the uncertainty associated with this. The report unfortunately used terminology that is not appropriate in terms of 'will happen', we 'will enhance' our reputation, we 'will generate revenues' that will finance research—might, possibly and so on, but not necessarily will. Let me jump, I have a long speech that I'm not going to make. I'll make a short speech.

"One thing that I think is related to what Steve is talking about in terms of establishing standards, Queen's will teach half the program A Cornell MBA should imply a much larger percentage of teaching by tenure-track faculty than



50%, but it's worse than that. Some of the teaching will be done by adjuncts, and that's appropriate as Professor Thomas mentioned. These are competent people and so on. Normally, when Cornell tenure-track professors are teaching 90% or 80% of the program, I have no problem with appropriate, judicious use of adjuncts. When Cornell is going to teach 50% of the program, and adjuncts are going to teach part of the 50%, I'm extremely upset. I think that goes back to Steve's motion in terms of this group establishing guidelines, so that you don't have a unit giving a Cornell degree under circumstances that are less than optimum from the point of view of maintaining the reputation of Cornell. I happen to think it is extremely important who is teaching a course. We are very careful whom we hire, whom we give tenure to, and here we have a situation where we will not pass judgment on the same basis for half the teaching and possibly more. So I have that one problem that I have voiced before. It's no surprise to my colleague, and it remains a problem until somebody explains to me what a Cornell degree really means, and that it means less teaching by Cornell faculty than I myself would accept."

Speaker Howland: "Additional discussion of the motion?"

Professor Robert Bland, Operations Research and Industrial Engineering: "It seems to me that any proposal for a new degree program should be examined with great care by the Senate before we proceed to adopt this initiative, especially when this is extremely unconventional from a degree program standpoint, not necessarily unconventional for executive education or extension type of education.

"This is a program that is characterized even in the resolution as an experiment. It involves instruction primarily delivered by video conferencing; it's dual, where half the teaching is being done as distance teaching from another university; it has a residency requirement of one week a year for two years at Cornell. The first motivation was a revenue issue, at least according to the order in which the rationale was presented in the resolution. I would like to see some standards established prior to establishing the program on the use of distance learning as a fundamental part of the degree programs. I would also like to know how broad a mandate this is, if this program is established under this resolution. Joe mentioned before that he gets at least one call a month from China asking about establishing a program. Could the Queen's/Cornell EMBA Program be proliferating? In how many cities? With how many teachers and how many students? Eighty students, by the way, seems to me to be a large number to start with in a program that is characterized by its supporters as an experiment. How long has the current EMBA program been in place? Has Cornell conducted a comprehensive review of that program that we could examine? I would like to know what the boardroom learning format is, which

would be the primary format for delivery of instruction. How many class hours for students? There are a number of questions; these are just the ones I have."

Professor Richard Schuler, Economics and Civil and Environment Engineering: "I just had a question that was raised by this point - you have indicated that you want to get off the ground with this collaboration, since Queen's already had the experience, particularly with skills and with facilitating this boardroom learning. What is your longer-range intention? Is it to continue down the road to always have this joint program or is it, once you have learned and if the market were to expand, to go off on your own where you would presumably exercise tighter control, which is a concern to Professor Bierman?"

Professor Thomas: "The question is —do we intend to work at Queen's forever or do we plan to go off on our own? The answer is that we don't know for sure. We certainly aren't going into the program expecting to cancel it after three years, but the deal we have worked out with Queen's allows us to walk away. They agreed to that; we want to maintain that. We have no intention of doing lots and lots of programs—to Bob's point—with Queen's, but we can imagine that once we learn how to do this, maybe doing something else. We are not sure what that would be. Is that responsive?"

Professor Schuler: "Well, yes. You've told me what you have been thinking."

Professor Stephen Vavasis, Computer Science: "I was just wondering if there was a vote taken on this proposal in the Business School and how that went?"

Professor Thomas: "It was thirty-five to five, and actually I think I said that. I didn't have it on the slide. We had the vote in December. The vote was that strong, because with many people, the more you learn about boardroom learning and how relatively good it is, the better it looks."

Dean Hostetler: "Also, for what it's worth, we actually ran an experiment where we had one class in the EMBA program that currently exists taught through this technology, and the results were very encouraging to us in terms of the students feeling that they got a lot out of it. The format was comfortable and useful to them, and they enjoyed being connected to students on campus."

Professor Ted Clark, Microbiology and Immunology: "Do you intend to offer the current EMBA program as well as this distance learning program? Will the distance learning degree be called a Cornell/Queen's MBA or just a Cornell MBA?"

Professor Thomas: "We intend to offer both. As a school we have made a tentative decision to grow Executive MBAs and not grow our footprint on Cornell's campus with a lump the size that we're after. As to the second one, it would be a Cornell University MBA. It would also get a Queen's MBA. Does that answer the question or did I miss it?"

Professor Clark: "It would be one or the other or both?"

Professor Thomas: "Both."

Dean Hostetler: "But independent. There's a language issue around joint degree versus dual degree and joint degree implies you get one diploma with both universities. The arrangement, which we have negotiated with Queen's, is that each university independently awards its own diploma. So it is a Cornell program. We will be using some Queen's faculty, and the students will be from Canada as well as from the United States."

Professor Thomas: "We have one other such program that has been in existence since 1969. It's very small."

Professor Clark: "If I got my degree there, could I say I had two degrees or one degree?"

Professor Thomas: "Two."

Professor Terrence Fine, Electrical and Computer Engineering: "I was also a member of the CAPP Committee that considered this, and I was uncomfortable with our lack of clarity on our own principles by which we judge these things, by which we evaluate these programs. On the other hand, I am comfortable with the fact that the Johnson School people have thought this thing through rather carefully, rather methodically. They came to CAPP; they gave us due consideration. We did not have a lot of time to give them. We were swamped with Architecture, thank you. So this would have gotten more attention under other circumstances. If one views this as an experiment, and one views this in the light of the amendment, that this is still subject to consideration by a Senate committee in the future, then I am a little more willing to support this. I think it is important that this be viewed as an experiment.

"Now I notice in your rationale, you talked about expanding faculty and doing some things that seem a little more permanent than might be part of an experiment. That troubles me. So I'm not sure. I would like to hear a little bit more from you as to how tentative you are willing to be on this, because I think the Senate still needs to consider what you are doing. We may need to do the

experiment. I understand the logic of that. You are willing to take the risk of doing the experiment. We will learn from that, but that could mean that the Senate feels that this is a bad experiment, or that it needs to be modified drastically. Are you prepared for possibly that kind of decision from the Senate?"

Speaker Howland: "Excuse me. We have actually used up the time allotted for this, however we do have more time, so I am going to ask unanimous consent to continue discussing this until 5:35. Then we will go back to our regular agenda. Are there any objections to that? If not, we will continue this discussion if need be until 5:35."

Professor Thomas: "The question was how tentative are we prepared to be. In response to a previous question, I said that we did not anticipate hiring more faculty for the first year, so that we would get some experience. I would rather not be too tentative, because if you are too tentative, it's hard to make a program go. We plan to advertise broadly and try to get people. Could we pull the plug? Of course, we could. Would we like pulling the plug? Not unless the program was going badly, in which case we would want to pull the plug too."

Dean Hostetler: "I think that's the key point. We have as much interest in the reputation of the school as anybody else at the University, and if we were convinced that this model was a failure in terms of providing the quality that we believe is important, we'll pull the plug ourselves."

Professor Kim Weeden, Sociology: "I wonder if you would have any mechanism in place for actually evaluating whether this experiment is a success or failure. I am a little bit worried about a situation in which you ask a bunch of graduates who just got a degree, a two-for-one, two degrees for the price of one, whether they thought it was a good experiment. Obviously, you're going to get a bunch of affirmative answers there. So I wonder if you could comment on how you plan to evaluate whether this is a success or failure."

Professor Thomas: "Several ways. The way we evaluate our current Executive MBA is—what is the quality of the students? We do ask for their opinions on classes and feel that this is a valid part of this. We also ask the faculty—what do you think of this classroom experience? So do we get good students? Do they learn things? And through time we hope to see if they progress in their organizations."

Professor Shiffrin: "The one thing that I would like to hear more about is the objection that is raised about having Queen's faculty teaching in a program that gives a Cornell degree. I'm interested in terms of making a determination as to

whether the quality is what you would want. Do you have a financial motivation that's operating here, as Risa pointed out? You put it as one of the first reasons. I think there is a fundamental issue here of having a Cornell degree with faculty from another institution. Having said that, I'm not saying that I'm opposed to this. I'm really on the fence about it."

Professor Thomas: "The answer is that several of us have gone to Queen's, have met with faculty, talked to them about research and teaching, watched them teach. Our faculty asked (and it is part of our plans) to have syllabi approved by a joint committee, which contains several of our faculty. It is not just who teaches the course, but is the right material being taught? As to whether we want to make money, I would argue that we all want Cornell to break even, which is our motivation. We want to use this to provide more educational outreach and fund research efforts."

Professor Ronald Ehrenberg, Industrial and Labor Relations: "I must say, Professor Shiffrin, I found your last comment somewhat surprising since when you introduced the amendment at the beginning, you said that you understood that this was an experiment and you did not think that the Senate would want to do anything that would interfere with the development of the program in its initial years. This is clearly an experiment. It is worded as an experiment. This has gone through a committee, the CAPP committee of the Faculty Senate, who felt that this was worthy of this experimentation, and I think that rather than tying up the college now, we should let them get on with the experiment and keep all these concerns in mind. Then when they come back and report to us, we can make some comments about it. This is not the first executive degree program offered in the University. This is not the first joint degree program offered in the University, and if we give a Cornell degree and someone else wants to give that person credit for it also, that's not my problem. That's very different than saying, 'I'm submitting work. I'm going to be getting two different Cornell degrees.' That's not what will happen in this program."

Professor Beer: "Could you briefly address the history and the quality as far as you know of your existing EMBA program in Palisades?"

Professor Thomas: "We are in our fourth year of operation. We have graduated two classes. We feel that the students in it are very high quality. We think it is going very well, and we have started with a small number of students. There were thirty in the first group. We increased the number the second time and third time while we feel holding the quality the same and, in fact, an improvement. It's up to fifty per class."

Professor Fine: "I just wanted to make a distinction. Your way in which you are going to judge this program, your mechanism, may not be the same as the Senate's. There may be issues here, and I think there are issues here, even though as Ron Ehrenberg mentions, this may not be the first dual institution program, that is a big issue to me. That's not an issue that may in fact be a factor in your evaluation of the success of the program. It may be a very big factor when it comes to the Senate. I am wondering whether that's a good precedent, whether we should be moving in that direction? So I just wanted to make the point that your criteria may not be the only criteria and may not even be the ones that the Senate is concerned with."

Speaker Howland: "Any additional comments? Good, I think we may be ready for a vote. Professor McAdams, if you want to be very brief."

Professor McAdams: "Extremely brief. What do our competitor schools do? Do any of them have similar programs? Are there any planned by others? And could you briefly state what they are?"

Professor Thomas: "The question was—do our top competitors have similar programs? Many of them have joint programs. I could list schools; I won't for brevity. Nobody else has this particular thing. We want to be the first."

Speaker Howland: "Are we ready for a vote? All those in favor of voting, say aye."

AYE.

Speaker Howland: "OK. We are now going to vote on the motion as amended. All those in favor of the motion, say aye."

AYE.

Speaker Howland: "Opposed?"

NO.

Speaker Howland: "The motion clearly carries."

***Resolution to Recommend Approval of the  
Cornell Johnson School/Queen's EMBA Program***

*Whereas the Johnson Graduate School of Management has a well developed proposal for the Cornell Johnson School/Queen's EMBA Program.*

*Be It Resolved that the Faculty Senate recommend approval to the Board of Trustees for JGSM to proceed with the introduction of the distance degree program "Cornell Johnson School/Queen's EMBA Program" as an experiment, while reserving the right to establish standards and guidelines for degree granting graduate and undergraduate programs using distance technologies of various sorts. The Faculty Senate requests a progress report at the end of the first year of operation.*

*Further Be It Resolved that the Faculty Senate establishes an ad hoc committee to establish standards and guidelines for degree granting graduate and undergraduate programs offered using distance technologies of various sorts.*

*CAPP 2/4/03*

*Faculty Senate Approval 2/12/03*

We will now pass to the next item on the agenda. I will call on Professor John Hopcroft, Chair of the Copyright/Intellectual Property Committee for an update."

## **6. UPDATE FROM COPYRIGHT/INTELLECTUAL PROPERTY COMMITTEE**

Professor John Hopcroft, Computer Science and Chair of the Copyright/Intellectual Property Committee: "Part of my reason for being here is really to seek input. The committee realized very early on in its deliberations that if we went out to the faculty and asked for input on intellectual property, we probably wouldn't get it. So what we have decided to do instead is to put out a straw position, and then we hope people will respond to it. From the input we get from that, we propose to rewrite what we are doing.

"The charge to the committee was to cover intellectual property, and that is both patents and copyright. We decided to focus first on copyright and try to get a position there. So my remarks today are just going to be on copyright, not on patents. The committee's first tentative recommendation is that the introductory language to the copyright policy is right on. I will just read one sentence here, which gives the tone of it. 'The long-standing academic tradition that creators of works own the copyright resulting from their research, teaching and writing is the foundation of the University's copyright policy.' That seems to me to be what it should be, and we felt very good about the introductory language, so we're not going to make any recommendations there. As you start to get into details, then there are a lot of areas where we think things could be improved.

"First of all, we believe that the University's policies should be independent of the media. We can't see why, if you create something and put it on paper, it is any different than if it is on film or if it's on the computer or somewhere else. We

think that the policy should eliminate the distinction between traditional and coded works, and that would also eliminate the section on software. There would just be one intellectual copyright policy. There is also an issue of what 'substantial use' means in the policy, because one of the exceptions to ownership by faculty would be if there were substantial use of University resources. The language right now says 'ordinarily used by or available to all members of the faculty.' What we think really has to be done here is that a number of illustrated examples should be put into the policy, because we think a lot of the concerns come about because people don't have a clear understanding of what is or isn't 'substantial use.' I mean a workstation is not 'substantial use,' and things like that ought to be clarified.

"Another change is 'all members of the faculty' may be too broad. We think that maybe it should be field-specific. For example, presumably every faculty member in Chemistry has access to a chemistry laboratory and use of the laboratory would not be in our mind 'substantial use' of University facilities. We think the University ought to include a list of rights reserved by the University in materials that are generated by the faculty, because quite often if you are doing course materials or something like that where you would have the copyright to it in some sense, there are certain rights that the University has to have in order to continue to offer courses and things of that nature. We think students should be better integrated into the copyright policy. I don't see any reason why students shouldn't have the copyright to things they create in classes. Of course, the University might have to have an applied license to be able to use that thing in certain ways and that should be articulated. We think that there are a certain number of exceptional cases that whenever there is a possibility of a misunderstanding, those things ought to be clarified. You ought to have a discussion with your department chair and clarify them in writing up front, so that everybody's expectations are the same. Finally, we think the dispute resolution mechanism ought to be updated. It is our understanding that nobody has ever gone to the dispute resolution, but it ought to be fixed up a little just in the event that sometime there is a dispute.

"Very quickly, where the current policy says 'ownership vested in the author except under certain circumstances.' There are four of them. The first one is work performed under a research contract, and we don't see that there should be any change there. In fact, we don't see how there could be. If there is a contract governing who owns the copyright, that's going to take precedence. There is a question about materials created by non-academic employees. Right now, the policy makes a distinction between academic and non-academic, and in some sense, we don't see why that distinction is made. The real reason, the case where you would have the copyright, would be if it is creative work, and if a staff member creates an article and publishes it in a journal, why should they not have



the copyright? There are cases where just because you are faculty, you wouldn't have the copyright. For example, you write the course description for the course or something. So we first tried to make a change there, but we did not come up with language that we felt was any better. Any language we came up with was going to create more problems than it was going to solve, so we will probably recommend that we stick with the titles as being the first cut, but point out that there are exceptions where staff members would have the copyright and exceptions where faculty and other academics would not.

"There is a question of clarifying ownership of course materials. In most cases we would assume that faculty members owned the course materials. However one could imagine, let's say, that the Business School asked a number of faculty to go out and develop case studies and these case studies were going to be part of a course, and they believed that they were going to give the Johnson School a competitive advantage over other universities. Then the Johnson School might at the beginning say, 'Look, we are going to own the copyright to this course material, and if you go to another institution, you cannot take it with you.' The clarification of ownership of course materials we think needs some discussion.

"The third thing 'works developed with substantial use of University resources' — there we would eliminate the distinction between encoded works and traditional works, because people were thinking of computers at the time. Now computers are so ubiquitous that that's not a substantial use. The fourth exception—we don't see that there is any change. If something could be both copyrighted and patented, the patent policy takes precedence, and we don't see any reason for changing that.

"The real reason that I am here is to see if I can get you thinking about these items. If anything I've said makes you uncomfortable, we certainly would like to hear from you and get your input. Any input that you send to me, I will send to all members of the committee so that everybody can see it. Feel free to speak to any member of the committee — someone you know personally that you may want to discuss something with — and I hope to hear from you."

Speaker Howland: "We have a few more minutes if anyone has related questions for Professor Hopcroft."

Professor Stephen Vavasis, Computer Science: "We had a discussion here about two years ago about a service that we didn't like where students would get paid by an outside company to take notes on Cornell courses. I guess we passed a resolution against that. Does this policy help us understand that situation?"

Professor Hopcroft: "There is a difference between someone doing something and the copyright. Presumably, if somebody takes notes, they have the copyright to it. That's what this would say, but the University can have a policy that says you can't do it. The student presumably would be disciplined or something. We can certainly stick that in there as an exception. Let me put up one more slide, because you should think about students. We're proposing that they be incorporated into the policy, the same as faculty, the same as anybody else. What we would do then is say specifically for students there are certain cases where there are certain exceptions, and we could certainly add one which says if you do take course notes, you don't have the copyright. We could add that. Steve, maybe you could send me an e-mail, so I don't forget if you want me to get that in there."

Speaker Howland: "Thank you. We pass now to Good and Welfare. I would like to call on Professor Thomas Hirschl, Rural Sociology, who would like to inform the Senate about his work with a faculty group sponsoring 'A Week Against War.'"

#### **GOOD AND WELFARE.**

Professor Thomas Hirschl, Rural Sociology: "I helped to plan 'A Week Against War' that is happening right now on campus. There is a statement on the table. We tried to send it around to faculty for you all to sign. Three hundred signatures were published in today's *Sun*. We are going to print another set of signatures later, so you can still sign it if you want. I got involved with this because the invasion of Afghanistan made absolutely no sense to me, seemed even counter productive in this idea of defeating terrorism. So I sat down with some other faculty and grads with this group, and we looked at various documents and books, and we found an explanation, which is published. It's called the 'National Security of the U.S.' It was published by the White House in September of last year, and it lays the basis for this 'endless war,' which is a very disturbing, kind of imperialistic policy vis-à-vis other countries. Any country could be named as an aggressor, and the army sent in and done whatever. It is sort of an "American über alles." It does describe a rationale for everything that has happened – the invasion of Afghanistan and so on. That is why I stayed with the group and why I want to continue to be motivated to oppose this kind of policy. I would like you to consider what this kind of foreign policy means for our culture, for higher education. That has actually been published by the White House and represents many years of discussions by this group of people on the Bush team. Any questions? That's my story."

Professor Nicholas Calderone, Entomology: "Which source is that up there?"

Professor Hirschl: "It's on the 'WhiteHouse.gov.' It's on their web site. It's called the 'National Security of the United States,' and it was published last year. So it is a public document."

Speaker Howland: "Thank you very much. I call now on Professor Michael Latham, Nutritional Sciences, who would like to speak about the Cornell University Pet Policy."

Professor Michael Latham, Nutritional Sciences: "This is a topic of great academic importance—the Pet Policy. Some of you may have read in the *Cornell Chronicle* about three weeks ago what appeared then to be a new Pet Policy. I am now assured it was not new. I want to challenge this and talk about it, not mainly in terms of what the policy is but in terms of how this University develops policy. The policy states, 'It prohibits pets from all University-controlled buildings,' and goes on to state the policy applies to outdoor spaces where animals must at all times be on a leash six feet, more or less, in length. I called the Dean of the Faculty, and he has looked into it; he passed me a note just now. It is very clear from him that there was no consultation with the faculty, the Dean's Office or the Faculty Senate or faculty governance. I think I am going to raise this mainly as another instance of the University promulgating policies without consultation of the faculty. I do believe the policy is not an appropriate policy. I am a medical doctor and involved in public health. I honestly believe that dogs have much more benefit to public and to human health than they do in terms of risks. I think the benefits far outweigh the risks. In trying to find out how this policy came about, I called the two people whose names were mentioned in this *Chronicle* article. The first was the Director of Environmental Health and Safety, Andy Garcia-Rivera. He was really quite upset with me challenging the policy. I said, 'Who wrote the policy?' He said, 'I wrote the policy. We had some discussion, and this is the policy.' He said, 'You can't challenge the policy.' I said, 'You know, I am challenging the Patriot Act, so I can challenge this policy.'"

LAUGHTER.

Professor Latham: "The next person I talked to was the Director of Building Care, Robert Osborn, who seemed most concerned about legal entities and so on. As I got into this long conversation with him, he said, 'Professor Latham, you know Cornell is a business.' I said, 'I thought I was employed by an academic institution, not a business.' Much of the policy is based on concerns about health. I phoned my friend, Janet Corson-Rikert, who is Director of University Health Services and a physician. She said that she had not been much consulted on it. She did not agree with much of the policy, thought it was much too stringent. So I really come to the faculty to raise this as an issue. Bob tells me

that he thinks a group called the Policy Advisory Group or the Policy Advisory Committee of the University, which I am not aware of, has no faculty representation but is the one that promulgates or at least puts out these policies. So I raise this as a concern that policies are made, infringements of which have penalties attached to them, and which we have had no discussion about. Thank you."

Speaker Howland: "Thank you. Lastly, I will call on Professor Stephen Vavasis, Computer Science, who will give a brief presentation concerning academic freedom and software licenses."

Professor Stephen Vavasis, Computer Science: "The topic that I am concerned about is the restricted license agreement that comes with software. What I am particularly concerned about is the clause that says something like 'the purchaser of this software may not publish a review or a benchmark of this software without prior permission from the company.' This kind of clause in a software license agreement is surprisingly common. These are the agreements that are either the pieces of paper in the box with the very small print or the things that you click that you say, 'I agree' when something comes up on screen. This is a surprisingly common clause, and I believe that it is harmful to academic freedom. I guess I won't explain why; I think it's kind of self-evident why. Just the simple act of buying something restricts you in what you could write about in your scholarly work.

"So the question is — is such a clause enforceable? This was completely uncertain. There was really no law and very little judicial precedent about such a clause until last year actually. A. G. Spitzer filled suit against Network Associates over such a clause, and Manhattan Supreme Court Judge Shafer ruled just last month in favor of the Attorney General and ordered Network Associates to pay damages and strike the offending clause. That was good news. My department played a role in the case; we provided some assistance to the Attorney General and a little expertise.

"So what is the next step for the Attorney General's Office. The next step is that the Attorney General plans to write letters to other software companies that have such a clause demanding that they remove them or face some kind of a lawsuit also in New York. The Attorney General's Office has asked me to find out instances where such a clause has had some impact on a piece of research, because they would like to go after the offenders where the clause has actually made a difference and prevented somebody from writing about something. So if you know of such an instance, please send me an e-mail. Somebody who was actually affected this way, but didn't want to get something sent to the Attorney General because of fear of reprisals from the company, has already contacted me.

So if you are in that situation, I don't really know what to do, but at least call me and tell me about it. That's just what I wanted to bring to your attention. Any questions?"

Professor Fine: "Reprisals? Microsoft wouldn't do a thing like that."  
LAUGHTER.

Speaker Howland: "Well, it is not time for adjournment, but the chair will entertain a motion for adjournment."

SO MOVED.

Speaker Howland: "Thank you. All in favor say aye."

AYE.

Speaker Howland. "The meeting is adjourned."

Meeting adjourned 5:50 p.m.

Respectfully submitted,

Charles Walcott, Associate Dean and Secretary of the Faculty

## **Appendix 1**

### **JGSM Proposal**